# In the United States District Court,

NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES
vs.
ANDRES CASTILLERO.
No. 420.

# "NEW ALMADEN."

## TRANSCRIPT OF THE RECORD.

P. DELLA TORRE, Esq., U. S. Attorney.
EDMUND RANDOLPH, Esq., of Counsel.

A. C. PEACHY, Esq.
FRED'K BILLINGS, Esq.
for Claimant.

SAN FRANCISCO:
1860.

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Witness my hand with the seal of the aforesaid City hereto affixed, this the 31st day of August, A. D. 1857.

{ SEAL }

CHAPMAN YATES,
City Clerk.

Filed Nov. 21st, 1857.

J. EDGAR GRYMES,
Deputy.

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### Translation of "Exhibit No. 9," Annexed to the Deposition of Chapman Yates.

*Notice to the Public.*

The citizen Dolores Pacheco, Judge of 1st Nomination of the Pueblo of San José Guadalupe.

Whereas the citizen Pedro Hernandez, has formally presented himself in this Court denouncing a mine situated on the Rancho of the "Ojo de la Coche," in this Jurisdiction, and complying with the provisions of the mining ordinance, I order that it be publicly made known, so that at the end of forty days, there should be no one who can allege a better right thereto, the juridical possession thereof be given to him.

Pueblo of San José Guadalupe, Mar. 2d, 1846.

DOLORES PACHECO.

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### Exhibit No. 10, Annexed to the Deposition of Chapman Yates.

### NOTICE.

*Aviso al Publico.*

El Ciudadano Dolores Pacheco, Juez de 1ª. Nominacion del Pueblo de S. José Gpe.

El Ciudadano Ygnacio Soto se ha presentado en este Jusgado denunciando una mina de Asogue cituada en el Rancho de Justo Larios en esta Jurisdiccion y cumpliendo con lo que previene la ordenanza de mineria, mando se publique para que pasados los cuarenta dias sino uviese quien alegue mayor dro. se le de la posecion Juridica.

Pueblo S. José G., Junio 13, de 1846.

DOLORES PACHECO.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, } ss.
CITY OF SAN JOSE.

I hereby certify that the foregoing is a true and correct copy of an original document, now on file in the archives of the City of San José, County and State aforesaid, and at this present time under my charge.

Witness my hand with the seal of the aforesaid city hereto affixed this 31st day of August, A.D. 1857.

{ SEAL }

CHAPMAN YATES,
City Clerk.

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TRANSLATION OF "EXHIBIT NO. 10," ANNEXED TO THE DEPOSITION OF CHAPMAN YATES.

*Notice to the Public.*

The citizen Dolores Pacheco, Judge of the 1st Nomination of the Pueblo of San José Guadalupe.

The citizen Ignacio Soto having presented to this tribunal his denunciation of a quicksilver mine situated on the Rancho of Justo Larios, in this jurisdiction, and having complied with the ordinances of mining, I order it to be made public that in forty days from this date should there be no one who can allege a better right thereto, I shall give him juridical possession thereof.

Pueblo de San Jose, June 13, 1846.

DOLORES PACHECO.

Filed Sep. 6, 1858.

W. H. CHEVERS,
Clerk.

## DEPOSITION OF WM. P. REYNOLDS.

## UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA.

San Francisco, Feb'y 13, 1868.

On this day before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Wm. P. Reynolds, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present:—U. S. Attorney, by E. Randolph—F. Billings for claimant.

### Questions by U. S. Attorney.

Ques. 1.—Your name, age, and place of residence?

Ans. 1.—Wm. P. Reynolds; I am 37 years of age; I reside in Los Angeles.

Ques. 2.—Where were you during the first six months of the year 1846, and what was your employment?

Ans. 2.—I was in Monterey, Santa Barbara, San Pedro, and Los Angeles during that time. I was second mate on board of the ship "Fama," from the first of January, 1846, until the 26th February, 1846; the rest of that time I was in Santa Barbara, from which place I made two visits by land to Los Angeles; while there I visited San Pedro both times, from Los Angeles. During that time I was out of employment.

Ques. 3.—Do you know what vessels left the ports of Upper California during the months of Januaay and February and March of that year, for Mexican ports?

Ans. 3.—No; I do not know of any vessel leaving.

Ques. 4.—Were you acquainted with the vessels that traded on the coast at that time?

Ans. 4.—I was.

Ques. 5.—If any vessel had sailed from a port of Upper California for a Mexican port at that time, would you have known it?

Ans. 5.—I would.

Ques. 6.—Did any vessel sail during January, February, and March of that year from Upper California for a Mexican port?

Ans. 6.—Not that I know of.

Ques. 7.—Did you know one James McKinlay upon this coast at that time?

Ans. 7.—I did.

Ques. 8.—What was he?

Ans. 8.—He was a trader on the coast here, in a Bremen bark.

Ques. 9.—Do you know of that vessel having left a California port for a Mexican port during the time spoken of?

Ans. 9.—No.

Ques. 10.—Will you endeavor to recollect whether there was any communication by sea from Upper California to a Mexican port during the month of February, 1846?

Ans. 10.—There was none, because all the vessels that were down there from here had left Upper California before January; there were only two—these were the Peruvian bark "Clarita," and the Mexican brig "Maria Theresa."

Ques. 11.—Do you remember ever having seen Andres Castillero in Upper California?

Ans. 11.—I do.

Ques. 12.—When was the last time you saw him in Upper California?

Ans. 12.—In January, 1846.

Ques. 13.—Where was that?

Ans. 13.—In Monterey.

Ques. 14.—At any time, during the six months that I have spoken of, do you remember seeing the Kanaka bark called "Don Quixote," or did you know anything of such a bark being here?

Ans. 14.—I did not see her; I heard of her as being at Monterey, having come from the Islands.

Ques. 15.—Do you know what time she sailed from Monterey, and to what place?

Ans. 15.—I only know what was told me about it.

Ques. 16.—What was told you about it at that time?

(Objected to as hearsay.)

Ans. 16.—When the bark "Tasso" arrived in Santa Barbara, I went on board to get some letters; I expected a letter from Mr. Thomas O. Larkin. I received that letter with others that had come from China by way of the Sandwich Islands, that had come over from the Islands in the bark "Don Quixote." I asked where Capt. Paty of the "Don Quixote" was; Capt. Libbey, of the bark "Tasso," replied that "he had sailed for Acapulco." That was about the 17th of April, 1846.

Ques. 17.—Who was interested, if any one, with McKinlay in that Bremen bark spoken of?

(Question objected to as irrelevant.)

Ans. 17.—Henry Daltas and Charles McKinlay were the charterers.

Ques. 18.—When did that vessel leave Monterey for the South; in what month in 1846?

Ans. 18.—I do not know; I was in Santa Barbara.

Ques. 19.—Did you see that vessel in Santa Barbara?

Ans. 19.—I did.

Ques. 20.—In what month did you see it in Santa Barbara?

Ans. 20.—In the month of April.

Ques. 21.—While she lay in Santa Barbara do you know of any communication with her from the U. S. Consul, Mr. Larkin, at Monterey?

Ans. 21.—The was a courier came down from Monterey, that purported to be from Mr. Larkin.

Ques. 22.—How do you know there was a courier; did you see him; did you know him; had you any conversation with him or not?

Ans. 22.—I knew there was a courier by general report, and by what he said himself. I saw him; I did not know him until that time. I think they called him "Lemon," or some such name. I conversed with him, and got him to bring a letter up from myself to Mr. Larkin. He arrived at Santa Barbara before the bark did; she left Monterey before he did; it was remarked that he came so fast.

Ques. 23.—Had you heard at that time of any difficulty between Genl. Castro and Col. Fremont?

Ans. 23.—I had.

Ques. 24.—How long before that time had those difficulties occurred?

Ans. 24.—About a month I think; Genl. Castro's proclamations were first posted on the walls of Santa Barbara about the 25th of March; that was the first official information we had about it, although it had been known among the people before.

Ques. 25.—Do you know about how long a time this Bremen bark had been coming from Monterey down to Santa Barbara?

Ans. 28.—I recollect their telling me about it; I don't recollect the exact time, but they told me the places where they stopped coming down—San Simeon, San Luis Obispo, and Refugio.

(Answer objected to as hearsay.)

Ques. 26.—Had she made a long trip, or a short trip, and about how long, in coming down to Santa Barbara?

(Question objected to, because witness has stated that his knowledge of the trip is from what others told him, and he cannot recollect what was told him as to the length of the passage, and his statement about it is only a guess.)

Ans. 26.—It must have been a long trip if she stopped in at all those ports, and took in cargo.

Ques. 27.—Did you learn from the courier that he brought despatches from Mr. Larkin, the Consul, to go to Mexico by this Bremen bark?

Ans. 27.—I heard him tell another man in my presence the object of his journey; he told the man that he would pay him a debt when he got back to Monterey; that he came to bring despatches from Mr. Larkin. It was his making that remark which determined me to send a letter by him to Mr. Larkin. I thought if Mr. Larkin could trust him I could.

Ques. 28.—What detained you in Santa Barbara at that time?

Ans. 28.—I was wrecked in the ship "Fama," at a place called Salina, near Santa Barbara, on the 26th February, 1846.

Ques. 29.—When this Bremen bark left Santa Barbara for what port did she leave?

Ans. 29.—For San Pedro.

Ques. 30.—Did you afterwards see her in San Pedro? if so, when?

Ans. 30.—I did; in the month of April.

Ques. 31.—To what port did she go from San Pedro?

Ans. 31.—I do not know; she was lying there when I left.

Ques. 32.—Did you learn about that time for what port she sailed?

Ans. 32.—I did; for San Diego.

(Question and answer objected to as hearsay, witness having stated in his answer to previous question that he did not know where she did go.)

Ques. 33.—When did she sail from San Diego; in what month?

Ans. 33.—I was told about that time in the month of May.

(Answer objected to as hearsay.)

Ques. 34.—Do you remember the person that told you?

Ans. 34.—I was told by several, but the person who told me particularly was Jim Crow Smith, with whom I was very intimate.

Ques. 35.—Who was this Mr. Smith that you speak of?

Ans. 35.—He was supercargo of the ship "Stirling," of Boston, at that time; his name was William Smith.

Ques. 36.—Did any person of your acquaintance go from Santa Barbara or San Pedro in this vessel down to San Diego; if so whom?

Ans. 36.—Mr Edwin H. Dunn engaged with Mr. Dalton to go as supercargo of the Bremen bark from Santa Barbara to San Diego.

Ques. 37.—Did you see Dunn after he left the vessel in San Diego?

Ans. 37.—I did.

Ques. 38.—Did you learn from him in what month the Bremen bark sailed from San Diego southward?

(Objected to as hearsay.)

Ans. 38.—I met him in Los Angeles about the middle of May, between the 15th and 20th; I asked him about the Captain of the bark, and if the bark had sailed; he told me that he was direct from San Diego, and that the bark had sailed from there a few days before he left.

Ques. 39.—Now please name all the vessels which left the ports of California for a Mexican port, in the month of January, 1846, if any.

Ans. 39.—I do not recollect of any leaving in that month. There was none left Monterey during that month. I was there from the 29th Dec., 1845, till the 27th Jan'y, 1846.

Ques. 40.—Name all the vessels that left in the month of February, if any.

Ans. 40.—I do not know of any vessel leaving at all during that month.

Ques. 41.—In the month of March, April, or May, what other vessels, if any, besides this Bremen bark?

Ans. 41.—I do not remember any other vessels; there were very few, and it was easy to keep the run of them.

Ques. 42.—Do you not know of the "Don Quixote's" leaving during those months?

Ans. 42.—I have answered about that before, that she did leave as far as I have heard.

Ques. 43.—Then those two vessels are all that you know of having left for the south during the first six months of the year 1846; is it so?

Ans. 43.—It is.

Ques. 44.—At what port did vessels leaving this coast get their clearances?

(Objected to, because the ports from which vessels cleared were fixed by law.)

Ans. 44.—At Monterey.

Ques. 45.—Was it the custom for departing vessels to sail directly for the Mexican ports, or to touch along down at the different ports on the ceast of California?

(Objected to, the witness not having disclosed any knowledge of the business, or a custom or usage pertaining thereto.)

Ans. 45.—Almost all the vessels going from California to any place that had cargo to take away, touched in at all the intermediate ports, and San Diego was the general depot for loading before leaving California. It was customary for vessels to go with cargo unless they were employed by government.

Ques. 46.—Do you know whether the Don Quixote touched in at other ports or sailed direct?

Ans. 46.—Sailed direct, as far as I know.

Ques. 47.—Do you know whether she was employed by government or not, when she sailed at that time?

Ans. 47.—Only by hearsay; I heard so at that time.

(Answer objected to as hearsay.)

Ques. 48.—What became of the bark "Tasso," of which you have spoken; did she sail for the Mexican coast?

Ans. 48.—No; she went to San Diego, and back up the coast.

Ques. 49.—About what time in the month of April did the Bremen bark arrive in Santa Barbara?

Ans. 49.—On the 2d April, 1846.

## CROSS-EXAMINATION—QUESTIONS BY ATTORNEY FOR CLAIMANT.

Ques. 1.—When did you first come to the coast of California, how, and where from?

Ans. 1.—I arrived in California for the first time on the 25th day of May, 1845, on the ship "Fama," as 2d mate; I came from China by the way of the Sandwich Islands.

Ques. 2.—Where were you from the said 25th May up to the time when you said you were in Monterey, which was the 29th Dec'r of the same year?

Ans. 2.—From the 25th May I was in Monterey, on board said ship, till 18th June following, when I sailed for Santa Cruz. I arrived there the same day, where I remained till the 26th June; sailed from there 26th June, arrived at San Francisco 29th June. I was attached to the ship here. We were launching to the different embarcaderos until the 23d day Dec., 1845, when we sailed for Monterey, and arrived there the 29th of December.

Ques. 3.—You have said you were at Monterey from the 29th Dec., 1845, until the 27th January, 1846, and that you were wrecked on the 26th February, 1846; where were you in the mean time?

Ans. 3.—On the afternoon of the 27th January, 1846, we sailed for Santa Barbara direct; we arrived there on the 2d February; we laid there until the afternoon of the 25th February, 1846, when, on account of a southeaster, we had to slip our anchor and go to sea; we were lost on the morning of the 26th February, 1846.

Ques. 4.—After the wreck where did you go?

Ans. 4.—We remained at the wreck discharging the cargo until the 24th March, 1846, and then all hands went to Santa Barbara.

Ques. 5.—When did you make your first visit to Los Angeles from Santa Barbara, and had you remained all the while in Santa Barbara up to the time of the visit?

Ans. 5.—I remained in Santa Barbara from the 24th March up to April 7th, when I started for Los Angeles, and arrived there on the 9th; I remained there two or three days, and then went to San Pedro, and stayed there all day on board this bark; about 4 P. M. I came ashore, and came as far as Manuel Dominguez's ranch; I left there early the next morning, and went to Los Angeles; that afternoon I left there and went to Santa Barbara, where I arrived on the 15th April, 1846.

Ques. 6.—How long did you remain there, and when did you make your next visit to Los Angeles, and when did you return?

Ans. 6.—I remained there till the 12th May, when I started for Los Angeles, and arrived there on the 15th; I remained there until the 20th; I then went to the Mohave river, and arrived back at Los Angeles 1st June; on 3d June I left for Santa Barbara, and arrived there on the 8th.

Ques. 7.—How long did you remain there, where did you next go, and for what purpose?

Ans. 7.—I remained there until the 24th June, and then took passage for Monterey in the brig Euphemia, Capt. Rossum; arrived at Monterey July 10; I then joined Capt. Fauntleroy's company, which was stationed at San Juan Bautista; joined his company 18th July; I remained there until 27th August, then I was discharged and came into Monterey and took passage on 30th August in the "Don Quixote," Capt. Paty, on his return trip from Mexico, for San Francisco via Santa Cruz. Arrived at San Francisco 8th September. Then I entered the employ of Wm. H. Davis and Hiram Grimes; remained in their employ until the 18th November; I sailed then in ship James, Capt. Hammond, for Honolulu by way of Lahaina. We were 11 days from here to Lahaina; laid there 3 days and then went to Honolulu.

I remained in Honolulu 4 days, and then shipped chief mate of the Hamburg brig Express, for Hongkong.

Ques. 8.—When did you return to California, and how?

Ans. 8.—I came from Valparaiso, in French built bark, called "Stamboul," under the Chilian flag; I arrived in San Francisco 12th November, 1848.

Ques. 9.—Where, generally, have you been since that time till the present?

Ans. 9.—I remained in San Francisco till 17th July, 1849, when I sailed down the coast and stopped at Los Angeles, which I have made my residence ever since.

Ques.—10.—What has been your employment there; what is it now?

Ans. 10.—The first three years I was there I was major domo of Antonio Maria Lugo's ranch. I then bought a drug store there of McFarland & Downer, and was in that business and sold out to my partner, Dr. Hope; I then went to Sonora and brought through a drove of cattle and mules, and I have been engaged in driving stock ever since to the present time.

Ques. 11.—Where were you born?

Ans. 11.—I was born in Manilla.

Ques. 12.—Of what parentage?

Ans. 12.—My father was a native of Massachusetts, my mother was a native of Manilla.

Ques. 13.—You have said that the Peruvian bark "Clarita," and the brig "Maria Therese" had left California for Mexican ports prior to January, 1846; can you fix the dates of their departure, the ports from which and to which they sailed, and their Captains?

Ans. 13.—The bark "Clarita" sailed from San Francisco in October, 1845, and touched at Acapulco on her way to Callao. The "Maria Therese," Capt. Hanks, of San Jose, sailed from San Francisco 4th or 5th of November, 1845, for Mazatlan and San Blas, touching at intermediate ports on the coast. She arrived at Santa Barbara 29th March, 1846, on her trip back.

Ques. 14.—What was the name of the Bremen bark?

Ans. 14.—I asked the Captain, Johassen (he used to write it among Americans, Jansen) what was the name of his bark; he told me such a jaw breaking name that I told him not to tell it to me again.

Ques. 15.—Where is the Mr. Dalton and the Mr. Dunn you have spoken of?

Ans. 15.—Mr. Dalton is the present Mr. Henry Dalton, of Los Angeles, and the last time I saw Mr. Dunn was at Monterey; he was the chief mate of the ship "Fama," which was wrecked. I saw him in Hongkong the beginning of February, 1847. I do not know where he is now.

## DIRECT EXAMINATION RESUMED.

Ques. 1.—Do you know who was in possession of San Jose during the time that you were at San Juan Bautista, during the latter part of July and month of August, 1846?

(Objected to as being new matter.)

Ans. 1.—Capt. Watmough; he was Purser of the sloop of war Portsmouth.

Ques. 2.—Did you see him there yourself?

Ans. 2.—Yes sir; I carried letters there to him from Monterey twice; I delivered one to him 28th July, and the other I think on the 10th August.

(Objected to as before.)

Ques. 3.—Where were the Americans quartered when you were in San Jose?

Ans. 3.—In different places; Watmough in Weber & Lightstone's place.

(Objected to as before.)

Ques. 4.—Who occupied the Juzgado?

Ans. 4.—I never was there while I was in San Jose; Lightstone's house was close by the Juzgado; I saw the officers about there.

(Objected to as before.)

Ques. 5.—Do you know who was Alcalde?

Ans. 5.—No, I do not.

Ques. 6.—Do you know whether there was any Alcalde?

Ans. 6.—No, I do not.

Ques. 7.—When Capt. Watmough came with you from the Pueblo, after your delivering to him the second letter spoken of, who was left in command of the Pueblo?

(Objected to as new matter, and assumes a fact not proved.)

Ans. 7.—I do not think I ever knew.

Ques. 8.—Did Capt. Watmough's company come away with him at that time?

Ans. 8.—No; only Capt. Watmough, Dr. Stokes, John Murphy, and myself. We went from San Jose to San Juan Bautista; the next day after arriving at San Juan Dr. Stokes and I went to Monterey and left Murphy and Watmough at San Juan; they arrived at Monterey two days afterwards.

WM. P. REYNOLDS.

{ SEAL } Subscribed and sworn to before me this 13th Feb'y, A. D. 1858.

CUTLER McALLISTER,
*U. S. Commr.*

Deposition taken subject to all exceptions, except as to the forms of questions and answers.

Filed Sept. 6, 1858.

W. H. CHEVERS,
*Clerk.*

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## DEPOSITION OF L. W. SLOAT.

## UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA.

SAN FRANCISCO, Feb'y 13, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Lewis Warrington Sloat, a witness produced on behalf of the United States in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Deposition taken according to notice from U. S. Attorney.

PRESENT —U. S. Attorney, by E. Randolph; Frederick Billings for claimant.

### QUESTIONS BY U. S. ATTORNEY.

Ques. 1.—Your name, age, place of residence, and occupation?
Ans. 1.—Lewis Warrington Sloat; I am 42 years of age; I reside in San Francisco; I am a Commissioner for all the States and Conveyancer, &c.

Ques. 2.—Where were you from 1st January, 1846, until 1st June 1846, and what was your business during that time?

Ans. 2.—I was on board the frigate Savannah, in the harbor of Mazatlan, Mexico; I was secretary to Commodore Sloat, commander of the Pacific squadron.

Ques. 3.—Do you remember how often, during that period, there was any arrival by sea from Upper California, at the port of Mazatlan or San Blas?

(That part of the question relating to San Blas objected to, on the ground that the witness has not stated that he was there during that time.)

Ans. 3.—I do not remember; the arrivals were very few indeed.

Ques. 4.—What time did you leave the port of Mazatlan, at what place did you arrive, and when?

Ans. 4.—We left the port of Mazatlan in the Savannah on the 8th day of June, 1846, I think, and arrived at the port of Monterey, California, on the 2d of the following July.

Ques. 5.—Of about what date were the last communications received from Upper California, before you left Mazatlan?

Ans. 5.—I do not remember; it was sometime before we sailed that we had any communications. The principal modes of communication were by the men-of-war, and as all but the Warren had been sent up the coast preparatory to the difficulties with Mexico, it was not likely that we could have had any communication from up the coast through them; there might have been some coaster that arrived, but I do not remember any.

Ques. 6.—Look at the letter signed "J. D. Sloat," dated June 6, 1846, from the flag ship Savannah, addressed to the Secretary of the Navy, in Senate Document No. 75, of the 30th Congress, in the year 1848, and say if you know what Consul is there referred to, "the want of communication with, and information from the department and our Consul," &c.

Ans. 6.—I think at that time we had no Minister at Mexico, and that the Consul referred to was the U. S. Consul at the City of Mexico; I believe his name was Black.

Ques. 7.—Look at the letter signed Thomas O. Larkin, Consulate of the U. S., Monterey, California, March 9, 1846, addressed to John Parrott, Esq., U. S. Consul at Mazatlan, referring to the difficulties between Gen'l Castro and Capt. Fremont, about that time pending, (in the same document,) and say whether that letter had been handed to Commodore Sloat before you sailed?

Ans. 7.—I do not remember; I think not; I think the first information we got of the difficulties was after we arrived at Monterey.

Ques. 8.—Upon what information then did you sail from Mazatlan?

Ans. 8.—From the information we received of the battles of Palo Alto and Resaca de la Palma. Commodore Sloat thought those were sufficient indications of war to justify him in taking possession of California.

Ques. 9.—What were your means, or what opportunities did you have while in Mazatlan of learning what information may have arrived at San Blas?

Ans. 9.—By coasters and men-of-war, and by the mail or post that came around by Tepic.

Ques. 10.—Before you left Mazatlan had any news from Upper California, bearing date at any time in the month of February, 1846, been received by you?

Ans. 10.—I do not remember.

## Cross-Examination—Questions by F. Billings for Claimant.

Ques. 1.—Did you keep any diary or memorandum of events while you were on the Savannah?

Ans. 1.—No; no regular journal or diary; I sometimes kept copies of letters that I wrote home to my mother during the cruise; but I cannot say that I ever kept any copies of letters written from Mazatlan, but I might have done so.

Ques. 2.—Upon what do you depend now for recollection when questioned as to events occurring while you were at Mazatlan, or on board of the Savannah?

Ans. 2.—Upon my unaided memory.

Ques. 3.—Can you be certain, then, about matters transpiring so long ago?

Ans. 3.—Some of them were impressed upon my memory more fully than others, from the attendant circumstances; for instance, I remember the date of sailing from Mazatlan and arriving at Monterey, as we had a race with the English flag ship "Collingwood," and also the date of hoisting the flag at Monterey. I cannot be certain of the exact dates of matters transpiring so long ago, as a general thing; if I had heard anything about Capt. Fremont's difficulties, I think I should have remembered it.

Ques. 4.—As to general occurrences how is your memory as to events transpiring so long ago as when you were in Mazatlan?

Ans. 4.—Pretty good; I remember occuroences very well, but not the exact dates.

Ques. 5.—Unless your attention was particularly addressed at the time to general matters transpiring twelve years ago, would you rely upon your memory about them now?

Ans. 5.—Yes; if I remembered them at all I could rely upon my memory.

Ques. 6.—Would you be likely to remember them at all?

Ans. 6.—I think not.

### DIRECT EXAMINATION RESUMED.

Ques. 1.—When you lay at Mazatlan, in the "Savannah," was not your attention particularly directed to Upper California, and all news received from that quarter a matter of great interest?

Ans. 1.—It was.

Ques. 2.—Before you sailed had you received any information of Capt. Fremont's arrival in Upper California?

(This and preceding question objected to as not called out by cross-examination, being either matter concluded in examination in chief, or new matter.)

Ans. 2.—I think not.

Ques. 3.—If you had received any such information would it not have been one of those matters which you would now be likely to remember; I mean the arrival of an expedition under an American army officer in California?

Ans. 3.—Yes, I think so.

L. W. SLOAT.

{SEAL} Subscribed and sworn to before me this 13th Feb'y, 1858.
CUTLER McALLISTER,
*U. S. Commr.*

Counsel for claimant requires the Senate Document No. 75, 30th Congress, 1848, to portions of which witness' attention has been directed, and concerning communications in which he has been questioned, to be filed as an exhibit in connection with this deposition.

The U. S. Attorney objects because the document is already public.

Deposition taken subject to all exceptions except as to the form of the questions and answers.

{SEAL}
CUTLER McALLISTER,
*U. S. Commr.*

Filed Sept. 6, 1858.

W. H. CHEVERS,
*Clerk.*

## AFFIDAVIT OF A. C. PEACHY ON NECESSITY OF RECALLING JAS. ALEX. FORBES.

### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES,
*vs.*
ANDRES CASTILLERO.

A. C. Peachy, one of the claimant's attorneys, on oath says, that since James Alex'r Forbes was examined in the cause on behalf of the United States, the affiant, as the claimant's attorney, has come into possession of certain documents which affiant used all due diligence to obtain before the said Forbes was examined, but failed so to obtain them. And this affiant further says that said documents are material to rebut the inferences of fraud which the plaintiff will attempt to draw from the testimony of said Forbes, and will, when proved and put in evidence, utterly repel and refute all such inferences, as affiant believes; and that if the said witness is recalled the affiant believes that he will be able to prove said document by the said witness.

ARCH'D C. PEACHY.

Sworn to and subscribed, June 23, 1858, before me.

W. H. CHEVERS,
*U. S. Commr.*

Filed June 23, 1858.

W. H. CHEVERS,
*Clerk.*

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## ORDER FOR THE FURTHER EXAMINATION OF JAMES ALEX. FORBES, AND STIPULATION IN REGARD TO HIS EVIDENCE.

### DISTRICT COURT OF THE UNITED STATES, FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES,
*vs.*
ANDRES CASTILLERO.

No. 420, D. C.
No. 366, L. C.

On motion of A. C. Peachy, Esq., attorney for the claimant, submitted and taken under consideration by the Court, it is ordered that James Alexander Forbes, heretofore examined as a witness in this cause on behalf of the United States, be recalled for further cross-examination by the claimant; but that said witness, in respect to any further examination in this court, shall not be considered the witness of either party, and that either party shall have the right to cross-examine, or contradict, or impeach him, as if he were introduced by the opposite party.

And it is further ordered that either party may procure the attendance of said witness by subpoena, as in ordinary cases, and the party requiring his attendance and examination shall not be estopped thereby from cross-examining said witness, and contradicting and impeaching him, to the same extent as if he were offered as a witness by the opposite party.

OGDEN HOFFMAN,
*U. S. Dist. Judge.*

June 23d, 1858.

The foregoing order having been made *ex parte*, in the absence of the U. S. Dist. Attorney, and for the purpose of securing the attendance of the witness, who it is suggested to the Court is about to depart from this State, it is stipulated and understood by the attorney for the claimant that in case the U. S. Dist. Attorney shall object to the said order, and the Court shall be of the opinion that the same should not have been granted, it may be set aside and all proceedings had under it vacated.

ARCH'D C. PEACHEY.

San Francisco, 23d June, 1858.

Filed June 23, 1858.

W. H. CHEVERS,
*Clerk.*

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## ORDER RECALLING J. A. FORBES.

## DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES,
*vs.*
ANDRES CASTILLERO.

On motion of A. C. Peachy, Esq., attorney for the claimant, submitted and taken under consideration by the Court, it is ordered, that James Alexander Forbes, heretofore examined as a witness in this case on behalf of the United States, be recalled for further cross-examination by the claimant, the said cross-examination of the said Forbes to be conducted as if his former examination had been adjourned. This order to be entered in lieu of that made on the 23d day of this June, and to be considered as having been made on that day.

OGDEN HOFFMAN,
*Dist. Judge.*

Filed June 29, 1858.

W. H. CHEVERS,
*Clerk.*

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## DEPOSITION OF JAMES ALEX. FORBES.

## UNITED STATES DISTRICT COURT, NORTHERN DISTTICT OF CALIFORNIA.

THE UNITED STATES,
*vs.*
ANDRES CASTILLERO,

*San Francisco, June* 30, '58.

On this day, before the district Court of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came James Alexander Forbes, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the prive land claims in the State of California, in case No. 366 on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

PRESENT:—The District Attorney, and Mr. Peachy for claimant.

The witness having been heretofore examined in this Court on the 14th of December, 1857, this examination is resumed in pursuance of an order of this Court dated June 29th, 1858.

## QUESTIONS BY COUNSEL FOR CLAIMANT.

Question 1.—Examine the letters now shown, dated respectively May 5th, 1847, 28th of October, 1849, and December 20th, 1849, the first of which is addressed to Alexander Forbes, the second to Wm. Forbes, and the third to Barron, Forbes & Co., of Tepic, and state by whom said letters were written, and whether they are the correspondence between yourself and the persons to whom they are addressed, and if they were written by you at their respective dates.

(The foregoing question is objected to as tending to introduce new matter not proper to be introduced on a cross examination.)

Answer.—These letters are in my hand-writing, signed by me, and directed to the parties to whom they are addressed, at the time of their respective dates.

In one of those papers there is a slip cut from a newspaper which I did not put there, though I may have done so. I desire to withdraw that last observation. I did not read the whole of the letter. It probably will explain it.

Mr. Peachy reads letter of May 5th, 1847, letter of October 28, 1849, and letter of December 20th, 1849.

(Letters offered in evidence objected to, marked O. H. X., No. 11, O. H. X., No. 12, O. H. X., No. 13.)

Question 2.—In the letter dated May 5th, 1847, to Mr. Alexander Forbes, you say "it is with much pleasure that I acknowledge the receipt of your letters by Mr. Walkinshaw." How long before the date of that letter had Mr. Walkinshaw arrived?

Answer.—I dont recollect.

Question 3.—Can you state whether it was a month?

Answer.—I cannot state what time; whether six months, or five months, or four months, has entirely escaped my recollection.

Question 4.—Having read your letter of May 5th, 1847, and refreshed your memory by its contents, can you not state with more positiveness than you did on your former examination, the extent of your knowledge of the contract made between McNamara and Alexander Forbes at Tepic, and the terms of its ratification by Castillero, in the city of Mexico, in December, 1846?

(The foregoing question is objected to as original matter not called out on the direct examination.)

Answer.—On the former occasion of my examination, I think I stated that I did not then recollect whether I had seen the contract of Avio, but I did state that a copy of a document alluding to it was presented to me by Mr. Walkinshaw, in which Castillero obligated himself to obtain the ratification of his contract with Mr. Alexander Forbes, and which I, as the representative of four shares, in conformity with Mr. Alexander Forbes' wishes, did ratify, my ratification being a copy verbatim of that of Castillero, adding thereto that they should participate pro rata in any emoluments or grants obtained from the Mexican government.

Question 5.—In that letter of May 5th, 1847, you speak of the necessity of obtaining from the Government of Mexico a positive, formal, and unconditional grant of the two sitios of land conceded to Castillero according to the decree appended to the contract. Please state what contract and decree you refer to.

Answer.—I must refer to the copies of documents presented to me by Walkinshaw. Now I declare most unequivocally that I never saw any original document relating to the mine of New Almaden until 1849. I further declare that Mr. Walkinshaw informed me there was something wrong about the title; that it was incorrect, incomplete, inchoate. That it was true that Castillero did intend, or attempt to get the grant for two sitios, or was about doing it. That I in good faith did believe that Castillero had occupied himself with a solicitation for that grant, and that my observations with regard to that concession were not based upon the actual view of the original documents, but of copies shown me by Walkinshaw. I desire to add that in this letter allusion is made to privileges to be granted to the discoverers of quicksilver mines as expressed in the decree appended to the ordinanzas, and that in my ratification of the contract I also allude to those privileges, as well as any others the Mexican government might have thought proper to grant.

Question 6.—What part of this letter refers to those privileges?

Answer.—The witness reads the paragraph at the bottom of third page beginning:—"with respect to the ratification of the contract between yourself and McNamara," etc.

Question 7.—Is that the only portion of the letter which refers to those privileges?

Answer.—I think it is. I find in the letter a sentence in which a ratification of the juridical possession given of the mine by the local authorities, &c., is spoken of. This does not refer to the privileges given by the ordinanzas.

(Document purporting to be a notarial copy of the ratification of contract of Avio by Castillero, shown to witness.)

Question 8.—Did not Mr. Walkinshaw show you this identical paper when you made your ratification dated May 4, 1847?

Answer.—No sir. I do not recollect to have ever laid my eyes on that document until this present moment.

Question 9.—Did he show you no document of similar import at that time?

Answer.—He did present to me a document contained in a few sheets of paper, comprising the ratification of Castillero, of which I have spoken before, and from which I copied my ratification. It is possible it may have contained something about the two sitios; but I do state most unequivocally that I never saw that document now produced, before, to my recollection and knowledge.

Question 10.—In a previous answer you say, "I must refer to the copies of documents presented to me by Walkinshaw." Do you mean to say that the contract referred to in the question to which that statement was an answer, was set forth in those documents?

Answer.—I am unable to state from recollection.

Question 11.—How did you know that there had been any contract and decree?

Answer.—I think it was so stated to me by Mr. Wakinshaw. I think it possible that it might have been so expressed in the documents he showed me. It was about that time that it was impressed upon my mind by Walkinshaw that the documents were not correct.

Question 12.—What did you understand to be the contract and decree at the time you wrote the letter of May, 1847?

Answer.—I understood it to be the contract of Avio. I can't recall to my recollection what was the decree. It must have been the decree granting two sitios to Castillero, which Walkinshaw also informed me was incorrect.

Question 13.—Do you mean the original contract of Avio made by McNamara in Tepic, or the ratification thereof by Castillero in Mexico?

Answer.—I think I must have meant the contract of Avio made between McNamara and Mr. Alexander Forbes.

Question 14.—Was there any decree appended to that contract?

Answer.—I don't recollect.

Question 15.—When you wrote this letter must you not have referred therein to a contract to which a decree was appended?

Answer.—Yes, I must have referred to the document presented to me by Walkinshaw. He might have showed me a synopsis of the contract of Avio.

Question 16.—In your letter of May 5th, 1847, you say: "This departmental government is completely 'acefalo,' in consequence of which the possession of the two sitios ordered to be given by the dispatch of Señor Castillo Lanzas has not been obtained, &c.," what dispatch do you allude to?

Answer.—I allude to information I received from Mr. Walkinshaw on his arrival in California, when he received the possession of the mine from me. He informed me that Castillero had succeeded in getting an order for a grant of two sitios.

Question 17.—Did you not then consider the dispatch spoken of by you to be the same as the decree appended to the contract?

Answer.—It is quite probable I did.

Question 18.—How did you know that Castillero had bound himself in his ratification of the Avio made by McNamara with Alexander Forbes, to obtain the explicit consent and ratification of the said contract on the part of his copartners in California, as stated by you in your ratification?

Answer.—I have already stated that I copied my ratification from a document which was a copy, not of the whole contract of Avio, but of Castillero's ratification.

Question 19.—Did not Castillero's ratification set forth in full the contract of Avio between McNamara and Alexander Forbes?

Answer.—I do not recollect that it did.

Question 20.—Did it not give to the company during the term of their lease or Avio the usufruct of two leagues of land granted to him in colonization by the Mexican government?

Answer.—I think it was so stated in the documents presented to me by Walkinshaw on that occasion.

Question 21.—Did it not also state that a copy of Castillero's title to the said two leagues would be appended to the instrument of ratification?

Answer.—I do not recollect anything about that.

Question 22.—When in your ratification you granted to the company all the concessions and privileges which the Supreme Government of Mexico may have granted, did you not refer to the two sitios as such concession?

Answer.—I think the clause alluded to by counsel is a conditional clause inserted by me in that ratification in favor of my constituents.

Question 23.—In your letter of October 28th, 1849, you speak of the necessity of obtaining from the government of Mexico the full and positive grant of the two sitios of land upon the mine of New Almaden, under the date of the order to Castillero from Castillo Lanzas. Is this order the same as that referred to by you in your letter of May 5th, 1847?

Answer.—It is.

Question 24.—In your letter of December 20th, 1849, you state, speaking of Castillero, that two sitios of land are conceded to him, "como colono," on the mining possession of the quicksilver mine discovered in the Mission of Santa Clara; do you refer there to the same land which was mentioned in the dispatch and decree referred to by you in your letter of May 5th, 1847, and in your letter of October 28th, 1849?

Answer.—I refer, on those occasions, to copies of documents shown me by Walkinshaw on his arrival in California to assume the charge of the mine.

EXAMINED BY COUNSEL FOR THE UNITED STATES.

Question 1.—You remarked just now that before you left the stand you would explain the reasons why you used all the expressions on which you have been interrogated. Please give these explanations now.

Answer.—According to the expressions in the documents shown me by Mr. Walkinshaw, I became aware of the fact that there was a discrepancy, or rather a vagueness in the document presented to me purporting to be a copy of an order to put Castillero in possession of the two sitios.

Question 2.—You have spoken of one McNamara as being a party to a certain contract of Avio. Did you see him at Santa Barbara in the present State of California sometime in June, 1846?

Answer.—I did.

Question 3.—Had he not come to Santa Barbara early in June 1846, in the English frigate "Juno"?

Answer.—He had.

Question 4.—Did you not yourself make a trip from San Pedro to Santa Barbara on that frigate, in that month, on learning that McNamara had come to Santa Berbara?

Answer.—I did.

Question 5.—Did you not see McNamara in July, 1846? If yea, where?

Answer.—In the beginning of July, 1846, I left him in Santa Barbara, and saw him in Monterey the same month.

Question 6.—Did he remain in Santa Barbara from the time you first saw him, in June, until you left, early in July?

Answer.—He did.

Question 7.—How long did he remain in Monterey, or the upper part of California, after you saw him in Monterey in July?

Answer.—Four or five days. McNamara left Santa Barbara for Los Angeles on the same day that I left Santa Barbara for the north.

Question 8.—About what time in July did he arrive in Monterey?

Answer.—I think about the 18th of July, because I arrived there from San Francisco on the 17th. The following day McNamara arrived from the South.

Question 9.—About five days after his arrival did he not leave the country on the British ship-of-war "Collingwood," bound for the Sandwich Islands?

Answer.—He did.

Question 19.—Did you receive a letter from him while he was in the Sandwich Islands?

Answer.—I did.

Question 11.—Can you produce it?

Answer.—I think I have it, but not here.

Question 12.—Is McNamara living or dead?

Answer.—He is dead, as I have been informed. He died, as I have been told, in 1847. It must have been later, because in 1847 he left the coast of Mexico and went around Cape Horn. I had intelligence in 1848 or 1849 that he was dead.

Question 13.—Have you retained a copy of the letter dated May 5th, 1847?

Answer.—I think not.

Question 14.—Was that letter transmitted to Alexander Forbes?

Answer.—It was.

Question 15.—By what conveyance?

Answer.—I can't recollect.

(Signed) JAMES ALEXANDER FORBES.

Taken and subscribed in open Court, this 30th June, 1858.

(Signed) OGDEN HOFFMAN,
*District Judge.*

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## O. H. X.—No. 11.

[*Private.*]

SANTA CLARA, 5th May, 1847.

MY DEAR SIR:

It is with much pleasure that I acknowledge the receipt of your letters by Mr. Walkinshaw, and another of the 27th of January.

I have much satisfaction to inform you that Mr. Walkinshaw has taken quiet possession of the quicksilver mine, by virtue of your agreemont with Mr. Macnamara, and has made the necessary assays and observations for his entire satisfaction, which will be welcome intelligence to you.

I have done everything that I possibly could do for the advancement of your views in this undertaking, and have communicated to Mr. Walkinshaw all the information relative to the necessary measures that must be taken in order to preclude the possibility of suffering an intrusion by the Americans, or any other persons who may find a pretext for litigation, and I now lay before you my views, that you may see the necessity for immediate action.

It is of the most vital importance to obtain from the Supreme Government of Mexico, a positive, formal, and unconditional grant of the two sitios of land conceded to D. Andrés Castillero, according to the decree appended to the contract, and also an unqualified ratification of the juridical possession which was given of the mine by the local authority of this jurisdiction, including, if possible, the three thousand varas of land given in that possession as a gratification to the discoverers. The documents should be made out in the name of D. Andrés Castillero and Socios. I think that it will not be difficult to obtain these documents, on making known to the Supreme Government that this Departmental Government is completely " acefalo " ; in consequence of which the possession of the two sitios ordered to be given by the despatch of Señor Castillo Lanzas, has not been obtained, nor cannot be obtained, nor even mentioned without imminent risk of opposition on the part of the American Government in this Department. It is indispensable that the title and ratification of possession should be of the date of the decree of Sōr Lanzas.

It is of great importance also to the future security of *all* titles to land in California, that Her Majesty's Minister at Mexico be advised of the expediency of using his influence with the Government, in case of a cession of California to the United States, (which God forbid,) that there should be inserted in the treaty of cession a distinct and special clause that all titles of land that may have been granted by the Departmental Government to British subjects, even if they be not according to all the prescribed forms of colonization law, be held inviolable and valid.

There is a sufficient quantity of land in the vicinity of the mine to supply the grant of the two sitios without encroaching upon the land of Berreyesa, whose title Castillero tells you is but for one sitio. This is true with respect to his first title, which was given by Don Manuel Jimeno, as Gobernador interino, during the administration of Alvarado. But Berreyesa afterwards made a representation to Micheltorena, and obtained the other sitio ; he, however, did not obtain his juridical possession of the land.

With respect to the ratification of the contract between yourself and Mr. Macnamara, for the habilitacion of the mine, as promised by Don Andrés Castillero, I, as attorney or procurator of the two Robles, send that document, in which I ratify (in their name) the contract, and make allusion to the privileges conceded by the Mexican Government to the owners of Quicksilver mines ; for, in lieu of those privileges, it was expressly stipulated by D. Andrés Castillero and his Socios that they should all participate in the two sitios of land to be asked of the Departmental Government.

This will also be advantageous to you, independent of its justice.

I have made an arrangement with Mr. Walkinshaw for the extraction of the ores that I have taken out of the mine, for our mutual account, in the manner that is expressed in a contract made between us, which will, of course, be manifested to you.

I have only to add that you shall surely rely on me, as you have been so pleased to honor me with the title of a friend, which I shall be proud to prove to you. I shall stand between all difficulties that may occur on the part of these new and arbitrary Governors of California, or any other person; trusting to hear of your speedy measures in relation to the title, &c.,

I am, my dear sir, your most obedient servant,

(Signed) JAMES ALEX. FORBES.

Alex. Forbes, Esq.

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## O. H. X.—No. 12.

[*Private.*]

San Francisco, 28th October, 1849.

Wm. Forbes, Esq.,

*My Dear Sir:*

I have been detained here until the present moment, occupied in carrying out the arrangements explained to B., F. & Co. in my letters to them, of yesterday's date, and to which I beg to refer you. My reasons for purchasing the land of that part of the farm of the Berreyesas which I pointed out (to Mr. Alex. Forbes and yourself,) on the map of New Almaden, are, 1st, because I fear the destruction of some important papers of the original registry of the mine, and which I believe will be effected, or, that on those very documents of registry a question will arise as to the legality of the possession. 2d. Because no posterior grant of the Government could authorize the occupation of the land of the Berreyesas, on which the mine is declared to be situated in the original expediente of registry. 3d. Because I am convinced that Walkinshaw and his party have endeavored to make the purchase of the land, fearing that the denunciation will prove fruitless, in all of which cases they will come forward as the owners of the land comprising the mine and hacienda. Therefore, it is a great risk for me to disregard the claims of the Berreyesas, and to set up a dispute upon boundaries, when I am uncertain as to the production of the documents held by Walkinshaw, and of the validity (in the accursed courts of this country) of the original registry of the mine. In the present state of affairs you may rest assured that the most prudent and safest measure is that which I have adopted, and which I hope to carry out effectually.

I send herewith a copy of the fraudulent purchase negotiated by Games, the brother-in-law of Walkinshaw, in connection with Shillaber, from the Sandwich Islands. This transaction was effected in the following manner. Walkinshaw and Games had been negotiating for some time previous with the widow Berreyesa and one of her sons, (to whom he, Walkinshaw, had loaned the thousand dollars in gold dust on the security of that son's share in the farm, and of which you were informed by me in Tepic,) for the purchase of the aforesaid part of the farm. During these negotiations, the widow and her family became aware that something more important than the land and wood was contemplated in the purchase of that part of the farm, and consequently they advanced their demand of price.

In this stage of affairs, the denunciation of the mine by the attorney of Walkinshaw is entered before the Alcalde, who was already prepared for the matter. This suit is commenced against me, and on Saturday the 20th, the rascal of Games and Shillaber prevailed upon two of the Berreyesas to sign a contract to sell the aforesaid portion of the farm, (as per copy herewith enclosed,) under the condition that the rest of the heirs should be made aware of that contract to obtain their consent and their signatures to the contract, and to give a formal deed of sale ; but that before the delivery of the deed, the whole amount of purchase money should be paid. On the 21st, I left the mine, and on my arrival in San José, found that the widow Berreyesa had not signed any contract, nor had she given any person authority to sign for her. That Games had told the signing parties to sign for "los interesados," and for her. I then informed the widow that the whole transaction was a fraud, and that she would be thrown into a law-suit with me as agent of the owners of the mine. That, in order to avoid this evil, she should send her sons instantly to declare null and void the aforesaid contract, as it was entirely void.

This measure was carried out effectively, and that moment Shillaber offered twenty-five thousand dollars for the land, but no money was forthcoming. The parties refused any further overtures with Shillaber, and I immediately sent one of the heirs to Sonoma to obtain the signatures of three of the other heirs, and to-morrow I hope to conclude this purchase for the sum of thirty thousand dollars. I should have said that Walkinshaw, in his eagerness to attain his object, delivered up to young Berreyesa the bond which he had received for the payment of twelve hundred dollars, and which bond Walkinshaw held as a lien upon the farm. The gold dust had been tendered to Walkinshaw several times, but he constantly refused, and on the morning of the 21st, Berreyesa paid the gold dust and received the bond, which he destroyed.

I now desire to call your attention to the following important matter. In order to secure the possession of the land which was granted to Castillero and his associates, upon the mining possession of New Almaden, you must bear in mind that that document was not recorded in this country, but that it remains in the hands of Walkinshaw ; that in all probability it will be destroyed, if it has not been destroyed already. That in view of these facts, and the deep plans laid by Walkinshaw, it behooves you to obtain from the Supreme Government of Mexico, the full and positive grant of the two sitios of land upon the mine of New Almaden, under the date of the order to Castillero from Castillo Lanzas, bearing in mind that this grant must express the entire approbation of the Supreme Government, of all the concessions made by the local authorities, or Alcaldes, of the district of San José, of the original grant or registration of the mine. That grant must be recorded under the date of its concession, and certified copies of the whole must be obtained and authenticated by the British Consul at Mexico, and at the earliest possible moment be sent to me.

The boundaries must be expressed as joining on the north and north-west by lands of the Ranchos de San Vicente, and de los Capitancillos, and on the east, south and west by Serrania or terrenos Valdios.

The moments are pressing, and I write hurriedly. If possible, I shall advise you by this packet of the result of my operations.

I remain, my dear sir, yours most truly,

(Signed,) JAS. ALEX. FORBES.

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## O. H. X.—No. 13.

New Almaden, 20th Dec, 1849.

Messrs. Barron, Forbes, & Co., Tepic :

Gentlemen :—I have the pleasure to reply to your esteemed favor, dated the 13th ult., enclosing a certified copy of the grant of the two sitios of land to Dn. Andrés Castillero, upon this mining possession ; and in obedience to your request, I shall now state why this document is not sufficient to secure this property from the insidious attacks of Mr. Walkinshaw and his associates, or other villains, who are awaiting an opportunity of annulling the title of the same.

The grant, after making allusion to the proceedings of Castillero and the local authorities, without any explicit statement, goes on to state that two sitios of land are conceded to him "como colono" upon the mining possession of the Quicksilver mine he discovered in the *Mision of Santa Clara;* while the original documents of the mine and the contract of "habilitacion," declare that the mine is situated on the lands of José Reyes Berreyesa. Now it is evident that this oversight has been observed by Walkinshaw, and hence his vociferations, and those of his attorney, demanding the production of the title to the hacienda and to the mine. And from this circumstance also are we to seek for the origin of the purchase of that part of the land of the Berreyesas, which I pointed out to your Mr. Wm. Forbes on the map, and which Walkinshaw and his associates supposed included the mine. I was also of the belief that the title of the Berreyesas would include the mine and hacienda, until I obtained correct information from the Surveyor, as to the nature of the survey made by him, and of which fact you are already informed.

In order to remedy the great oversight of Castillero in omitting the particular identification of the two sitios of land, and the positive approbation of all the acts of the local authority of California in the concession of the mine, the following is the method to be pursued with the least possible delay: Castillero, or some other fit person, must obtain from the Supreme Government of Mexico, a positive, explicit and unconditional grant of the two sitios of land. In this document particular reference must be made to the concession of the mine by the Alcalde of San José, approving of the said concession, and conceding to said Castillero and his associates, in place of the three thousand varas, the said two sitios of land, citing dates, and making that of the said grant to correspond with the imperfect and ambiguous document of which you have sent me the copy. Of course, Castillero will be aware of the necessity of having this document recorded in Mexico, and perhaps it would be advisable, for his information, to state to him the boundaries expressed in my letters to Messrs. William and Alex. Forbes, with any other particulars that may be requisite in order to enable him to accomplish the desired end. I know not what conditions Castillero may have proposed to the Supreme Government of Mexico, but, whatever they may have been, they, of course, cannot be fulfilled in California by reason of the change of government. No juridical possession was given of the two sitios of land, which constitutes, in reality, that occupied by this hacienda, but which the document granted to Castillero declares to be in the Mission of Santa Clara, between the lands of which and this mine, there is a space of five leagues of land belonging to private individuals! This discrepancy is well known to Walkinshaw, who confided in the ability of the rascal attorney whom he induced to denounce this mine, and in the pecuniary means of Theodore Shillaber, (who holds the bills of exchange which were remitted to Walkinshaw by Mr. Alex. Forbes, in my case, as a contribution, on the part of Walkinshaw, for his part of the payment of the fraudulent purchase of the Berreyesa land,) to obtain the land adjoining this hacienda and mine, so that by either of these plans he might attain his object, in appropiating to himself and his associates the whole of this property. But, thank God, I have been able to frustrate those iniquitous plots. Yet this transaction has become so public, and has been so commented upon, that I feel much concerned for the ultimate result of the attacks upon this property, and I shall only feel safe when I shall have the described document.

I pray you will not be deluded into any belief that there will be no necessity for obtaining the document herein described. I have desisted from the purchase of the Berreyesa land, in order to obtain a sure and effective final defence for the property, but meantime, I have much trouble in entertaining the Berreyesas, in order to frustrate the plots and macinations of Walkinshaw and his associates.

Hoping that this subject will receive an immediate action,

I remain, gentlemen, yours faithfully,

(Signed,) JAS. ALEX. FORBES.

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(NEWSPAPER ADVERTISEMENT ENCLOSED IN " O. H. X. No. 13.")

## EXCHANGE ON ENGLAND.

£3,000, *at* 30 *days' sight, drawn by the Clydesdale Banking Company, Glasgow, on their agents, Messrs. Barnetts, Hoare, & Co., Bankers, London.* *For sale by*

THEODORE SHILLABER,

45- *Corner Sacramento and Kearney sts.*

Filed June 30th, 1858.

W. H. CHEVERS, Dep. Clerk.

## MOTION TO EXAMINE ROBERT BIRNIE, AND JAMES ALEXANDER FORBES.

United States District Court.
July 14th, 1858.

The United States
v.
Andres Castillero.
No. 420.

And now comes P. Della Torre, Esq., United States Attorney, and moves that Robert Birnie and James Alexander Forbes be examined on the part of the United States, on giving one hour's notice to the Attorneys for the Claimant, and for cause shows that it is indispensable to the interests of justice, and of paramount importance to the United States that the said witnesses should be examined without delay.

P. DELLA TORRE,
U. S. Att'y.

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## ORDER TO EXAMINE ROBERT BIRNIE AND JAMES ALEXANDER FORBES.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room, in the City of San Francisco, on Wednesday, the fourteenth day of July, in the year of our Lord one thousand eight hundred and fifty-eight.

*Present:* The Hon. M. HALL McALLISTER, Circuit Judge.

The United States,
v.
Andres Castillero.
No. 420.

And now on this day, on motion of P. Della Torre, Esq., United States Attorney, and for cause shown:

It is ordered that the United States have leave to examine and take the testimony of Robert Birnie and James Alexander Forbes, witnesses in behalf of the United States, on giving one hours notice to the Counsel of the Claimant.

M. HALL McALLISTER,
Judge Circuit Court, for
District California.

## DEPOSITION OF ROBERT BIRNIE.

United States District Court,
Northern District of California.

The United States
vs.
Andres Castillero.

San Francisco, July 14, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Robert Birnie, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of the said Commissioners, and was duly sworn and testified as follows:

Present: The United States District Attorney, and E. Randolph, Esq.; A. C. Peachy for Claimant.

### Questions by U. S. Attornfy.

Question 1.—Your name, age, and place of residence?

Answer 1.—Robert Birnie; 33 years of age; I reside in Oakland.

Ques. 2.—How long have you resided in California?

Ans. 2.—Since '41; with the exception of three years from the spring of '45 to the spring of '48.

Ques. 10.—Do you know James Alexander Forbes of Santa Clara?

Ans. 10.—I do.

Ques. 11.—Have you ever been in his employment, if yea, when, where, and in what capacity?

Ans. 11.—I have been in his employment from the fall of 1849 to the summer of 1850, as clerk.

Ques. 12.—Were you in his employment at any time during the year 1848?

Ans. 12.—I was.

Ques. 13.—Now state where and in what capacity yon were in his employment.

Ans. 13.—In Santa Clara and New Almaden, keeping his accounts and correspondence.

Ques. 14.—Did you keep the accounts and correspondence during the time that you were in his employment at New Almaden, and what else besides did you do during that time?

Ans. 14.—I did keep the accounts and correspondence during that time while at New Almaden, and paid the men besides.

Ques. 15.—With whom was that correspondence held?

Ans. 15.—Between James Alexander Forbes, and the house of Barron, Forbes & Co.

Ques. 16.—What members of the house of Barron, Forbes & Co., if you can recollect any of their names?

Ans. 16.—William Forbes and Alexander Forbes.

Ques. 17.—How did you keep that correspondence; what had you to do about it?

Ans. 17.—Copy all James Alexander Forbes' letters to them, and file all letters from William Forbes and Alexander Forbes.

Ques. 18.—Did you in that manner become acquainted with the handwriting of William Forbes and Alexander Forbes, so as to identify it wherever you might see it?

(Question objected to as leading.)

Ans. 18.—I was not very familiar with William Forbes' handwriting; but I filed a good many of Mr. Alexander Forbes' letters in 1848, a desk full of letters that James A. Forbes had omitted to file. They were not all in Alexander Forbes' handwriting; but a great many of them were; I could identify these handwritings wherever I might see them.

Ques. 19.—With which handwriting are you best acquainted; that of William Forbes or Alexander Forbes?

Ans. 19.—Alexander Forbes.

Ques. 20.—Were you ever employed by Mr. James Alexander Forbes to sell, or to dispose of in any manner, or to any person, any part of that correspondence?

Ans. 20.—I was not.

Ques. 21.—Were you ever employed to obtain by purchase or otherwise, any of that correspondence, or any paper relative to the mine of New Almaden?

Ans. 21.—I was employed to search for a document purporting to be a title to the mine of New Almaden to Castillero.

Ques. 22.—When and by whom were you so employed?

Ans. 22.—In January or February last, I am not certain which, by Mr. Barron.

Ques. 23.—What Mr. Barron?

Ans. 23.—Mr. Barron of the firm of Bolton, Barron & Co.

Ques. 24.—What sort of a document was it that you were employed to find?

Ans. 24.—I understood from Mr. Barron that it was a document addressed to Castillero relative to the mine of New Almaden, which was left Alexander Forbes in Monterey.

Ques. 25.—You say relative to the mine; do you remember in what manner it was said to relate to the mine?

Ans. 25.—I think it was an order to the Governor of California to put Castillero into possession; or something of that nature.

Ques. 26.—In posssession of what?

Ans. 26.—The mine of New Almaden, or the lands, I do not know how much.

Ques. 27.—What lands do you mean?

Ans. 27.—I understood it to be the lands where the mine is situated.

Ques. 28.—Did Mr. Barron instruct you where to look for that document?

Ans. 28.—He did not.

Ques. 29.—Well, where were you to look for that document?

Ans. 29.—I was not instructed to go to any certain place to look for it.

Ques. 30.—You have been told, you say, that it had been deposited at Monterey; did you go there to look for it?

Ans. 30.—I did not.

Ques. 31.—Where did you go to look for it?

Ans. 31.—I went to see James Alexander Forbes, to get some information about it.

Ques. 32.—Did he give you any?

(Question objected to, as giving in evidence Mr. Forbes' declarations.)

Ans. 32.—He did not.

Ques. 33.—Did you continue to search for the document?

Ans. 33.—I did not.

Ques. 34.—Why did you not continue your search for it?

Ans. 34.—Because I thought that if Mr. Forbes could give me no information, it was of no use for me to look for it.

Ques. 35.—Did you report to Mr. Barron, and if yea, what did you report?

Ans. 35.—I did not report to Mr. Barron at that time.

Ques. 36.—Did you at any other time, and if so, what report did you make with regard to your search?

Ans. 36.—I made my report to Mr. Bolton and Mr. Billings, of my unsuccessful search.

Ques. 37.—Did you not at any time make a report of your unsuccessful search to Mr. Barron?

Ans. 37.—I did.

Ques. 38.—Did you inform him where you had applied for that document?

Ans. 38.—I did.

Ques. 39.—Were you employed to search for and obtain any other documents or papers relative to New Almaden, if yea, from whom and by whom were you employed?

Ans. 39.—I was, by Mr. Bolton and Mr. Billings; I was to get them from James Alexander Forbes.

Ques. 40.—Get what?

Ans. 40.—Any documents that would be prejudicial to the mine.

Ques. 41.—Were you, or were you not, also spoken to to the same effect, at any time, by Mr. Barron?

Ans. 41.—After Mr. Barron came from Mexico, I made my reports to him; he asked me to go and try and get a copy of any papers that Mr. J. A. Forbes might have.

Ques. 42.—Did you apply to J. A. Forbes for any such papers, and if yea, did you get any?

Ans. 42.—I did apply to him.

Ques. 43.—Did he inform you whether he had any such papers?

Ans. 43.—He did; he informed me that he had papers which were prejudicial to the mine.

Ques. 44.—Did you report what Mr. Forbes said, and if yea, to whom did you report it?

Ans. 44.—I reported it to Messrs. Bolton, Billings and Barron.

Ques. 45.—What answer did they make to your report? What did they say to you when you reported to them?

Ans. 45.—Mr. Bolton and Mr. Billings said that they would pay liberally for any documents that Mr. Forbes might have in his possession that would be injurious to the mine, and also pay me liberally for my services.

Ques. 46.—Did Mr. Barron say anything to you on the same subject after he got back from the East or Mexico?

Ans. 46.—I have already said that he asked me to get a copy of it to see what it was.

Ques. 47.—Did you make any proposal to Mr. Forbes for any paper or papers, which he said he had prejudicial to the mine, as you had been requested to do?

Ans. 47.—I did.

Ques. 48.—What was the result of that proposal?

Ans. 48.—Mr. Forbes objected to having anything to do with any of the agents of Bolton, Barron & Co.

Ques. 50.—Did you afterwards get any paper from Mr. J. A. Forbes, and if yea, what was it?

Ans. 50.—I got a copy of a letter from James Alexander Forbes.

Ques. 51.—Did you make the copy yourself or not?

Ans. 51;—I made the copy myself.

Ques. 52.—By whom was the letter written; to whom directed; when and where dated?

Ans. 52.—It was a letter directed to James Alexander Forbes from

Alexander Forbes, dated (I believe) 28th March, 1848, from Monterey.

Ques. 53.—When did you make that copy and where?

Ans. 53.—I made it somewhere in the latter part of June, 1858, in a room at the Rail Road House, in this city.

Ques. 54.—Have you got that copy now in your posssession?

Ans. 54.—No.

Ques. 55.—What did you do with it?

Ans. 55.—I left it with Mr. Barron.

(Counsel for United States asks the Counsel for Claimant to produce the paper referred to by the witness.)

(Counsel for the Claimant makes no answer to the demand.)

(Counsel for the Claimant says that if he had supposed it possible that the Counsel for the United States would require of him to produce a document said to belong to his client, without notice, that he might have answered the demand of the Counsel for the United States, and caused his reply to be inserted in this deposition.)

(Counsel for the United States consents that the Counsel of the Claimant may hand the paper in question to the Commissioner at any time to suit his own convenience, to be attached to this deposition.)

Ques. 56.—If you were to see another copy of the same letter, would you be enabled to swear to its identity with that which you left with Mr. Barron?

Ans. 56.—I think I could.

Ques. 57.—Look at the paper now shown you, marked "Exhibit X. C McA." and say whether that is another copy of the same letter, a copy of which you left with Mr. Barron?

(Question objected to because it asks the witness to identify the paper as the copy of a copy, not compared by the witness with the latter. Secondly, Because the copy alleged by the witness to have been made by him, would not be admissable if produced, the existence of the original having been stated by the same witness and its custody pointed out, and its subsequent loss not proven.)

Ans. 57.—I did not get my copy from this, I took my copy from the handwriting of Alexander Forbes; it is the same thing with the copy I left with Mr. Barron.

Ques. 58. How did you induce Mr. J. A. Forbes to allow you to copy that letter?

Ans. 58.—By asking him as a great favor.

Ques. 59.—Repeat fully what you said to Mr. Forbes to induce him to allow you to make a copy of that letter, and what, if anything, he said to you, at the same time, on that subject.

(The latter part of the question objected to by the Counsel for Claimant.)

Ans. 59.—I told him the reason I wanted a copy was to show Messrs. Bolton & Barron that I faithfully performed my duty; he at first objected, and said he was going to deliver the document into the hands of the United States District Attorney. I begged of him not to do it until he had given me a copy, he finally consented to do me that favor.

(Objection to latter part of question withdrawn by Claimant's Attorney.)

Ques. 60.—Were you paid anything, and if so by whom, and how much, for your services in getting that copy?

Ans. 60.—I got $400 the day that I gave that copy; I did not get the whole amount at the time; I got $200 that time, and $200 a few days afterwards; Mr. Barron paid me.

Ques. 61.—Did Mr. Barron say anything to you about the original letter at the time when he paid you for the copy, or afterwards?

Ans. 61.—He did not at that time; he said afterwards that he could explain that letter away.

Ques. 62.—Did he or not express any willingness to buy that original, at or about the time when he said he could explain it away?

Ans. 62.—Not after I gave him the copy.

Ques. 63.—About what day was it on which you gave him the copy?

Ans. 63.—It was the day after Mr. Forbes' last examination before the District Court.

Ques. 64.—Was it at that time that Mr. Barron said he did not care about buying the original?

Ans. 64.—It was after I gave him the copy.

(It is admitted that J. A. Forbes' last examination referred to, took place on 30th June, 1858.)

Ques. 65.—When Barron paid you, did he say what you were to consider it was for?

Ans. 65.—When he paid me he told me to consider it as payment for my exertions in trying to procure that first document that I have spoken of.

Ques. 66.—By that first document do you mean the grant to Castillero, said to have been left at Monterey?

Ans. 66.—Yes.

Ques. 67.—Was the sum of $400 all that you have been paid by Mr. Barron?

Ans. 67.—My traveling expenses were paid.

Ques. 68.—Where did you travel?

Ans. 68.—From San Francisco to Oakland, San José, Santa Clara.

Ques. 69.—How often did you go to Santa Clara for Mr. Barron?

Ans. 69.—Four or five times.

Ques. 70.—How much were you paid for your traveling expenses?

Ans. 70.—I do not recollect; between $200 and $300.

Ques. 71.—How far is it from here to San José or Santa Clara; and what is the fare by steamboat or stage to those places?

Ans. 71.—It is about fifty-four miles to both places, they are only three miles apart; the fare is from two and a half to four dollars.

ROBERT BIRNIE.

Examination adjourned until to-morrow, July 15th, 1858, at 12 o'clock.

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SAN FRANCISCO, July 15, 1858.

DEPOSITION OF ROBERT BIRNIE, THIS DAY CONTINUED.

PRESENT; United States Attorney, and E. Randolph; A. C. Peachy, for Claimant.

(The U. S. Attorney offers in evidence the letter marked "Exhibit X., C. McA., heretofore annexed to this deposition.)

(Attorney of Claimants objects to the admission of the Exhibit. 1st. Because it is not a properly proved copy. 2d. Because the original is not proved to be lost, or for any other reason out of the power of the United States to produce. 3d. Because it purports to be a declaration of one tenant in common and lessee, against the title of his co-tenants and lessors. 4th. Because it appears to be on its face a declaration made by Alexander Forbes in his own favor, it appearing in said paper to have been his interest to cast a cloud upon the title, in order that he might thereby purchase at a cheaper rate, certain shares in the mine and land of New Almaden, from the person to whom the letter was addressed. 5th. For all other substantial reasons.)

### Cross-Examination.

### Questions by Attorney for Claimant.

Ques. 1.—What is your native place?

Ans. 1.—Oregon.

Ques. 2.—Were you born an American citizen?

Ans. 2.—I was born in Astoria, on the south side of the Columbia River.

Ques. 3.—How long have you known James Alexander Forbes?

Ans. 3.—Since 1841; not before 1841.

Ques. 4.—What was your occupation when you first arrived in California?

Ans 4.—Clerk for the Hudson's Bay Company.

Ques. 5.—Was Mr. J. A. Forbes in California at that time?

Ans. 5.—He was.

Ques. 6.—What was his business at that time?

Ans. 6.—While I knew him he was acting as agent for the Hudson's Bay Company, assisting Mr. Rae in entering vessels at Monterey.

Ques. 7.—Where did you live from the time you came to California, until the time when you first became Mr. J. A. Forbes' clerk?

Ans. 7.—From the fall of 1841, to January, 1842, I lived in San Francisco; from January 1842, to July 1842, at the Sandwich Islands; from August 1842, to April 1845, part of the time in San Francisco, part of the time in Santa Barbara, and the remainder of the time up and down the coast as clerk of a vessel called the "Juan José." From spring of 1845 I went up to Oregon, remained there and got back to San Francisco about 9th April, 1848; then I went up to Santa Clara, and remained with James Alexander Forbes, as his clerk.

Ques. 8.—From the time that you first saw Mr. J. A. Forbes, up to the time that you became his clerk, were your relations with him very intimate?

Ans. 8.—No sir.

Ques. 9.—Have they been so since you were his clerk?

Ans. 9.—Yes sir.

Ques. 10.—Were you present when Laurencel and Forbes were examined in this case in December last?

Ans. 10.—I was present part of the time during James A. Forbes' examination; but was not present at the examination of Laurancel.

Ques. 16.—Were you not present in Court on the examination of Benjamin Davidson, or of Henry Laurencel, or of G. W. P. Bissell, when J. A. Forbes claimed the papers which the counsel for the United States had in their possession, as his property?

Ans. 11.—I was not present.

Ques. 12.—Where were you then, about 28th and 29th November, 1857?

Ans. 12.—I must have been in Oakland. I was here during the first day of J. A. Forbes' examination, but was not in Court at the commencement of it.

Ques. 13.—Were you not in Court very frequently during that examination of Forbes?

Ans. 13.—I was, excepting the two last days.

Ques. 14.—During the course of that examination or shortly afterwards, did you not seek Mr. Wm. E. Barron, for the purpose of being engaged by him to have communication with James A. Forbes?

Ans. 14.—I did seek to be employed by Wm. E. Barron: I told Wm. E. Barron at that time that I thought Mr. Forbes was acting very strangely about the matter; and as I had always taken a great deal of interest for the welfare of that mine, as I had been employed by that company before, I did not like Mr. Forbes to take such active steps to overthrow the title to the mine; I then spoke to Mr. Forbes as a friend, to try and smooth everything as quietly as he could; I told that to Mr. Wm. E. Barron, not for the interest, for any pay, or expectation of being employed by them.

Ques. 15.—How often did you see Mr. Barron at that time on that subject; I mean before you were engaged to endeavor to procure the document addressed to Castillero, of which you spoke yesterday?

Ans. 15.—I cannot tell how often I saw him in the course of the examination, but do not think I saw him after that time, until he sent for me.

Ques. 16.—Did not Mr. Barron, owing to your personal relations with Mr. Forbes, engage your services to endeavor to procure from Mr. Forbes the copy of the communication from Castillo Lanzas to the Governor of California, which was referred to in the letter of Alexander Forbes to J. A. Forbes, dated Tepic, 1st Dec. 1849, as being directed to Don Andres Castillero, and deposited by Alexander Forbes in Monterey?

(Question objected to because it assumes what the letter does not state, in this, that the communication of Castillo Lanzas referred to in that letter, is there stated to be one addressed to Andres Castillero and not to the Governor of California, and the difference between the two communications, the one addressed to the Governor of California, and the other to Castillero, is in that letter specifically pointed out, and the ground of preference declared to be, because the document addressed to Castillero would be a better document, from the fact that it was not addressed to the Governor of California.)

Ans. 16.—I believe that was his reason in employing me; but at the same time he never mentioned to me that I should go to Mr. Forbes to search for that document mentioned in the foregoing question.

Ques. 17.—Did you endeavour to procure that document from Mr. Forbes?

Ans. 17.—I did not endeavor to procure that document from Mr. Forbes, as I did not believe that he had it in his possession, but went to him for the purpose of getting any information from him, and assisting me as a friend to procure it.

Ques. 18.—Did Mr. Barron ever employ you to get any other document?

Ans. 18.—After Mr. Barron arrived from Mexico, in the middle of last June, I went to him and reported to him my unsuccessful search for that document, at the same time I told him I understood that Mr. Forbes had a document that would injure their case; he then gave me $30 to make another effort to try and get a copy and see what it was; I did not get the copy at that time.

Ques. 19.—Did you ever get a copy of it?

Ans. 19.—Yes, I did.

Ques. 20.—When; and what did you do with it?

Ans. 20.—About the latter part of this last June, the day after J. A. Forbes' last examination; I left it with Mr. Barron.

Ques. 21.—After Mr. Barron had read that paper did he not hand it back to you, and did you not tell him he might keep it?

Ans. 21.—He did hand it back to me, and I told him he might keep it.

Ques. 22.—Did you not at that time say to Mr. Barron that Mr. Forbes had very bad feelings towards Mr. Laurencel, and that Mr. Forbes had said that in consequence of his ill feelings towards Mr. Laurencel he would sell the original of the copy which you showed Mr. Barron for one half the money he would let Mr. Laurencel have it for, and did not Mr. Barron decline to make the purchase of the original at any price?

Ans. 22.—I did tell Mr. Barron that Mr. Forbes told me he was not willing to assist Mr. Laurencel, and that if in case that he took a notion to dispose of that document he would rather sell it to them, the Co., but that he did not feel disposed to part with it for money; all that he wanted he was trying to clear himself from reports and attacks that were circulating around through the lawyers and agents of Bolton & Barron; after Mr. Barron had seen the copy then he declined to buy. He said if he felt disposed to sell it he would rather let the company have it at one half the price that he would sell it to Laurencel.

Ques. 23.—How did Mr. Forbes suppose he could use the original of that letter, so as to clear his character of the assertions that were cast upon it?

Ans. 23.—That I am not able to say.

(A paper is shown witness and he is asked the following question.)

Ques. 24.—Is this the copy of the alleged original letter which you handed to Mr. Barron?

Ans. 24.—It is the same paper.

(Counsel for the claimant requested the Commissioner to mark this paper and annex it to this deposition, not in obedience to the call for it, made yesterday by the United States Attorney, but as the act of the claimant who desires to put this paper on record as the identical paper which was delivered to Mr. Barron by the witness: paper marked Exhibit Y., C. McA.)

Ques. 25.—You have stated that on one or two occasions you were employed by Messrs. Bolton & Billings to procure from Mr. Forbes such papers as he might have which were prejudicial to the mine; please to reflect, and state if such was your employment by these gentlemen.

Ans. 25.—I did state that and do state again to the same effect.

Ques. 26.—I am to understand then that those gentlemen employed you to obtain from Mr Forbes only such papers as were prejudicial to the mine, and not such as Mr. Forbes might wrongfully withhold from their possession, and which might be favorable to the company's title to the mine. Am I correct?

Ans. 26.—I was employed by them to get any papers that were prejudicial to the title to the mine of Almaden, or any papers that Mr. Forbes might have in his possession for or against the mine of Almaden.

Ques. 27.—Why then did you state in your answer to question 40, that you were employed by those gentlemen to get from J. A. Forbes any documents that would be prejudicial to the mine, and why did you state in answer to question 45, that those gentlemen said they would pay liberally for any documents that Mr. Forbes might have in his possession that would be injurious to the mine?

Ans. 27.—Because Mr. Billings particularly requested me to try and get a copy or make a purchase of those papers that Mr. Forbes told me he had in his possession that would blow the title of the mine of New Almaden sky-high, as his expression was.

Ques. 28.—Did Mr. Forbes describe to you, and did you describe to Mr. Billings the contents or nature of those papers which were to blow the mine sky-high?

Ans. 28.—Mr. Forbes did not describe to me the nature nor the contents of those papers; and I did not describe it to Mr. Billings.

Ques. 29.—When did Mr. Forbes first tell you of this letter, the copy of which, as you state, you handed to Mr. Barron?

Ans. 29.—It was at the same time that I went to him to give me information about the document referred to in answer to a question; the time was about February last.

Ques. 30.—What did Mr. Forbes tell you then about that original letter?

Ans. 30.—He told me as a friend, in confidence, that he had something that would overthrow the title of the mine of New Almaden, at the same time he requested me not to say anything about it.

Ques. 31,—You state that Mr. J. A. Forbes told you some time last February of the existence of the original letter of which you state you handed a copy to Mr. Barron. I ask you what did he tell you about that letter?

Ans. 31.—He did not mention any letter.

Ques. 32.—Why did you say that he mentioned to you the existence of that letter in February last?

Ans. 32.—I did not say that he mentioned any letter but he said he had something in his possession that would blow the title of the mine up.

Ques. 33.—Your answer as written by the Commissioner will speak for itself; have you nothing more to say in explanation?

Ans. 33.—I say still, that I said something, not a letter; I never mentioned a letter, because I did not know whether it was a letter or some other kind of a document, until the evening before Mr. Forbes last examination when Mr. Forbes exhibited the letter to me. I then reported next morning to Mr. Bolton and Mr. Barron that it was a letter in the hand-writing of Alexander Forbes; I told them the contents of it; Mr. Barron then asked me if Mr. Forbes would be induced to part with it; I told him I did not know, but thought that by proper management I could succeed in obtaining it from Mr. Forbes.

Ques. 34.—How long was it after Mr. Barron declined to purchase this original letter, that you spoke to any one else on the subject?

Ans. 34.—I do not recollect of mentioning it to any person until yesterday in my examination.

Ques. 35.—Not even to Mr. Forbes?

Ans. 35.—No sir; I do not recollect mentioning it to Mr. Forbes; Mr. Forbes was gone before I presented the copy to Mr. Barron.

Ques. 36.—Am I to understand that before you came here yesterday to give your testimony you had never spoken to any one of the matters concerning which you testified?

Ans. 36.—No, I do not recollect of mentioning any of them; the first notice that I had was from a subpœna to appear here instanter; I came over in the boat yesterday with Mr. Randall, the

Deputy Marshal ; Mr. Forbes and Mr. Laurencel were in company with the Deputy Marshal ; I went to Mr. Forbes and asked him the object of this subpœna so suddenly ; he told me that it was to testify about the copy of the letter I got from him ; I then told him he was acting very unfriendly towards me in letting Mr. Laurencel or any other party know that I had any transaction with him about the matter, and that there was nothing that I abhorred so much as to expose any private transactions that I have with my employers : Forbes said that he could not help it, that I was under the Marshal's hands ; I never left the Marshal until I came in this room to examination.

### Direct Examination Resumed.

Ques. 1.—What time of the day was it when you gave the copy of the letter to Barron ?

Ans. 1.—I think it was about 9 A. M.

Ques. 2.—About what time the day before was it that you made the said copy at the Rail Road House in this city ?

Ans. 2.—I think it was between 6 and 7 P. M.

Ques. 3.—What did you do with the original immediately after making the copy ?

Ans. 3.—I gave it back to J. A. Forbes.

Ques. 4.—How long before you made the copy was it that you told Bolton & Barron you had seen the original here in this city in the possession of Forbes ?

Ans. 4.—It was on the same morning, about 8 A. M.

Ques. 5.—What time of the day before was it that you first saw that original letter here in San Francisco in possession of James A. Forbes ?

Ans. 5.—Between 5 and 6. P. M.

Ques. .6—Do you know whether or not Mr. J. A. Forbes had just arrived in this city on that day ?

Ans. 6.—He arrived the same day about 3 o'clock in the afternoon.

### Cross Examination Resumed.

Ques. 1.—Did not the fact that J. A. Forbes was about to be examined for the second time in this case, induce him to show you that letter, in order that you might make it known to the claimants before the examination ?

Ans. 1.—He was to be examined the next morning, and told me now he had a chance to expose the title of the mine ; I told him for God's sake let me see what it was ; he then showed me as a friend, and told me, if I took such interest in favor of Bolton &

Barron, that if he was questioned about any documents in his possession he was bound to present it to Court; I told him not to do it, and told Mr. Barron to tell Mr. Peachy not to question Mr. Forbes as to anything about any papers that he might have in his possession.

Ques. 2.—When J. A. Forbes threatened to put that original letter in the hands of the District Attorney, did he state to you his object in so doing?

Ans. 2.—He did.

Ques. 3.—What was it?

Ans. 3.—It was to clear himself, and to show the public that he was not making any false statement regarding the invalidity of the title to the mine of Almaden.

Ques. 4.—Did he tell you how that document would have that effect?

Ans. 4.—He told me that he did not believe that any Court or Jury would ever confirm the title to that mine after the exposing of that document. What Mr. Forbes told me on these matters he told me in secrecy, but he knew that I was employed by Bolton, Barron, & Co., in this matter; it was my duty to report anything I heard concerning the mine, to Bolton, Barron, & Co., as I was employed by them to do so; I told Mr. Forbes that I had communicated to Messrs. Bolton & Barron what he had told me in secresy; he told me he did not want to have anything to do with them.

Ques. 5.—Did he communicate to you under the seal of secresy the fact, that if he should ever feel disposed to sell this letter he would sell it to the Company for one half what he would let Laurencel have it for?

Ans. 5.—I understood that all his communications with me were to be secret.

Ques. 6.—How is that? Did you suppose that in communicating to Messrs. Bolton & Barron what Mr. Forbes said, you were violating your promise of secrecy to Mr. Forbes? Or did you not really understand that although Mr. Forbes made communications to you under the injunction of secrecy he really intended that you should tell Messrs. Bolton & Barron what he said?

Ans. 6.—I knew I was violating the secrecy, but that as duty bound to my employers, who were Messrs. Bolton & Barron, I was bound to let them know anything that I could hear relative to the mine of Almaden: I did not understand Mr. Forbes intention that I should communicate anything to Messrs. Bolton & Barron.

ROBERT BIRNIE.

Subscribed and sworn to before me this 15th day of July, A. D. 1858.

SEAL

CUTLER McALLISTER,
U. S. Com.

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### "EXHIBIT X." ANNEXED TO DEPOSITION OF ROBERT BIRNIE.

[Copy.]

MONTEREY, 28th March, 1848.

James A. Forbes, Esq.
Santa Clara.

MY DEAR SIR: I have to appologize for not writing you before this, as I promised I would, respecting the purchase of your shares in the mine of New Almaden, but really, as your opinion of their value is so widely different from mine, I considered it almost hopeless to make you any further proposals.

I do not however leave this, without making the necessary arrangements to effect that object, and have therefore authorized Mr. Walkinshaw and Manl. Dias to wait on you with my final offer for the purchase of those shares.

Were I not already so deeply interested in this negociation, I would never think of investing another dollar in it, but this interest renders it necessary for me to have the control of all the shares, in order that I may dispose of the whole, whenever an opportunity may offer, and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, the documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans.

This unfortunate irregularity cannot be easily repaired, and serious objections might be made even to the legality of our new act of possession.

I need scarcely remind you of the importance of preserving profound secresy in all these matters, and in case you do not accept my offer, I hope you will not fail to send me your power to act for you in any arrangement I may make.

I send you three vols. of the Mechanic and Engineers' Magazine, which I beg your acceptance of, and I hope you will continue your correspondence as usual, and inform me of what is passing in California.

I am, my dear sir,
Yours very truly,
(Signed) ALEX. FORBES.

### "EXHIBIT Y." ANNEXED TO DEPOSITION OF ROBERT BIRNIE.

[Copy.]

MONTEREY, 28th March, 1848.

J. A. Forbes, Esq.,
Santa Clara.

MY DEAR SIR: I have to appologize for not writing you before this as I promised I would, respecting the purchase of your shares in the mine of N. Almaden, but realy as your opinion of their value is so widely different from mine, I considered it almost hopeless to make you any further proposals.

I do not however, leave this without making the necessary arrangements to effect that object and have therefore authorized Mr. Walkinshaw and Manuel Diaz, to wait on you with my final offer, for the purchase of those shares.

Were I not already so deeply interested in this negociation, I would never think of investing another dollar in it, but this interest renders it necessary for me to have the control of all the shares, in order that I may dispose of the whole whenever an opportunity may offer and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, the Documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans.

This unfortunate irregularity cannot be easily repaired, and serious objections might be made even to the legality of the proceedings in our new act of possession.

I need scarcely remind you of the importance of preserving profound secrecy in all these matters, and in case you do not accept my offer, I hope you will not fail to send me your power to act for you in any arrangement I may make.

I send you three vols. of the Practical Mechanic and Engineers Magazine which I beg your acceptance of, and I hope you will continue your correspondence as usual and inform me of what is passing in California.

I am my dear sir,
Yours very truly,
(Signed) ALEX. FORBES.

Filed Sept. 6, 1858.

W. H. CHEVERS,
Clerk.

## DEPOSITION OF JAMES ALEXANDER FORBES.

UNITED STATES DISTRICT COURT,
Northern District California.

THE UNITED STATES
vs.
ANDRES CASTILLERO.

SAN FRANCISCO, July 16, 1858.

On this day, before me Cutler McAllister, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came James Alexander Forbes, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows :

PRESENT :—Peter Della Torre, Esq:, U. S. District Attorney, and Edmund Randolph, Esq., on behalf of the United States. A. C. Peachy, Esq., on behalf of the Claimant.

QUESTIONS BY P. DELLA TORRE, ESQ.

Ques. 1.—On your last examination, you stated that you had received from the Father Eugene Macnamara, a letter dated from the Sandwich Islands, sometime in the autumn of 1846, and that you were unable to produce the letter at that time, not having it with you at the moment. Can you now produce that letter ?

Ans. 1.—This is the letter, which I agreed at that time, before Judge Hoffman, to produce, if I could find it among my papers.

Ques. 2.—By what conveyance did you receive that letter, and as nearly as you can remember, at what date ?

Ans. 2.—I do not recollect by what conveyance I received it ; it is probable it was sent to me by one of the vessels trading from the Sandwich Islands to San Francisco ; I think I received it in November 1846, but I am not certain, as I merely endorsed on it the name of the writer.

(The Attorney for the United States offers the letter referred to in evidence, and asks that it be marked E. M., and attached to this deposition.

The Attorney for the Claimant objects to the admission of said letter as evidence.)

Ques. 3.—What connection had Eugene Macnamara, the writer of this letter, with the mine of New Almaden, now so called, or with the formation of a company for the working of said mine at the date of said letter, and shortly thereafter ?

Ans. 3.—He had no connection with the mine of Almaden ; he told me in Monterey that he had received a Power of Attorney for the formation of an English Company for working that mine ; this was in July, 1846.

(The Attorney for the Claimant before the above answer was written down, requested the Comm'r not to write down that portion of the answer which states what Mr. Macnamara told the witness, upon the ground that it is clearly inadmissible. The Comm'r refused to comply with the request of the Attorney for the Claimant. Whereupon the Attorney for the Claimant objected to said portion of the foregoing answer as hearsay.)

Ques. 4.—What connection had the said Eugene Macnamara with the contract of habilitacion, or contract for working said mine of New Almaden, made by parties claiming interest therein, with Alexander Forbes at Tepic, Mexico, the 28th day of November 1846, which contract you afterwards ratified in California on behalf of the brothers Robles?

Ans. 4.—I presume he acted therein by virtue of the power of Attorney he told me he had.

(The Attorney for Claimant objects to foregoing answer.)

Ques. 5.—Is the Eugene Macnamara, who at the time of your ratification of the said contract was represented to you as the person who, under a power of Attorney from persons claiming to own said mine, had made the said contract with said Alexander Forbes, the same person as the writer of this letter ?

Ans. 5.—I have no reason to believe that he was not the same person.

Ques. 6.—Was he not so spoken of, and represented to you, on all occasions, by Alexander Forbes and those associated with him in the contract for the working of the said mine?

Ans. 6.—He was by Mr. Alexander Forbes and Mr. Walkinshaw.

Ques. 7.—Look at this paper, Exhitit X., to the deposition of Rob't Birnie, and say if you know the hand writing thereof?

Ans.7.—It is my hand-writing.

Ques. 8.—When and where was it written, and what was the original of which it purports to be a copy?

Ans. 8.—It was written at my residence in Santa Clara about four weeks ago; it is the copy of an original letter written to me at the time of its date at Monterey, Cal'a, by Mr. Alexander Forbes.

(The Attorney for the Claimant objects to the foregoing question and answer.)

Ques. 9.—You have, in this case, on a former examination, testified to your knowledge of the hand-writing of Alexander Forbes and identified many letters as having been written by him; are you equally certain that the original of which you speak, was in the hand-writing of Alexander Forbes?

Ans. 9.—I am.

(The Attorney for the Claimant objects to the foregoing question and answer.)

Ques. 10.—Explain fully the occasion of the writing of that letter by Mr. Alexander Forbes?

(The Attorney for the Claimant objects to this question on the ground that it assumes the existence of the original letter at a certain time. And the letter is not now produced, or its loss accounted for. Further, the Attorney objects that until such original is produced, or its loss accounted for, the question propounded to the witness is contrary to a proper course of examination.)

Ans. 10.—The matter under consideration is expressed in the letter itself.

Ques. 11.—Did you ever permit any one to make a copy of that said original letter of Alexander Forbes, and if so, whom, when and where?

(The Attsrney for the Claimant objects to this question for the reasons heretofore assigned.)

Ans. 11.—I did permit Mr. Robert Birnie to take a copy of that letter, in San Francisco, on the 30th day of June last.

Ques. 12.—At about what hour of the day, and was it before or after your examination before the United States District Judge Hoffman was concluded?

Ans. 12.—I think it was about five o'clock in the afternoon, and after my examination in the United States District Court was concluded, with the exception of the stipulation between counsel that my examination regarding the letter was to be continued; that is, the letter of Macnamara.

Ques. 13.—Did Birnie return to you the said letter of Alexander Forbes?

Ans. 13.—He did.

Ques. 14.—Will you now please produce that letter?

Ans. 14.—I cannot produce it; it is lost; it was abstracted from my carpet-bag at the Rail Road House, in this city, on the 30th of June last.

Ques. 15.—Do I understand you to say, that on the 30th day of June last, after the conclusion of your examination before Judge Hoffman, and after you had suffered Birnie to make a copy of that letter, the said letter was stolen from your carpet-bag, at your lodgings at the Rail Road House, in this city?

Ans. 15.—Yes; that letter was in my possession up to 9 o'clock in the evening; I had occasion to leave my lodging for a short time, for security I took that letter out of my coat-pocket and put it in my carpet-bag, locked my room door, and went up as far as Montgomery street; I was absent an half an hour or more; on my return, I found my room door locked as I had left it, and on retiring to bed I had occasion to go to my carpet-bag, when I found that that letter was missing.

Ques. 16.—You will please state all that you know, tending to show the true character of the pretended title set up in this case by the Claimant to the mine of New Almaden.

(The Counsel for the United States says "now you can produce your written statement.")

Ans. 16.—This statement has been prepared by me in the expectation of giving my testimony before the United States District Court, inasmuch as my previous examinations have been had before that Court.

(The Attorney for the Claimant objects to any written statement being read by the witness, and insists upon his answering the foregoing question in the usual way; by replying from his recollection of the matter to which the said question relates; and insists that the Comm'r shall require the witness so to answer.

The Comm'r over-rules the objections of the Attorney for the Claimant, and decides to allow the witness to answer the foregoing question by reading a written statement which he has prepared; to which ruling of the Comm'r the Attorney for the Claimant excepts, and requests the Comm'r to note his exception.

The witness reads the annexed writing marked A, as his answer to the foregoing question, and the Comm'r decides to attach it instead of copying, to which the Attorney for the United States assents.)

JAS. ALEX. FORBES.

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## A.

MAY IT PLEASE THE COURT:

As in the course of the proceedings in this case, my name has often appeared, I desire with the permission of this Honorable Court, to give explanations of the part that I have had in the affairs of the mine of New Almaden. in order that this Court may at once understand and be satisfied as to my real position in this case, and that I may not be subjected to periodical examinations in the same.

I shall therefore, now explain why, during several years, I had kept private, acts that were within my knowledge, and the motives which have caused me, at this late period, to give the explanations that I now desire to make.

I purchased my interest in the mine of New Almaden, in August, 1846, understanding from the parties in interest, that they claimed under the possession received by Castillero, in 1845, from the Alcalde of the jurisdiction, and that said possession comprised three "pertenencias," and the "hacienda." By contract with Padre Real, the agent of Castillero, I received and held the possession of the same, until I transferred it to Mr. Walkinshaw in 1847, as the agent of Alex'r Forbes. It was about that time, that Mr. Walkinshaw informed me that Castillero had succeeded in obtaining a title for two leagues about the mine, and if in my correspondence in 1847 and 1848, mention is made of two "sitios" granted to Castillero, my information was derived from Mr. Walkinshaw.

Mr. Alex. Forbes arrived in California in the autumn of 1847, accompanied by Mr. Walkinshaw, (who had returned to Mexico, to make his report of his examination of the mine to his principal), and it was at that time, that I learned more particularly the nature of the title to Castillero.

In the month of January, 1848, Mr. Alex. Forbes, not having full confidence in that title, nor in the denouncement of the mine by Castillero, proceeded to obtain from the local Alcalde a new possession, strictly according to the mining ordinances, and stated to me, that in case all other measures should fail, we could fall back upon that possession. The letter of which a copy has been produced in Court, was transmitted to me by Alex. Forbes, a day or two before his departure from Monterey, and gave me more positive information than that which I had gathered from my conversations with Mr. Forbes and Mr. Walkinshaw.

The Court will please to observe, that I having purchased in good faith, a considerable interest in the mine, for which I paid a large sum, at that time, I could not sacrifice it, because it had pleased Mr. Castillero to procure titles after the occupation of the country by the United States, although at that period. it was the opinion of foreigners and Mexicans, that California would be restored to Mexico.

I was compelled to sustain our possession against the attacks of Mr. Walkinshaw, who wished to turn to his own profit the knowledge he had obtained of the facts above stated, and although I succeeded in sustaining that possession, I earnestly recommended (as I had previously urged upon Alex. Forbes,) the immediate purchase of a part of the lands of Berreyesa, and of those of Justo Larios, or Cook; stating that the obvious result of such purchases, would be a cessation of all difficulties, and set at rest forever, all questions upon the validity of the title to the mine. In effect, though not fully authorized, I did enter into negociations for the purchase of some of those lands, but the agreements I had made were frustrated by a party interested in the mine, who subsequently sold out his interest and retired from the negociation.

In view of the probable ultimate result of such an imprudent policy, I endeavored to sell out my interest on the best terms I could. I disposed of one "barra," or share, to Mr. John Parrott, a friend of the other parties interested, and who was anxious to purchase. In a settlement of accounts with Mr. Laurencel, I ceded to him three twentieths of one "barra," or share, without any knowledge on his part, of the affairs of the mine from 1846 to 1848, and this same interest was reacquired by me afterwards, making complete the one "barra" which I subsequently sold to Mr. Wm. E. Barron, who I believe was fully informed of the nature of the purchase he made. I have, therefore, not sought to impose upon the confidence of any person, in the sales I have made of my interest in that property.

When my circumstances became embarrassed, and at last serious misfortunes overtook me, relying upon the protestations of friendship of the parties immediately in charge of, and interested in the mine, and of their acknowledged estimation of my services in their behalf, I believed that I might with some semblance of merit, and probability of success, ask of them not a *gift* but aid in the shape of a loan, to enable me to make an effort to retrieve my loss in some measure, and avert from my family the ruin that awaited me. I made application to those parties, and was refused.

It was then that I resolved without injuring any party, to avail myself of the papers in my possession. The arrangement which I made with Mr. Laurencel, was for the purpose of aiding him to effect an advantageous compromise with the Almaden party. I had no wish or intention to give to that correspondence the publicity which was subsequently given to it, and in this spirit, I exacted from Mr. Laurencel, the agreement that it should only be used in the negociation of that compromise.

The manner in which that correspondence was brought before this Court, was unknown to me. I was examined at length, in open Court, and to certain questions put to me by the counsel for Claimants, I refused to respond. The cause of my refusal was an unwillingness to compromise myself, without the means of vindicating myself. The letter of which a copy has been produced in Court, was mislaid by me, and I believed it lost, but in searching for it in February last, I found it in an old port-folio, that has long been laid aside among old account books.

I did not transmit that letter immediately to Mr. Laurencel nor to the District Attorney, because I felt hurt at the manner in which the aforesaid correspondence had been produced in Court, as I believed not without some knowledge on the part of Mr. Laurencel.

Occupied with other matters I gave little attention to that letter, until pressed by the importunities of Mr. R. Birnie, who visited me several times, soliciting papers or copies of papers I might have, adverse to the title of New Almaden; stating also, that he was employed for that object, by the agents. Mr. Birnie obtained nothing from me, until the last of June, when I was cited to appear in this Court on the part of New Almaden claimants, and believing that the examination might be extended to questions which might be difficult for me to answer without proof, and in a word, it being my determination to produce that letter at a proper time, I brought it with me.

Mr. Birnie came to me, and stated that if I allowed him to take a copy of any paper I might have, adverse to the case of the mine, it would be a great favor to him personally, as he was going to be paid for his services in procuring even a copy, and to facilitate his object, I allowed him to take a copy of the aforesaid letter.

On the evening of the 30th of June, 1 had occasion to leave my lodging for a short time, and to avoid any risk in carrying the letter on my person, I placed it in my carpet bag, locked my room door, and went out for about a half or three quarters of an hour. On my return, I found that my bag had been opened, and the letter was missing. The following morning I returned home, resolved to send at once a copy of that letter, (which I had previously taken and left at my residence;) to the District Attorney, believing that I should no longer delay the production of the best proof of its authenticity, in my possession; and for this object, I sent the copy to the District Attorney, and I was thereupon cited to appear to give my testimony.

SAN FRANCISCO, July 15, 1858.

JAS. ALEX. FORBES.

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(Direct examination concluded; the witness being tendered to the Attorney for the Claimant for cross-examination.)

Examination abjourned until to-morrow, Saturday, the 17th day of July, A. D. 1858, at 11 o'clock, A.M.

SAN FRANCISCO, July 17, 1858.

PRESENT: P. Della Torre, Esq. and Edmund Randolph, Esq., on behalf of the U. S. and A. C. Peachy, Esq., on behalf of the Claimant.

### CROSS-EXAMINATION.

Ques. 1.—Is Eugene Macnamara the man who obtained a grant of land of the Mexican Government about the time of the American conquest?

Ans. 1.—I do not know whether he did or not.

Ques. 2.—Did he endeavor to procure a grant?

Ans. 2.—I think he did.

Ques. 3.—Are you not sure he did?

Ans. 3.—I was informed by him that he had endeavored to get a grant.

Ques. 4.—Of what land?

Ans. 4.—Of a tract of land in California, in the San Joaquin Valley.

Ques. 5.—About how much land?

Ans. 5.—Of a large tract; I don't recollect the amount.

Ques. 6.—Did Macnamara ever converse with you about the probable fate of his grant under the American Government?

Ans. 6.—I don't recollect that he did.

Ques. 7.—In Macnamara's letter to you he uses these words: "I am also very desirous of doing something about that grant of land." What grant of land do you suppose he alluded to?

Ans. 7.—I think it must have been the grant to which I have heretofore referred.

Ques. 8.—Do you know Robert Birnie?

Ans. 8.—I do.

Ques. 9.—He married a niece of your wife's, did he not?

Ans. 9.—He did.

Ques. 10.—When you came to San Francisco on the 29th of June last, Robert Birnie came with you, did he not?

Ans. 10.—He did not.

Ques. 11.—Where did you put up in town on that occasion?

Ans. 11.—At the Rail Road House.

Ques. 12.—Was not Robert Birnie at the Rail Road House at that time?

Ans. 12—He was.

Ques. 13.—Was he there when you arrived?

Hns. 13.—He was.

Ques. 14.—Where had he come from, and how long had he been there when you arrived?

Ans. 14.—I presume he came from his own residence; and I don't know how long he had been there.

Ques. 15.—Did he not meet you there by appointment?

Ans. 15.—I think I informed him that I had been subpœnaed to appear before the United States District Court on the part of the Claimant in this case.

Ques. 16.—When did you give him that information?

Ans. 16.—A short time before I came down here.

Ques. 17.—Was it after the subpœna had been served on you?

Ans. 17.—I think it was before.

Ques. 18.—How did you know before the subpœna was served on you that you would have to attend as a witness?

Ans. 18.—On reflection, I correct myself; it was after the subpœna was served on me, that I telegraphed to Birnie to meet me in San Francisco; as I was surprised that I should be subpœnaed by the Claimant as their witness; and as Mr. Birnie was in their service I was anxious to ascertain through him why I was subpœned by them.

Ques. 19.—Did you have any communication with Mr. Laurencel, or any other person in his interest, on the subject of your recall to the stand, before you were examined on the 30th of June last?

Ans. 19.—The only conversation that I had with Mr. Laurencel was at the Court House door on the morning of the 30th, where I met him, and after the usual salutations, he told me that the object of my being called there that morning was for the purpose of continuing my examination; I replied to him, how can that be, as I am subpœnaed on the part of the Claimants; Mr. Laurencel said to me that the District Attorney had stipulated with counsel that provided no new matter was introduced I should be considered as a witness for the United States.

Ques. 20.—Was that the only communication of any kind, verbal or written, that you had with Mr. Laurencel, or any of his agents, on the subject of your recall?

Ans. 20.—I have no recollections of having any other communication with Mr. L., or any of his agents, on the subject.

Qces. 21.—Did you see Robert Birnie on the morning of your examination, the 30th of June last?

Ans. 21.—I did.

Ques. 22.—Did you see him the evening of that day?

Ans. 22.—I saw him in the afternoon, perhaps about five o'clock.

Ques. 23.—When next did you see him?

Ans. 23.—I don't recollect seeing him afterwards until I saw him in Oakland in the last two or three days.

Ques. 24.—Did you communicate with him in the meantime, or did he communicate with you either verbally or by writing?

Ans. 24·—He did communicate with me in writing.

Ques. 25.—Did you communicate with him?

Ans. 25.—I don't recollect that I did.

Ques. 26.—Then I understand, that from five o'clock in the afternoon of the 30th of June until your meeting with Birnie at Oakland two or three days ago, you wrote him no letter, and sent him no message; am I correct?

Ans. 26.—I have no recollection of having sent him any message, or of having written to him during that period.

Ques. State as nearly as you can the conversation between Birnie and yourself from the time you met him at Oakland until the present time, in reference to this case.

(The Attorney for the Claimant withdraws the foregoing question.)

Ques. 27.—On what day did you meet Birnie in Oakland, at what time of the day, and who was present?

Ans. 27.—On Tuesday evening last about nine o'clock, and no other person was immediately present; the Deputy United States Marshal was a short distance off.

Ques. 28.—Where had you come from that day?

Ans. 28.—From my own residence in Santa Clara with United States Deputy Marshal, in a private conveyance.

Ques. 29.—Was no one with you besides the Deputy Marshal?

Ans. 29.—Mr. Laurencel and the driver were with him, and of course with me, when I joined him.

Ques. 30.—Was it Mr. Laurencel's carriage?

Ans. 30.—I don't know to whom it belonged

Ques. 31.—Who was the Deputy Marshal?

Ans. 31.—Mr. Randall; from whom I understood the United States paid all expenses.

Ques. 32.—Where did you stop in Oakland, and what time did you reach there?

Ans. 32.—We arrived there about 9 o'clock at night, and stopped at a Hotel.

Ques. 33.—Did you see Birnie as soon as you got there?

Ans. 33.—Shortly after.

Ques. 34.—Was he waiting for you when you arrived?

Ans. 34.—He was not; he had no idea of my going there.

Ques. 35.—Was it by mere chance that you met him there?

Ans. 35.—It was not by mere chance; the United States Marshal had a subpœna for him to appear before the Commissioner; I went to see him at the request of the Marshal, or rather by his consent, thinking it would be less disagreeable to Birnie to speak to him before the subpœna was served on him, as the subpœna called for his appearance instanter.

Ques. 36.—Where did you find Birnie, and about what hour?

Ans. 36.—At his own residence; a little after nine o'clock in the evening.

Ques. 37.—How did you break to him the news that there was a subpœna out requiring him to testify instanter on the part of the United States in this case; how did he receive the tidings, and what passed between you at that interview on that subject?

Ans. 37.—I simply told Mr. Birnie that the United States Marshal was there and had a subpœna for him, that he would not be required to go to San Francisco until the following morning, provided he would be ready to go at 5 o'clock in the morning; Mr. Birnie was surprised but said he would agree to go in the morning; I then left to see the Marshal and informed him that Mr. Birnie would meet him in the morning at the stated hour.

Ques. 38.—Where did you find the Marshal?

Ans. 38.—At the hotel where we stopped, about two blocks from the residence of Mr. Birnie.

Ques. 39.—What was the name of the United States Deputy Marshal who had the subpœna for Mr. Birnie?

Ans. 39.—I stated before that it was Mr. Randall, the same officer who served me.

Ques. 40.—When it was so easy for Mr. Randall to go from the hotel to Mr. B's house, why did he not serve the subpœna on him that night?

Ans. 40.—It was pretty dark and Mr. Randall did'nt know exactly where Mr. Birnie lived.

Ques. 41.—But you have said that you obtained Mr. Randall's consent to visit Mr· Birnie, so that Mr. R., must have known that you knew where he lived; why did'nt he ask you to show him the way?

Ans. 41.—It was the intention of Mr. Randall, the Deputy Marshal, to serve the subpœna on Mr. Birnie immediately after his arrival at Oakland; but we having arrived late, and I knowing that Mr. Birnie's family would be alarmed if the officer went there suddenly at that hour of the night, requested him to allow me to inform Birnie first, and he accorded me his permission.

Ques. 42.—What is there in the nature of a subpœna or Mr. Randall to alarm Mr. Birnie's family; please to state through what course of preparation to meet the subpœna and Mr. Randall you put Mr. Birnie's family?

Ans. 42—Mr. Birnie's lady is a native of the country; she does not understand the nature of any judicial process; she is very timid, and I believe in a delicate state of health; and therefore I judged it would be proper to break the matter to Birnie myself; as regards the officer, Mr. Randall, nothing could be apprehended from his personal appearance; but nevertheless the simple fact of his visiting Mr. Birnie's at that hour, and on that errand, would have alarmed his family.

Ques. 43.—Why need Mrs. Birnie have known that Mr. Randall was United States Deputy Marshal, or that he had a subpæna? You state that Mrs. Birnie's delicate health in your opinion made it proper for you to make known to Mr. B., the object of Mr. Randall's visit; explain how this was.

Ans. 43.—Had the United States officer gone to the house of Mr. Birnie, he would have found his family in bed, as they were in fact retiring to bed when I arrived, and as a matter of course, would have become aware that something uncommon was about to take place, and would necessarily have been much alarmed, but on seeing me, she would have been or was assured that no danger would befall her husband.

Ques. 44.—Did you explain to Birnie the reason why he was called by the United States as a witness, and what was expected to be proved by him, when you visited him that night?

Ans. 44.—I simply stated to Mr. Birnie that he had been subpœnaed to appear immediately to testify on the part of the United States in this case; and that it was expected he would testify truthfully to such interrogatories as might be put to him.

Ques. 45.—Who was it that expected Mr. Birnie to testify truly?

Ans. 45.—I don't know of any person in particular.

Ques. 46.—To whom did you refer when you told Mr. Birnie he was expected to testify truly?

Ans. 46.—I did not refer to any particular person.

Ques. 47.—Was Mr. Birnie aboard the steamer next morning?

Ans. 64.—I think it was the first week of the present month, at my residence at Santa Clara.

Ques. 66.—Was it before or after the Fourth of July?

Ans. 65.—I can't state exactly what day it was; I think it was after.

Ques. 66.—Did Mr. Laurencel take notes of what you told him?

Ans. 66.—I did not see him take any.

Ques. 67.—At what hour on the morning of the 14th July did you reach San Francisco from Oakland?

Ans. 67.—I think about half past six.

Ques. 68.—Where did you then go?

Ans. 68.—I went to the Rail Road House, at which I usually put up.

Ques. 69.—Whom did you see between the time of your arrival and the hour when Birnie's examination was began at 11½? I mean of those persons connected with Laurencel in this business.

Ans. 69.—I saw Mr. Randolph his Attorney in the Fossat case, now present representing the United States in this case.

Ques. 70.—Did you tell Mr. Randolph what question to propound to Birnie?

Ans. 70.—I did not.

Ques. 71.—Did Laurencel take you to see Mr. Randolph, or did he direct you to go and see him?

Ans. 71.—He did neither.

Ques. 72.—How came you to go to see Mr. Randolph?

Ans. 72.—Because I knew that he was engaged on the part of the United States.

Ques. 73.—Where was you while Birnie's direct examination was going on?

Ans. 73.—I was at different places in this city; I was not in this building at that time.

Ques. 74.—Why did you enter and seat yourself in this room when the cross examination of Birnie was about to begin?

Ans. 74.—I was informed that Mr. Birnie's cross examination was about being finished, and that in all probability my examination would commence very shortly after that of Birnie terminated. and on motion of Counsel for Claimant, I retired immediately?

Ques. 75. Who told you that Birnie's cross examination was about being finished?

Ans. 75.—I think it was a young man by the name of Hawley.

Ques. 76.—Is that the young man who is so frequently in this room with Mr. Laurencel while the depositions are being taken?

Ans. 76.—I cannot state whether he is frequently here or not; I have seen him here once or twice; I am told he is a nephew of James Eldridge.

Ques. 77.—The same James Eldridge who gave you his note for $7,000, part of the $20,000 for which you sold certain documents to Henry Laurencel?

Ans. 77.—The same person who gave me those notes, in part payment of that sum, not for the sale of those documents, but for the use of those documents for a specific purpose.

Ques. 78.—Have you read Birnie's deposition, or any part of it? Have you seen a note or memorandum of any part of his testimony? Has any one told you what he testified to, or anything about his testimony?

Ans. 78.—I read a part of it on this table.

Ques. 79.—When did you last see Birnie?

Ans. 79.—I saw him this morning at half past ten o'clock.

Ques. 80—When next before?

Ans. 80.—On Saturday last, 17th July.

Ques. 81.—When next before Saturday?

Ans. 81.—On the last day of his examination; after his examination was finished.

Ques. 82.—Have you seen him only those three times since you came over from Oakland together?

Ans. 82.—Yes, I believe those are all the times that I have seen him since.

Ques. 83.—You, and Laurencel and the Deputy Marshal left Santa Clara together, on Tuesday the 13th inst., and arrived in Oakland about 9 P. M., that day, and left that place next morning about 5 o'clock and reached San Francisco about 6½ o'clock A. M.; are not these dates correct?

Ans. 83.—The dates are correct.

Ques. 84.—At what hour on the 13th, did you leave Santa Clara?

Ans. 84.—At a quarter past ten in the morning.

Ques. 85.—Where, when, and by whom was the subpœna served on you? Who was present?

Ans. 85.—At my own residence; the preceding evening at my own residence by the Deputy Marshal in the presence of Mr. Laurencel.

Ques. 86.—How often had you seen Laurencel or any agent of his between the 1st, and the 13th of July?

Ans. 86.—Twice; I saw Mr. Laurencel once before the service of the subpœna, and once at that time.

Ques. 87.—What was the date of your first seeing him?

Ans. 87.—I have already stated that I think it was after the Fourth of July.

Ques. 88.—Where did you see him on that occasion?

Ans. 88.—In Santa Clara, at my residence.

Ques. 89.—What was the occasion of his visit to you?

Ans. 89.—He had business with me.

Ques. 90.—What business?

Ans. 90.—In relation to testimony regarding the Fossat claim.

Ques. 91.—Was that all?

Ans. 91.—That was not all.

Ques. 92.—State what else?

Ans. 92.—I had requested information from Mr. Laurencel as to the presentation of a copy of the letter to the United States District Attorney; that is all.

Ques. 93.—What information did you request from him?

Ans .93.—As regarded the manner of presenting the copy of that letter; whether I should present it to Mr. Randolph as acting for the United States, or whether I should present it to the District Attorney himself in person.

Ques. 94.—What advice did Mr. Laurencel give you?

Ans. 94.—Mr. Laurencel stated to me that he himself would present that copy to the United States District Attorney in person, if I would allow him to take it.

Ques. 95.—Did you allow him to take it?

Ans. 95.—I did.

Ques. 96.—Was that interview with Mr. Laurencel held by appointment?

Ans. 96.—It was not exactly by appointment.

Ques. 97.—How then was it brought about?

Ans. 97.—By a letter which I wrote to Mr. Laurencel; that is to say, that he received information from me that I was desirous of seeing him at his earliest convenience.

Ques. 98.—What was the date of that letter?

Ans. 98.—I dont exactly recollect; it was a letter containing the letter from McNamara to me, which I had agreed to produce in the United States District Court, and for which, while I was in this Court on the 30th June, I sent a telegraphic dispatch, but it not having been found among my papers was not sent, until I sent it myself as above stated; with regard to the date I don't recollect exactly.

Ques. 99.—Had you received any letters from Laurencel or any agent of his before that time, relative to the Macnamara letter, or the letter of Alexander Forbes to you of the 28th March, 1848.

Ans. 99.—I had not.

Ques. 100.—Who was present at the interview between Laurencel and yourself when you advised with him as to the course you should take with that copy?

Ans. 100.—Mr. Eldridge, who is now present in this room; the brother of Mr. James Eldridge.

Ques. 101.—You have stated that your business with Mr. Laurencel on that occasion related to testimony in the Fossat claim. How do you reconcile that statement with what you have said subsequently?

Ans. 101.—Perhaps I have stated incorrectly that my business was with him, whereas I should have said his business was with me, which business I was not aware of until his arrival, nor has it any connection with the matter at present under consideration.

Ques. 102.—What was Laurencel's business with you in the Fossat claim?

Ans. 102.—Mr. Laurencel desired me to interpret certain information that he desired to obtain from two individuals, respecting certain localities comprised in the Fossat claim.

Ques. 103.—Who were the two individuals?

(Question objected to on the ground of irrelevancy, inasmuch as the names of the said indiyiduals of whom information was sought as to localities on the Justo Larios ranch, are wholly irrelevant to the present issue.)

Ans. 103.—Augustin Narvaez, and Andres Martinez.

Ques. 104.—What were the localities concerning which you were interrogated?

(Objected to.)

Ans. 104.—The place cailed "Los Capitancillos."

Ques. 105.—Do you not remember any of the particular localities?

(Objected to.)

Ans. 105.—None more than what I have stated.

Ques. 106.—Do you not remember the name of any natural object cencerning which they were to be interrogated?

(Objected to as before.)

Ans. 106—I do not.

Ques. 107.—Your attention is particularly drawn to the preceding question, and I now ask you to consult your memory to ascertain what natural objects Mr. Laurencel was desirous to learn the locality of from those individuals, and concerning which they were questioned.

Ans. 107.—I have already stated that Mr. Laurencel desired to obtain information as to the locality of the place call Capitancillos, and those individuals were interrogated upon that point.

Ques. 108.—Then I understand that you remember nothing more about that matter?

Ans. 108.—I think they were interrogated as to the locality of the stream called Capitancillos, further than that I don't recollect any more.

Ques. 109.—Whereabouts did this interview between you, Laurencel, Narvaez and Martinez take place? When, and who was present?

Ans. 109.—I first saw Mr. Narvaez at his own house; in like manner I saw Martinez at his own house; Mr. Laurencel and Mr. Eldridge were present, and another gentleman who was not present; I come to recollect now, this last gentleman was not present he was outside the door; this was Mr. Faxon, the Director of the Guadalupe mine.

Ques. 110.—When were these visits paid?

Ans. 110.—I do not remember the day; it was at the time and on the occasion to which I have alluded in the previous answer.

Ques. 111.—What occasion and what time?

Ans. 111.—Upon the occasion of which I have already testified, namely, Mr. Laurencel's visit to me, after I had transmitted to him Macnamara's letter to me.

Ques. 112.—Where do Narvaez and Martinez live?

Ans. 112.—On the tract of land owned by Narvaez, I think.

Ques. 113.—Do they live in different houses?

Ans. 113.—They do.

Ques. 114.—How far apart?

Ans. 114.—I should judge about three miles.

Ques. 115.—How far from your residence at Santa Clara?

Ans. 115.—Narvaez lives about 6 miles, and Martinez about 7 or 8 from my residence.

Ques. 1Ie.—At what time of the day of your visit to those parties did Laurencel come to your house?

Ans. 116.—At 9½ in the morning.

Ques. 117.—At what hour did you start with him to pay those visits?

Ans. 117.—About that same hour.

Ques. 118.—Did you expect him to call at that hour, and had you made arrangements with him to pay those visits?

Ans. 118.—Yes.

Ques. 119.—How came you to expect him, and in what manner were those arrangements made?

Ans. 119.—I have already answered in the affirmative, and the mode of making them was a simple request on his part to accompany him.

Ques. 120.—I repeat the question; how came you to expect Mr. Laurencel on that business and on that morning?

Ans. 120. In consequence of his request to that effect.

Ques. 121.—When did he make that request to you?

Ans. 121.—On the evening previous to my accompanying him.

Ques. 122.—Where was that request made and in whose presence?

Ans. 122.—At my own residence in Santa Clara; I am not certain whether anybody else was present; my eldest daughter may have been present; I am not certain; Mr. Laurencel made that request in person.

Ques. 123.—What time of the evening was it when Mr. Laurencel paid you that visit and requested you to go the next day to see Narvaez and Martinez?

Ans. 123.—It might have been between 4 and 6 o'clock.

Ques. 124.—Did you expect Mr. Laurencel that evening?

Ans. 124.—I did not.

Ques. 125.—How long before the visit on that evening since you had last seen Laurencel?

Ans. 125.—On the same day.

Ques. 126.—What time of the day?

Ans. 126.—On the occasion of that visit which lasted about an hour.

Ques. 127.—I do not understand your last answer; you say that you saw Mr. Laurencel on a certain day, before he visited you in the afternoon of that day, and when asked how long before that visit was it that you had seen him, you say it was on the occasion of that visit; what do you mean?

Ans. 127.—I mean to say that I saw Mr. Laurencel twice the same day; the first time in the course of the forenoon.

Ques. 128.—Where did you see him the first time that day?

Ans. 128.—I think I have already stated that I saw him at my own residence.

Ques. 129.—Then I understand you to say that on the day previous to that of your visit to Martinez and Narvaez, Mr. Laurencel had visited you at your house in Santa Clara, twice, once in the forenoon and again in the afternoon between 4 and 6 o'clock, and that it was on the occasion of the last visit, he made the appointment with you to visit Martinez and Narvaez the next day; am I correct?

Ans. 129.—You are correct.

Ques. 130.—Previous to Mr. Laurencel's first visit to you on the day before you went to see Narvaez and Martinez, how long was it since you had seen him?

Ans. 130.—Since the 30th June; the day I was in San Francisco when I saw him in Court.

Ques. 131.—How long were you in paying these visits to Martinez and Narvaez?

Ans. 131.—I left my residence with Mr. Laurencel about 9½ and returned about 4½.

Ques. 132.—In what conveyance did you go?

Ans. 132.—In a carriage.

Ques. 133.—With whom?

Ans. 133.—Mr. Laurencel and Mr. Eldridge.

Ques. 134.—Which did you visit first, Martinez or Narvaez?

Ans. 134.—Narvaez.

Ques. 135.—What time did you reach his house, and how long did you stay there?

Ans. 135.—Sometime during 11 and 12 o'clock; we stayed a short time.

Ques. 136.—You say you started from your house at half past nine that morning; were you from that time until between 11 and 12 o'clock in getting to Narvaez's house?

Ans. 136.—On the road and in San José, where we stopped to refresh ourselves, it being rather hot.

Ques. 137.—Can you give no idea of the length of time that you stopped at Narvaez's house?

Ans. 137.—About one quarter of an hour.

Ques. 138.—Where did you go then?

Ans. 138.—To the house of Andres Martinez.

Ques. 139.—How long did you stop there?

Ans. 139.—About the same time.

Ques. 140.—Where did you go next?

Ans. 140.—To the Guadalupe mine.

Ques. 141.—Did you take Martinez or Narvaez, or either of them with you?

Ans. 141.—We did not.

(All testimony relative to Martinez and Narvaez objected to as irrelevant to the cause in issue, and uselessly encumbering the record.)

Ques 142.—How long did you stop at the Guadalupe mine?

Ans. 142.—Until about three o'clock in the afternoon.

Ques. 143.—Where did you go then?

Ans. 143.—To San Jose.

Ques 144.—How long did you stop there?

Ans. 144.—For a short time; from there I went home.

Ques. 145.—Where did you breakfast that day?

Ans. 145.—At my own house.

Ques. 146.—Where did you dine that day?

Ans. 146.—At my own house; I took a lunch at the Guadalupe mine.

Ques. 147.—Before the morning of the 13th July, when you started from Santa Clara for Oakland, in company with the Deputy Marshal and Laurencel, it thus appears that you had seen Mr. Laurencel since the first of July on four separate occasions, two of which were his two visits to you on the day previous to your visits to Narvaez and Martinez, the third was on the day of those visits, and the fourth was on the evening when Laurencel accompanied the Deputy Marshal to your house when the latter served on you a subpœna in obedience to which you appear on this occasion before the Commissioner. Am I not correct?

Ans. 147.—I have so stated.

Before signing this declaration I desire to state that my answer to the question as to how many times before the 13th of July Mr. Laurencel visited me, was not inclusive of the visit of that day, and that of the evening previous.

JAS. ALEX. FORBES.

This is J. A. Forbes hand-writing.

CUTLER McALLISTER.
U. S. Com.

Examination adjourned until to-morrow, July 20, at 11 A. M.

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San Francisco, July 20, 1858.

Cross examination of J. A. Forbes this day continued.

Present.—The United States Attorney by E. Randolph; A. C. Peachy for Claimant.

Ques. 148.—Was not Mr. Laurencel's visit to you on the evening before the 13th of July, the occasion when the subpœna was served on you?

Ans. 148.—Mr. Laurencel came that evening with the Marshal.

Ques. 149.—Had you seen Mr Laurencel before on that day?

Ans. 149.—I had not.

Ques. 150.—How many days before the 12th had you last seen him?

Ans. 150.—I had not seen him since the day when I accompanied him to the Guadalupe mine.

Ques. 151.—Do you mean by that the day on which you paid these visits to Narvaez and Martinez?

Ans. 151.—The same day.

Ques. 152.—When you parted with Laurencel on the day referred to in your last answer, did he tell you when he would return to San Francisco?

Ans. 152.—He told me that he would return the following day.

Ques. 153.—Did he return?

Ans. 123.—I do not know.

Ques. 154.—When Mr. Laurencel visited you on the evening of the 12th instant, did he tell you that he had just come from San Francisco?

Ans. 154.—I do not recollect that he stated it to me in so many words, but I inferred from what he said that he had come from San Francisco.

Ques. 155.—How many days intervened between your visit with Mr. Laurencel to Martinez and Narvaez, and his next visit to you with the Deputy Marshal on the evening of the 12th?

Ans. 155.—I do not recollect exactly; three, four or five days.

Ques. 156.—Does not Mr. Laurencel speak Spanish?

Ans. 156.—I believe he has a partial knowledge of the language.

Ques. 157.—Have you never heard Mr. Laurencel converse in Spanish?

Ans. 157.—I have.

Ques. 158.—Does he not speak the Spanish language very well?

Ans. 158.—I believe that he has a better knowledge of the Castillian language than of the Californian language; by that I mean to say, that he is not well acquuinted with the provincialisms of California.

Ques. 159.—How long has Mr. Laurencel lived in California?

Ans. 159.—I have known him here seven or eight years, perhaps more.

Ques. 160.—Have you not known him here since 1848?

Ans. 160.—I think I have known him here since 1849.

Ques. 161.—Has not Mr. Laurencel had a great deal of social intercourse and business with the native inhabitants of California? Have you not frequently heard him converse with them, and do you not know his knowledge of their language to be such that he readily understands their provincialisms and can make himself understood by them?

Ans. 161.—I do not know that Mr. Laurencel's social relations with the natives of California have been intimate; nor do I believe that he understands well their provincialisms; while I do believe that he can understand them, and make himself understood by them to a certain extent.

Ques. 162.—Then I suppose you went with Mr. Laurencel to visit Martinez and Narvaez to be the interpreter of their provincialisms; is it not so?

Ans. 162.—I accompanied Mr. Laurencel to see those persons for the purpose of interpreting what they might have mutually to say to each other ; one of them being a very old man, and deaf, and the other being aged also, Mr. Laurencel apprehended some difficulty in making himself understood by them or in understanding their answers.

Ques. 163.—Is Mr. Laurencel in the habit of employing an interpreter when he wishes to converse with the native inhabitants of California ?

Ans. 163.—I do not know.

Ques. 164.—How long have you lived in California ?

Ans. 164.--Over 29 years.

Ques. 165.—How long have you lived in what is now Santa Clara county ?

Ans. 165.--About 26 years.

Ques. 166.--You married in that county did you not ?

Ans. 166.--I did.

Ques. 167.—How long ago ?

Ans. 167.—24 years on the 4th July.

Ques. 168.—The lady whom you married is a native of California, is she not ?

Ans. 168.—She is.

Ques. 169.—How long have you known Martinez and Narvaez ?

Ans. 169.—I cannot state the exact length of time ; I have known those persons a number of years.

Ques. 170.—As many as ten ?

Ans. 170.—Yes ; I think more than twenty years.

Ques. 171.—How long have they resided in what is now Santa Clara county ?

Ans. 171.—Always, since I first knew them.

Ques. 172.—Are they connections of yours or of your family ?

Ans. 172.--None whatever.

Ques. 173.—You state in your explanation, written by yourself, in this deposition at the end of your examination on yesterday, before signing the same, that your answer to the question as to how many times before the 13th July Mr. Laurencel visited you was not inclusive of the visit of that day and that of the evening previous ; to which of your answers do you refer ?

Ans. 173.—The answers in this examination not being numbered, I referred to my first answer.

Ques. 174.—You were asked the following question, No. 86, on cross examination : How often have you seen Mr. Laurencel or any agent of his between the 1st and 13th of July ? To which you replied : Twice ; I saw Mr. Laurencel once before the service of the subpœna and once at that time. Is that the question and is that the answer to which you refer in your written explanation appended to that part of this deposition, which was taken yesterday before you signed it?

Ans. 174.—Yes sir, I do refer to that question; I refer to that answer and I refer to the last answer on that day. It must be evident to Counsel that there was a misapprehension on my part with regard to that question, for in my last answer, I think it is, I stated fully the number of times that Mr. Laurencel had visited me, therefore manifesting no desire or wish to conceal anything, and in order to remove all misapprehension I have stated to the Commissioner that I now observe a mistake in the word "day" in Ques. No. 147, cross examination which should read "days." The word day which should be altered to days, occurs in that part of the question which reads as follows: "Two of which were his two visits to you on the (day) previous to your visits to Narvaez and Martinez."

Ques. 175.—Was not question No. 147 read to you more than once, and was not your attention particularly called to the number of Laurencel's visits to you, and to the days on which those visits were paid, and did you not after full and deliberate consideration of the question reply that it correctly set forth the facts embodied in it?

Ans. 175.—I do not recollect that the question was read over to me more than once, nevertheless I did answer to the truth, or I did state the facts; but I repeat that in the first question propounded to me respecting the number of visits made by Mr. Laurencel to me, that question was confined to the number of those visits prior to the visit made by Mr. Laurencel to me at my house on the evening of the 12th.

Ques. 176.—Then I understand you to say now that on the day previous to your visit to Martinez and Narvaez with Laurencel, Mr. Laurencel did not visit you twice?

Ans. 176.—I think I have stated that he visited me once on that day; I still think he visited me only once that day.

Ques. 177.—You have replied as follows to question 127, cross examination: "I mean to say that I saw Mr. Laurencel twice the same day; the first time in the course of the forenoon;" and when asked in question 128, cross examination, where you saw him, Mr. Laurencel, the first time that day, you replied, "I think I have already stated that I saw him at my own residence." You are next asked the following, question 129, cross examination: "Then I understand you to say that on the day previous to that of your visit to Martinez and Narvaez, Mr. Laurencel had visited you at your house at Santa Clara twice, once in the forenoon and again in the afternoon, between 4 and 6 oclock, and that it was on the occasion of the last visit he made the appointment with you to visit Martinez and Narvaez; am I correct?" To which you replied, "you are correct." How do you reconcile those answers of yours with your last answer?

Ans. 177.—It is true that I stated that Mr. Laurencel had visited me twice; the visit on the first day alluded to I considered one visit, and the second visit was on the day I accompanied him to the Guadalupe mine.

Ques. 178.—Is that the only explanation you have to make?

Ans. 178.—And in this sense I assented yesterday to the question propounded to me by Mr. Peachy in regard to the number of visits being four up to and including the time of my accompanying the U. S. Marshal and Mr. Laurencel to this city.

Ques. 179.—You have said in your answer to question 174, cross examination, "in order to remove all misapprehension that I now observe a mistake in the word *day*, in question No. 147, cross examination, which should read *days;* the word *day* which should be altered to *days*, occurs in that part of the question which reads as follows: 'two of which were his two visits to you on the *day* previous to your visits to Narvaez and Martinez,'" you mean by that, do you not, that Laurencel, after the 1st July, visited you on the day previous to your visit to Narvaez and Martinez, and on some prior day?

Ans. 179.—I do not; I mean to say that the alterations alluded to in the word *day* is proper in order to explain that prior to the 12th July Mr. Laurencel had visited me twice, and that I considered that although he was at my house twice on the first day, I considered it one visit.

Ques. 180.—On what *days* previous to your visit to Narvaez and Martinez, and after the first July, had Mr. Laurencel visited you?

Ans. 180.—On the days I have already testified to; the day before that visit, and on the day on which that visit was made.

Ques. 181.—You have altered to suit yourself your answer to question 147, cross examination, so as to make your answer read, that two of Mr. Laurencel's visits to you were on the *days* instead of the *day* previous to your visit to Narvaez and Martinez, and in your last answer you make a still further correction by considering one of those days to be the day itself on which you make the visit to Martinez and Narvaez; do you think you can properly consider that day as previous to itself? Please explain this.

Ans. 181.—I did not pretend to state that the day was previous to itself; but I do insist upon the fact that Mr. Laurencel did visit me twice before I accompanied him to see those parties, and that his last visit to me was prior to my so accompanying him.

Ques. 182.—You first change the word day into days, and then you change two visits into one visit, so that I cannot understand you exactly. In your last answer you insist with emphasis upon the fact that previous to the day of your visit to Narvaez and Martinez, Laurencel had visited you twice. In your answer to question 176, cross examination, you say, "I think I have stated that Laurencel visited me once on that day; I still think he visited me only once that day," meaning the day previous to the day of your visit to Martinez and Narvaez. How do you reconcile this with your last answer ?

Ans. 182.—All that I have to say on that subject is, that I did not mean to say that Mr. Laurencel had visited me twice previous to that day; that I considered he had made me but one visit on the day previous to my accompanying him to see those parties, and another on the morning of the day on which I so accompanied him.

Ques. 183.—In your answer to No. 86, cross examination, to the question, " How often you had seen Mr. Laurencel, or any agent of his, between the 1st and 13th July," you say that you saw Mr. Laurencel twice within that period, once when the subpoena was served upon you, which was the evening of the 12th July, and once before that time. In answer to subsequent questions you say that you saw Mr. Laurencel at your house twice on the day previous to your visit to Martinez and Narvaez, and afterwards on the day of those visits. How do you reconcile these last answers to answer No. 86 ?

Ans. 183.—My answer is correct ; I stated that before the service of the subpoena upon me I had seen Mr. Laurencel twice, alluding to the occasions of his two visits to me which I have already explained, and if I have stated that I saw him on two occasions on one of those visits, it was in order to show my willingness to give the counsel all the information de desired to obtain on the subject.

Ques. 184.—In your answer No. 86, cross examination, you say that between the 1st and 13th July you saw Mr. Laurencel twice, and you specify in that answer the two occasions on which you saw him, and you declare one of those occasions to have been the time of the service of the subpoena on you, and the other to have been sometime previous to that service. I cannot see how your answer 86 agrees with your subsequent answers as to the time at which you saw Mr. Laurencel. Have you no further explanation to make ?

Ans. 184.—I regret that the gentleman finds so much difficulty in comprehending my answers. I will state in further explanation that my answer No. 86 is still correct, for I therein stated that I had seen Mr. Laurencel twice, or upon two occasions, once upen the occasion of his visits to me with regard to my accompanying him to the Guadalupe mine, and once on the occasion of my being served with a subpoena by the Marshal. I did not mean to recapitulate with regard to that first occasion the number of times that Mr. Laurencel had spoken to me, but simply that I had seen him on those two occasions, the occasion of the presentation of the subpoena to me, and upon the occasion of his coming to see me on matters of business.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 21, 1858, at 11 A. M.

*San Francisco*, *July* 21, 1858.

Cross examination of James Alexander Forbes, a witness produced on behalf of the United States this day continued.

Present:—U. S. District Attorney and E. Randolph for United States; A. C. Peachy for claimant.

Question 185.—Am I to understand you as saying in your last answer on yesterday's examination, that when, in answer to question 86, cross examination, you said you had seen Mr. Laurencel after the 1st July only once before the subpoena was served upon you on the 12th July, you intended that *once* to comprehend, first, his visit to you at your residence in Santa Clara, in the forenoon of the day previous to the day on which you visited Narvaez and Martinez; second, his visit to you at your residence on the afternoon of the same day, and thirdly, his visit to you on the day when you accompanied him to see Narvaez and Martinez, on which day it appears from your testimony you were in Mr. Laurencel's company from half past nine o'clock in the morning till half past four or five o'clock in the afternoon?

Answer 185.—During the last three days I have endeavored to answer satisfactorily the questions propounded to me by the counsel for the claimant. In answer to the question now put to me, I now state that I am unable to give any further explanation of this matter than that given in my last answer yesterday, and in those answers which preceded it.

(Question and answer objected to as irrelevant and uselessly encumbering the record, and the counsel for the U. S. now offers to admit that Mr. Laurencel within that time referred to in the repeated questions of the counsel for the claimant, made four visits to Mr. Forbes, or that he made only one visit, or two visits, which included four calls or interviews at short intervals, just as the counsel for claimant may prefer to have it stated.)

Question 186.—If, in answer to question 86, you *did* use the word "once" in such a comprehensive and unusual sense, do you not think your language was calculated to conceal and falsify the true nature, extent, and frequency of your intercourse with Mr. Laurencel just before the production of this copy of the lost original, instead of exposing that intercourse fully, as you have frequently expressed your willingness to do during the course of this examination?

Answer 186.—I do not for a moment entertain such an opinion; and I repeat that I have had no intention whatever to conceal anything in the matter.

(Counsel for the U. S. renews his objection to wasting any more time upon the subject of Mr. Laurencel's intercourse with the witness on the occasion referred to.)

Question 187.—Is this the same Mr. Laurencel who paid you $20,000 for the use of the letters and documents which were proven by you on your examination begun on the 14th Dec. 1857, and at whose instance, or that of his attorney, after he had made that purchase from you, you gave your evidence in the case of Charles Fossat vs. the U. S.?

(The counsel for U. S. admits that this Mr. Laurencel is the man intended to be designated in the foregoing question.)

(The counsel for the claimant insists upon the witness answering.)

Answer 187.—I wish to state that I did not refuse to answer this question, and that I do answer it affirmatively.

Question 188.—Mr. Laurencel is largely interested in the Fossat claim, is he not? and is endeavoring to make his claim include the Almaden mine, is he not?

(Counsel for U. S. admits that Mr. Laurencel is owner of one half of the Fossat claim, and claims in his boundaries to include the New Almaden mine, as appears by the records of this court, as is well known by the counsel for claimant.)

(Counsel for claimant objects to this course of proceeding on the part of the Attorney for the U. S., upon the ground that these admissions are palpable directions or guides to the witness as to the mode in which the question may be answered; and the counsel for the claimant in this cross examination is not seeking for, nor does he desire the Attorney for the U. S. to make admissions. He is now cross examining this witness under circumstances which entitle him not to be interfered with by the Attorney for U. S. in the conduct of that cross examination.)

(The counsel for the U. S. wishes to interfere no further than to concede the points which the counsel for the claimant seeks to establish by his questions on this cross examination, and so to abridge the great prolixity of the examination.)

Answer 188.—I never knew until a few moments since the extent of Mr. Laurencel's interest in the Fossat claim. The legal proceedings which have taken place in that case show that he so claims it.

Question 189.—He is largely interested in defeating the Castillero claim to the Almaden mine, is he not?

Answer 189.—I do not know to what extent he may be interested in defeating it.

Question 190.—When did Mr. Laurencel first know of the existence of Alex. Forbes' letter of the 28th March, 1848, which you say was stolen from you?

Answer 190.—I do not recollect the exact date on which I informed him of that letter.

Question 191.—I did not ask you for the exact date; state about what time.

Answer 191.—I showed Mr. Laurencel a copy of that letter after the 1st day of this July.

Questian 192.—Where did you show it to him?

Answer 192.—At my own house.

Question 193.—Why did you not show him the original?

Answer 193.—Because I did not have it in my possession.

Question 194.—In whose possession was it?

Answer 194.—I am unable to say. I have already said that letter was stolen from me on the 30th June.

Question 195.—Do you not remember that you were examined in this case on the 30th June; where was the original letter on that day?

Answer 195.—I certainly do remember I was examined on that day. The letter was then in my possession.

Question 196·—Was it on your person at the time of giving your testimony on that day?

Answer 196.—It was.

Question 197.—While you were selling to Mr. Laurencel certain documents for a pecuniary consideration, the value of which depended upon their effect as proofs of fraud in this claim, why did you not, for the purpose of enhancing the value of the evidence which Mr. Laurencel bought from you, include this original letter among those you sold; might you not thereby have procured a larger price from Mr. Laurencel?

Answer 197.—I have already stated that I sold no documents to Mr. Laurencel, but that he paid me for a specific use of those papers, and if this letter had been then in my possession, or rather accessible to me, I would have presented it with the others; but it had been mislaid, and I had forgotten where I had put it.

Question 198.—You would have presented it to whom?

Ansʍer 198.—I would have presented it, or would have included it with the other papers which I had agreed should be used, as above stated, by Mr. Laurencel.

Question 199.—While you were making selections from your correspondence for Mr. Laurencel's inspection and for sale, did it occur

Q. 209.—What right would he have had to require ocular proof of the existence of that letter; and what reason would he have had to doubt the truth of your story about it?

A. 209.—Under the supposition that I had stated to Mr. Laurencel that I had such a letter in my possession, and if I had offered to allow him to have the use of that letter, I think he would have had a right to have asked for the inspection of it. I did not state that I related any story to Mr. Laurencel with regard to that letter, nor upon any other matter.

Q. 210.—When did you make the copy of that letter which is annexed to Robert Birnie's deposition?

A. 210.—I do not know what letter is exhibited to that deposition, please explain.

Q. 211.—It is that written instrument in your handwriting, which you have declared in that deposition to be a copy of Alex. Forbes' letter to you, dated Monterey, 28th March, 1848.

A. 211.—I do not recollect the exact day in which I made that copy. Somewhere about the beginning of June or end of May, I think.

Q. 212.—Whom did you first tell of the loss of that letter, and when?

A. 212.—On my return from San Francisco to my residence, I mentioned it to members of my family, viz: to my wife and eldest daughter.

Q. 213.—At what hour, on the 29th June, did you leave Santa Clara for San Francisco?

A. 213.—About half-past seven o'clock.

Q. 214.—By what conveyance did you come?

A. 214.—By the mail stage.

Q. 215.—At what hour did you reach San Francisco?

A. 215.—About half-past three.

Q. 216.—Where did you put up?

A. 216.—At the Railroad House.

Q. 217.—Who came with you from Santa Clara?

A. 217.—Twenty-six passengers; among whom was the U. S. Marshal, who had served me with a subpena.

Q. 218.—What baggage did you bring?

A. 218.—One carpet-bag, containing my shaving apparatus and change of linen.

Q. 219.—At what hour did you register your name at the Railroad House?

A. 219.—At the hour at which I arrived there.

Q. 220.—What hour was that?

A. 220.—Perhaps it might have been twenty minutes to four. 1 proceeded there as soon as I arrived, which I have said was about half-past three.

Q. 221.—How long after you registered your name before you saw Robert Birnie?

A. 221.—About five minutes, or ten.

Q. 222.—Was he expecting you at that time?

A. 222.—I presume he was.

Q. 223.—Did you expect him?

A. 223.—I did; I had requested him to meet me there. I had sent a telegraphic dispatch to him on the 28th, the preceding morning, on which I had been subpenaed.

Q. 224.—Did you bring with you from Santa Clara Alex. Forbes' letter of 28th March, 1848? I mean the original.

A. 224.—I did.

Q. 225.—Did you bring it on your person, or in your carpet-bag?

A. 225.—In my carpet-bag.

Q. 226.—Where was your carpet-bag on the stage?

A. 226.—Beneath my feet, in my own sight.

Q. 227.—After you reached the hotel when did you first take that original out of your carpet-bag?

A. 227.—On the evening of the same day.

Q. 228.—At about what hour, and for what purpose?

A. 228.—It was before dark, and for the purpose of showing it to Mr. Birnie.

Q. 229.—How long was Mr. Birnie engaged in examining it?

A. 229.—Sufficiently long for him to read it.

Q. 230.—And to commit it to memory?

A. 230.—I presume he committed to memory the important part in that letter. I wish to state that Mr. Birnie had been soliciting from me, for a long time previous, copies of letters or documents prejudicial to the claim of New Almaden, that might be in my possession; he having told me that he was employed for that object.

Q. 231.—After Birnie had read this letter, what did he do with it?

A. 231.—Returned it to me.

Q. 232.—And what did you do with it?

A. 232.—I put it in my pocket.

Q. 233.—How long did you keep it there?

A. 233.—I kept it there until I went to bed.

Q. 234.—How long after Birnie returned it to you before you went to bed?

A. 234.—I went to bed very soon after eight o'clock.

Q. 235.—After Birnie returned you the letter, did you go out of the hotel before you went to bed?

A. 235.—I think I walked up to a book-stand, a short distance up Commercial Street, immediately after Birnie perused the letter.

Q. 236.—Before going to bed, did you take the letter out of your pocket, and lock it up in your carpet-bag?

A. 236.—I took it out of my pocket and put it under my pillow.

Q. 237.—On the 30th June, where was that letter from the time you left your room in the morning until you allowed Birnie to make a copy of it?

A. 237.—On my own person.

Q. 238.—After Birnie had made the copy and handed back the letter to you, you say you locked it up in your carpet-bag; at what hour was this?

A. 238.—I have not so stated on this cross-examination. I said in my statement that I had locked it up in my carpet-bag. As soon as Mr. Birnie handed me the original, from which he had taken a copy, I put that original back in my pocket.

Q. 239.—Where were you when you put the letter in your pocket?

A. 239.—In my room at the Railroad House.

Q. 240.—How long did you stay in the room after you put the letter in your pocket?

A. 240.—I do not exactly recollect how long I remained in the room, but I remained in the house till about a quarter past nine, at which time I left my room and went below in the dining saloon for the purpose of getting a cup of tea. I found the chairs and tables piled up in that dining room, and that I could not get what I wanted. I returned to my room and deposited that letter in my carpet-bag. I came down stairs again after locking my room; I proceeded to Montgomery Street, to a German coffee-house, where I obtained the refreshment I required, and immediately thereupon returned to my lodgings for the purpose of retiring to rest. On examining my carpet-bag, I found that that letter was missing. I then went to bed.

Q. 241.—What time elapsed after leaving the hotel before you went to bed?

A. 241.—Probably an hour.

Q. 242.—Did you go out of your room again that night?

A. 242.—I did not.

Q. 243.—Was any person in your room after you returned to it, before you went to bed?

A. 243.—There was no person.

Q. 244.—At what hour did you come out of your room next morning?

A. 244.—I think it was about half-past six.

Q. 245.—After you arose that morning, and before you left your room, was there no person in your room?

A. 245.—There was none.

Q. 246.—Do I understand you to say that from the time you entered your room, about ten o'clock, on the night of the 3d June, you saw no person until you left your room next morning?

A. 246.—I so state.

Q. 247.—Did you leave San Francisco on the morning of 1st July, if yea, state at what hour and by what conveyance?

A. 247.—I left at nine o'clock on the steamer Sophie.

Q. 248.—After you left your room on the morning of the 1st July, did you see Robert Birnie on that day?

A. 248.—I did not.

Q. 249.—Where were you from the time you left your room that morning until you went on board the steamer Sophie?

A. 249.—I remained at the hotel.

Q. 250.—Did you complain to any one of the theft which had been committed?

A. 250.—I did state to the landlord of the hotel that an important paper had been purloined from me, without specifying what that paper was.

Q. 251.—Was that statement made before or after breakfast on the morning of the 1st July?

A. 251.—I think it was about the time of my going into breakfast.

Q. 252.—Was it not after you came from breakfast and while you were paying your bill?

A. 252.—No; I think it was when I went in to breakfast. It is possible the subject might have been touched upon again when I was paying my bill.

Q. 253.—How long after you left your room before you went to breakfast?

A. 253.—Perhaps I might have gone to breakfast quarter-past eight.

Q. 254.—Where were you during that interval?

A. 254.—I remained in the hotel; was a short time in the barber's shop reading the papers.

Q. 255.—Did you seek Robert Birnie that morning?

A. 255.—I did not.

Q. 256.—Was Robert Birnie in your chamber when you put that letter in your carpet-bag?

A. 256.—He was not.

Q. 257.—When you took the letter out of your carpet-bag, on the evening of the 29th June to show it to Robert Birnie, did he see you take it out of the bag?

A. 257.—He did not.

Q. 258.—Where was he when you took it out of the bag?

A. 258.—He was below stairs in the saloon.

Q. 259.—Was it in the saloon he read the letter?

A. 259.—It was.

Q. 260.—Did you go to your room for the purpose of getting that letter to show to Birnie?

A. 260.—Birnie was below stairs when I passed up to my room a short time after my arrival, at which time I took the letter from the carpet-bag.

Q. 261.—Did you dine at the Railroad House after your arrival?

A. 261.—I did.

Q. 262.—Did Birnie dine there at the same time with you?

A. 262.—I do not recollect whether he did or not.

Q. 263.—Was it before or after dinner you showed Birnie this letter?

A. 253.—I think it was before dinner.

Q. 264.—When you left Birnie to go to your chamber to get this letter for the purpose of showing it to him, had you agreed to let him see it?

A. 264.—I had not.

Q. 265.—Had you mentioned to him its existence?

A. 265.—In the conversation I had with Mr. Birnie, upon that occasion, I had mentioned to him that I could not comprehend the reason why I had been subpenaed on the part of the claimant in this case; asking him, at the same time, if he knew. He replied that he did not, but that he would endeavor to obtain information upon that point; and accordingly he went away, and after a short absence he returned to me and stated to me that he had asked Mr. Barron the cause of my being so subpenaed. He then urged upon me to let him see any document that I might have, prejudicial to the mine of Almaden, that he felt himself in a disagreeable position with the agents of the mine, who had employed him, and who thought that his representations that I so had some document or other, were unfounded. I replied to him that I would give him ocular proof of the existence of such a document, and thereupon I showed him the letter. I omitted to state that Birnie told me that Mr. Barron had informed him that I was called to prove certain letters or papers which would be exhibited to me in court.

Q. 266.—Please answer the preceding question.

A. 266.—I had mentioned the existence of that document to Mr. Birnie for months previous to my coming to San Francisco upon that occasion, without specifying its contents.

Q. 267.—I understand you then to say that several months previous to your coming to San Francisco on that occasion, you told Birnie that you were in possession of a letter addressed to you and written by Alex. Forbes. Am I correct?

A. 267.—You are incorrect. I never told Birnie the nature of any paper in my possession, nor did I even mention to him whether it was a letter or not.

Q. 268.—What do you mean then by saying in your Answer 266, cross-examination, that several months previous to that occasion you had mentioned to Birnie the existence of that document, referring to Alex. Forbes' letter of 28th March, 1848, but that you had not specified its contents to him?

A. 268.—I did not say that I had mentioned to Birnie that I had a document, referring to that letter; and perhaps it would have been more proper for me to have used in place of the word "nature," in my last answer, the words "specific contents." I merely stated to Mr. Birnie, at the different times of his applications to me that I had a document that I meant to present the U. S. Court when I thought proper.

Q. 269.—Did you tell Birnie on that or on any other occasion, what bearing that document would have on this claim?

A. 269.—I do not recollect of having stated to Mr. Birnie anything specific with regard to its bearing on the title of the claimants in this case, other than it would corroborate matters set forth in a part of the correspondence which had already been made public.

Q. 270.—Did you tell Birnie what part of that correspondence it would corroborate?

A. 270.—I did not state to him anything specifically.

Q. 271.—In the preceding question I did not ask you to state anything specifically. Consider the question directed to what you told Birnie on the subject, either generally or specifically, and with that understanding, answer it.

A. 271.—I repeat my Answer 269, cross-examination.

Q. 272.—That answer is not satisfactory; it does not respond to the question. I repeat Question 271.

A. 272.—I merely stated to him that that document would corroborate matters contained in a part of the correspondence which had already been made public.

Q. 273.—That answer is unsatisfactory. It does not respond to the question.

A. 273.—I am unable to comprehend the question so as to answer it in any other manner than as shown by my answers.

Q. 274.—Then I understand you to say that you did not tell Birnie what part of that correspondence the document in your possession would corroborate.

A. 274.—I did not particlarize any part of that correspondence to Birnie.

Q. 275.—Although you did not particularize any part of that correspondence to Birnie, will you have the kindness to tell me now what part of it you had in your mind when you made these statements to Birnie?

A. 275.—I cannot state that I had any particular part of it in my mind.

Q. 276.—What was it then which the document in your possession was to corroborate?

A. 276.—It was to corroborate the fact that in a part of that correspondence there appears that something was wrong with regard to the title of New Almaden.

Q. 277.—In what part of that correspondence does it appear that something is wrong in the title?

[Question objected to because the correspondence referred to is already in evidence in this case and speaks for itself, and the question seeks only the opinion of the witness, which is not admissible in evidence for any purpose.]

A. 277.—In different parts.

Q. 278.—I now request you to answer specifically, so far at least as to enumerate some particular parts.

A. 278.—My memory does not serve me with sufficient correctness to enable me to enumerate specifically the parts asked for by counsel.

Q. 279.—Can you not state one single part of that correspondence which that document would corroborate?

A. 279.—I can state some of that correspondence, but not specifically, nor with the precision the counsel requires.

Q. 280.—Well, then, state it in your own way.

A. 280.—I should be unable to state it more than in general terms.

Q. 281.—Then state it in general terms.

A. 281.—Then I state it generally by referring to that correspondence itself.

Q. 282.—Have you nothing more to say in answer to the last question?

A. 282.—I have not.

JAS. ALEX. FORBES.

Adjourned until to-morrow, 22d instant, 11 A. M.

JNO. B. WILLIAMS.

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SAN FRANCISCO, July 22, 1858.

CROSS-EXAMINATION OF J. A. FORBES, THIS DAY CONTINUED.

Present: U. S. Attorney by E. Randolph; A. C. Peachy, for claimant.

Q. 283.—When you returned to your room on the night of 30th June, did you find your door locked?

A. 283.—I did.

Q. 284.—When you left your room that night to go to the coffee house, did you take the key of your room with you, or did you leave it at the office of the hotel?

A. 284.—I took it with me.

Q. 285.—When you discovered that the letter was lost, did you find the lock of your carpet-bag broken?

A. 285.—I did not.

Q. 286.—Was it locked?

A. 286.—It was.

Q. 287.—Why did you not immediately make known to the landlord the theft which had been committed? Why did you not call upon him that night, as soon as you discovered the theft, and take steps to recover the document, or to ascertain who had taken it?

A. 287.—Owing to the late hour of night, and my belief that it would have been impossible to ascertain who had taken the letter, I did not take any steps that night to obtain any trace of that letter or the person who had taken it.

Q. 288.—Did you take any steps the next morning to ascertain who had taken it?

A. 288.—I did not.

Q. 289.—Have you ever taken any steps to ascertain who had taken that document, or to recover it?

A. 289.—Believing that any steps towards that object would be fruitless, I have not taken any.

Q. 290.—What was the number of the room you occupied when this document was taken?

A. 290.—No. 44—one of a suite of rooms on the third floor.

Q. 291.—When you arrived at the Railroad House on the 13th inst., did you register your name?

A. 291.—I did not arrive there on the 13th inst.

Q. 292.—When you arrived there on the 14th inst. did you register your name?

A. 292.—I did not.

Q. 293.—The landlord requested you to register you name, did he not; to which you replied, no, you preferred not to do it, adding, "I believe I am watched; you know I am the man who had papers stolen from me when I was last here." Is that not so?

A. 293.—When I arrived at the hotel, the landlord presented me with the pen, with the view that I should register my name. I mentioned to him that upon other occasions I had been watched there, and that at that time I did not wish to be annoyed as I had been hitherto. I requested him to take a note of the time of my arrival, which he did. I do not recollect of having mentioned to him at that time that I was the person from whom the papers had been robbed; yet it is possible that I may have mentioned it.

Q. 294.—Having been watched at that hotel on other occasions, why did you continue to put up there, and especially when you had this valuable letter with you?

A. 294.—I had for a long time been accustomed to put up at that house. I had no valuable letter or document in my possession at that time.

Q. 295.—I intended my question to refer to your putting up there on the 29th of June. With this understanding, answer the question.

A. 295.—I stopped there on the 29th of June because I thought I would be safe there, although I had been watched there on a former occasion. I consider the reputation of the house good.

Q. 296.—In your answer to Question 293, cross-examination, you say you stated to the landlord that you had been watched on other occasions. In your last answer you say you had been watched on a previous occasion. Am I to understand you to say that you have been watched only on one occasion, or on more than one occasion?

A. 296.—It is true that I told the landlord that I believed I had been watched on previous occasions; and referring to my answer as to my arrival there on the 29th of June, I said that I had been watched on a previous occasion.

Q. 297.—If you had been watched on previous occasions at that house, would it not have been prudent for you to have gone elsewhere, especially while you had with you such a valuable document as the letter of the 28th of March, 1848, while admitting that the Railroad Hotel is a very reputable house?

A. 297.—Perhaps it might have been more prudent.

Q. 298.—Would it not also have been more prudent and more natural for you to have taken steps to recover this lost document?

A. 298.—No, sir; because I was convinced that that document was forever lost to me.

Q. 299.—Why did you not take steps to ascertain who had robbed you of that document; for although you might have felt convinced that the document was destroyed and lost to you forever, would there not have been some satisfaction in ascertaining who had stolen it?

A. 299.—I have already stated that I considered it fruitless for me to attempt to ascertain or find out who the person was that took it; yet it would be very satisfactory to come at the knowledge of the person who took it, or who may have it, or who destroyed it.

Q. 300.—Why would such an attempt have been more fruitless for you than for any other person?

A. 300.—I did not state that it would have been more fruitless for me to make such an investigation than it would for any other person.

Q. 301.—What was there so peculiar about the circumstances of this alleged robbery, as to render all attempts to recover the document, or to ascertain who had stolen it, so utterly hopeless that you would not undertake it yourself nor suggest to the U.S. District Attorney, or to Mr. Laurencel, the propriety of doing so? Why, at least, did you not inform the U.S. District Attorney, or Mr. Laurencel, of the fact that this robbery had been committed, making known to them the contents of the stolen instrument, and leaving to their discretion the course proper to be pursued?

A. 301.—From the adroit manner in which that paper was taken, and my knowledge that it was only interesting to certain parties, I believed that any efforts on my part to recover it, or ascertain who had taken it, would be entirely fruitless. I did not take any steps for its recovery. My affairs required my presence at home, whither I proceeded, and as soon after as I thought proper I sent a copy of that letter to the U. S. District Attorney, communicating to him the fact of its robbery, and when it was effected.

Q. 302.—You reached home on the 1st July, did you not? How long was it after that before you thought proper to send the District Attorney a copy of the stolen letter, with an account of its loss?

A. 302.—As far as my recollection serves me, I think it was five or six days.

Q. 303.—By what means did you communicate with the District Attorney?

A. 303.—By sending him a message by Mr. Laurencel, with a copy of the letter above spoken of.

Q. 304.—How did you communicate with Mr. Laurencel?

A. 304.—I had a personal interview with him on one of the occasions to which I have testified.

Q. 305.—On which of those occasions?

A. 305.—On the first.

Q. 306.—That is to say, on the occasion of his visit to you in the forenoon of the day previous to that on which you visited Narvaez and Martinez. Am I correct?

A. 306.—Not exactly. I do not wish to jumble up those occasions again. It was on the occasion of the first visit, or the visit prior to the 12th of July.

Q. 307.—As it suits your purpose, in the latter part of this cross-examination, to regard it as impossible for one person to pay another two visits on the same day, or three visits on two days, please to state at what time in Mr. Laurencel's visit to you, which began on the forenoon of one day and was resumed in the afternoon of that day, and was taken up again the next morning at half-past nine, A. M., and continued from that hour until half-past four or five, P. M., was it, that you gave him the message to the District Attorney.

A. 307.—I wish to state that, throughout this whole examination, my wish and also my intention has been to answer freely and fairly every question propounded to me. I state in answer to the question now propounded to me, that I encharged Mr. Laurencel with the message to the U. S. District Attorney and the copy of the letter referred to, at the time last specified in the question.

Q. 308.—That is to say, on the day of your visit to Narvaez and Martinez. Am I correct?

A. 308.—I answer affirmatively.

Q. 309.—In your answer to Question 301, cross-examination, you state two reasons for your belief that any efforts to recover the stolen paper, or to ascertain who had taken it, would be entirely fruitless, viz: First, the adroit manner in which that paper was taken, and, second, your knowledge that it was interesting only to certain parties. Please to state what there was so peculiarly adroit as to render hopeless all efforts to recover the paper or to find out who had taken it.

A. 309.—I have stated that the paper was taken in an adroit manner, because it was so taken as I have already stated, and therefore that I did consider, and do still consider, it entirely fruitless to obtain a knowledge of the person who took it.

Q. 310.—Do you not suppose that that robbery was committed by some person who entered your room through the door entering into the passage?

A. 310.—It is impossible for me to know whether my room was entered by the door which leads to it from the passage, or whether an entrance was effected by the window. It is proper for me to explain that the room which I occupied on the occasion referred to, is one of a suite of rooms on that side of the building; that in that suite of rooms, those numbered from 43 to 48, both inclusive, have each a window on the western side, and beneath those windows, at a distance of about three feet, is a terraced roof of the adjoining building, rendering all those rooms accessible by those windows, which have sashes opening like doors, with a catch in the middle.

Q. 311.—When you entered your room, did you find your window open?

A. 311.—I did not.

Q. 312.—Did you examine the window after you found that the theft had been committed, to see whether or not it was fastened?

A. 312.—I did.

Q. 313.—What did you find out about it?

A. 313.—I found it shut. It has a spring bolt, which was shut.

Q. 314.—Describe, if you please, the fastenings on the windows.

A. 314.—As far as my recollection serves, I think there is a small bolt low down on one sash near the sill, and on the other is a small horizontal spring catch.

Q. 315.—Does the first described fasten one sash to the sill?

A. 315.—I believe it does.

Q. 316.—Does the spring bolt on the other sash fasten that to the first?

A. 316.—I believe it does, also.

Q. 317.—That spring bolt is how far from the sill?

A. 317.—From two to three feet. I never measured the distance.

Q. 318.—How far is the sill of the window from the floor?

A. 318.—I think about two feet. I omitted to state, with regard to the adjoining roof, that there is a parapet to it immediately adjoining the hotel building.

Q. 319.—When you examined this window, on ascertaining the theft, did you find one sash fastened to the sill by the bolt, and the other sash fastened to the first sash by the spring bolt?

A. 319.—I did.

Q. 320.—On leaving your room when you went to the coffee house, did you notice whether the sashes of your window were bolted?

A. 320.—I did.

Q. 321.—Were they bolted?

A. 321.—They were.

Q. 322.—Could a person enter your room through your window, under those circumstances, without breaking the glass or the bolts?

A. 322.—I am not able to state whether that identical one could be so opened; but some of the windows in that suite of rooms, and which I have occupied, have been oftentimes blown open, when so shut, by the force of the wind, which blows directly on that side of the building in which those windows are situated?

Q. 323.—Did you try the experiment on that window?

A. 323.—I did not.

Q. 324.—Would it not have been natural, under the circumstances, for you to have satisfied yourself whether the person who stole this document entered your room through the window or the door, or at least to have endeavored to ascertain how the entrance was effected?

A. 324.—Certainly it was natural, and I examined to find out as far as I could; I found the door and window shut as I have already stated.

Q. 325.—By pulling at the sash which had the spring bolt attached to it, might you not easily have ascertained whether a person from the outside could have opened that sash by pushing?

A. 325.—All those sashes open very easily from the inside, by touching the spring bolt. I could not have ascertained whether that sash could be easily opened from the outside without going out on the parapet to try it.

Q. 326.—Could you not inside your room have taken hold on to some part of that sash without touching the spring bolt, and by pulling at it have ascertained whether that sash could have been opened by some one pushing from the outside, without breaking the bolt or its catch?

A. 326.—I could not, because it must be quite evident that the force exerted in the manner expressed in the question would be far less than that which could be exerted on the outside of the window. It is true that I might have ascertained by the exercise of some force inside of the room, whether that window could be opened by a small pressure on the outside.

Q. 327.—Does that spring bolt catch by slamming the sash?

A. 327.—It catches when the two sashes are joined or rather closed, and the spring catches easily.

Q. 328.—Your second reason for supposing that any search for the stolen document or for the person who stole it would be fruitless, was your knowledge that it was interesting only to certain parties—do you not consider on reflection that that circumstance would afford a clue for the detection of the person who stole the document rather than place an insurmountable obstacle in the way of finding him out?

A. 328.—I do not.

Q. 328½.—Would it not direct a person endeavoring to find out the robber to certain persons particularly?

A. 328½.—I think not.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 23d, 1858, at 11 A. M.

SAN FRANCISCO, July 23d, 1858.

## CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: United States Attorney by E. Randolph, Esq.; A. C. Peachy, Esq. for Claimant.

Q. 329.—When did the negotiation between you and Alexander Forbes, which led to the letter of the 28th March, 1848, begin?

A. 329.—Sometime before his departure from Almaden.

Q. 330.—When did the departure, to which you refer, take place?

A. 330.—Some time in the month of March, 1848.

Q. 331.—About how long before he left Almaden did this negotiation begin?

A. 331.—I do not recollect.

Q. 332.—While he was at Almaden what offer did he make you for your shares, or for those of the Robles', whose agent you were, or for both?

A. 332.—I do not recollect that he made me any specific offer for those shares.

Q. 333.—What then in the nature of a negotiation passed between you at that time?

A. 333.—I do not know that there was anything in the nature of a negotiation, other than that I should authorize him to represent those shares in the company that he was desirous of forming for working the mine or for disposing of it. There was a manifestation on his part, though very indefinite, to purchase those shares.

Q. 334.—When did he first make you an offer for those shares, and what was that offer?

A. 334.—The first offer that he made was through Mr. Walkinshaw and Don Manuel Diaz. I received that offer after his departure from California; the price offered me, to the best of my recollection, was $3,000 per share, payable in Mexico.

Q. 336.—What then passed between Mr. Forbes and yourself about this matter while he was at Monterey in March, 1848?

A. 336.—A short time after his departure in that month from Almaden, by his own invitation I met him at Monterey, where some conversation passed between us on the subject of my selling those shares to him. We could not agree with regard to the terms, and nothing was done in the matter, other than my statement to him of the price that I would take, to which he agreed to reply before he left.

Q. 337.—What time in March, 1848 were you in Monterey, and how long did you remain there?

A. 337.—I do not recollect the day of my arrival there. I left there towards the latter part of that month.

Q. 338.—On what day did Alexander Forbes take his departure from Monterey for Mexico?

A. 338.—I do not know.

Q. 339.—About how long after the 28th March, 1848?

A. 339.—I do not know.

Q. 340.—In what vessel did he go?

A. 340.—I am not certain whether he went in the schooner "William," or the ship "Admittance." Well, I may say I don't know—I would rather state I don't know. I don't know whether the ship "Admittance" was there at that time.

Q. 341.—How long after you left Monterey was it before Mr. Forbes replied to your offer, as you have said in answer to Question 326, he promised to do?

A. 341.—I do not recollect.

Q. 342.—Did he ever reply to it?

A. 342.—The reply that he made to me in relation to that matter was contained in his letter to me, dated 28th March, 1848, and in accordance with that statement Mr. Walkinshaw and Don Manuel Diaz visited me, and I think the latter named person made me the offer I have above stated.

Q. 343.—Where were you when you received the letter of the 28th March, 1848?

A. 343.—I am not certain whether I was at the hacienda or the mine of Almaden, or at my residence in Santa Clara.

Q. 344.—Did you reply to that letter?

A. 344.—I did not reply to that; but I had written letters to Mr. Forbes at Monterey, previous to that date.

Q. 345.—When did you write them; before you went there or after you returned?

A. 345.—I think it was after I returned from there; I am not certain.

Q. 346.—Have you copies of those letters of yours?

A. 346.—I hardly think I have, and yet it is possible that I may have.

Q. 347.—Did you receive letters from Mr. Forbes in reply?

A. 347.—I am not certain whether I received any from Monterey, other than that dated 28th March.

Q. 348.—Have you not recently, in examining your correspondence with Alexander Forbes during the years 1846, 1847, 1848, 1849, 1850, had occasion to look at and read all the letters received by you from Alexander Forbes during those years, and especially such of those letters as related to this negotiation between you. If you had seen in that correspondence any letters written by Alexander Forbes in March, 1848, would you not now remember the fact?

A. 348.—I have not stated that I have had a recent examination of any correspondence between Alexander Forbes and myself; I repeat that I don't recollect.

Q. 349.—Have you not recently examined your correspondence with Alexander Forbes, for any one or more of the years specified in the preceding question? and if you have examined your correspondence with him for the year 1848, is it not singular that you cannot now remember whether you have any letters from him written in the month of March, 1848?

A. 349.—I have not made any recent examination of any of that correspondence. With the exception of a few notes written to me by him from Almaden, and two or three letters from Monterey, I had had no correspondence with him up to, and a short time after, his departure from that place.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 24th, 1858, at 11, A. M.

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SAN FRANCISCO, July, 24.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, the U. S. District Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 350.—How long since you examined your correspondence with Alexander Forbes, during the years 1847, '48, '49, or thereabouts?

A. 350.—Several months since, I do not recollect the exact time.

Q. 351.—If you had made an examination so lately, is it not singular that you cannot remember whether you have any letters from Alexander Forbes, written in the month of March, 1848?

A. 351.—I think I have already stated that my correspondence with him up to the month of March, 1848, comprised two or three letters from him to me in that month, and also some short notes in 1848, prior to the month of March.

Q. 352.—Please to refer to any answer in this deposition in which you have stated that you received two or three letters from Alexander Forbes, from Monterey, in the month of March, 1848?

A. 352.—I think I so stated in my last answer in yesterday's examination.

Q. 353.—In the answer to which you refer, (No. 349, cross-examination), you said, with the exception of a few notes written to me by him from Almaden and two or three letters from Monterey, I had had no correspondence with him up to and a short time after his departure from that place. Did you not intend to say, that with the exception of the letters which Mr. Forbes wrote you while he was at New Almaden, you received only two or three letters from him during his stay in California?

A. 353.—I intended to say what is expressed in my answer.

Q. 354.—Taking your answer literally, you say that up to and a short time after Mr. Forbes' departure from Monterey, you had had no correspondence with him, with the exception of the few notes he wrote you while at Almaden and the two or three from Monterey. Do you mean to say that that answer is literally true?

A. 354.—I have to protest against a repetition of the examination on the same subject, and a repetition of the same question. If I said upon the same subject, I allude to these last answers, and I now repeat my last answer.

Q. 355.—Your answer is not satisfactory, it does not respond to my question. I repeat the question.

A. 355.—I answer as I did before; I do not know how to answer any other way.

Q. 356.—Before Mr. Alexander Forbes came to California, had you had no correspondence with him?

A. 356.—I had had correspondence with him.

Q. 357.—When you said in Answer 349, cross-examination, that with the exception of a few notes written to you by Alexander Forbes from Almaden, and two or three letters from Monterey, you had had no correspondence with him up to and a short time after his departure from that place, did you mean to include your correspondence with him before he came to California?

A. 357.—I did not.

Q. 358.—Then I understand the correspondence to which you refer, in answer to Question 349, cross-examination, embraced only such as took place while Alexander Forbes was in California. Am I correct?

A. 358.—You are correct.

Q. 359.—Did you receive any letter from Alexander Forbes while he was in California, besides those which he wrote you from Almaden and from Monterey?

A. 359.—I believe not.

Q. 360.—I understand you to say that with the exception of the letters which Mr. Forbes wrote you while he was at New

Almaden, you received only two or three letters from him while he was in California. Am I correct?

A. 360.—I have stated in a previous answer, that with the exception of a few notes written to me by Alexander Forbes from the mine of New Almaden, and two or three letters addressed to me by him from Monterey, I believed that was all the correspondence that passed between us, prior to and a short time after his departure from California. I have only to add in answer to this question, that it is possible that Mr. Alexander Forbes may have written more than two or three letters to me from Monterey; but I repeat that I do not recollect the exact number of letters that he did so write to me from Monterey.

Q. 361.—Inasmuch as you have volunteered to furnish the Government of the United States with a copy of Alexander Forbes' letter, of 28th March, 1848, and took the trouble to summon Mr. Laurencel from San Francisco to Santa Clara to consult with him on the most proper mode of putting the U. S. District Attorney in possession of that copy; and further considering the transactions between Mr. Laurencel and yourself relating to your sale to him of the use of the letters and documents, as proved by your testimony and by his; and considering, further, the great doubts which might attach to the truth of your statements concerning the existence and loss of the original of that copy owing to your previous transactions with Mr. Laurencel, and the facility with which you might furnish Mr. Laurencel copies of original letters said to be lost or stolen, did it not occur to you, before presenting this copy to the District Attorney, to examine your corespondence with Alexander Forbes about the time of the date of this document, to see if you could not find some expression confirming the truth of what you have undertaken to relate concerning the existence of the original letter of 28th of March, 1848? and is it not strange that you should come upon the stand for the purpose which brought you here, in such a state of ignorance as not to be able to state how many letters you received from Alexander Forbes in the month of March, 1848, or to give any information as to the contents of such as you may have?

A. 361.—Without attempting to respond to the argumentative parts of this question, I have to state that I had my doubts as regards the admissibility in evidence of a copy of that letter, and in this view it was presented to the inspection of the U. S. District Attorney; and with regard to the proof of the existence of the original letter, I was prepared and am still prepared to present the proof. I do not consider it strange that I should not be able to gather from any other part of Alexander Forbes' correspondence with me any information upon the particular matter set forth in that letter, nor that I should not recollect at this moment the number of letters received by me from Alexander Forbes in 1848, or their contents.

Q. 362.—In order to procure the opinion of the U. S. District Attorney upon the admissibility in evidence of the copy, was it necessary for you to seek the intervention of Mr. Laurencel, and to transmit by him that copy with a message to the U. S. District Attorney?

A. 362.—I suppose I might have transmitted it to the U. S. District Attorney by some other conveyance; but I chose to convey it to him by the hands of Mr. Laurencel, that it might reach him in safety.

Q. 363.—Did you at any time tell Robert Birnie that, owing to your ill feelings to Mr. Laurencel, engendered by his bad treatment of you, you would, if you were disposed to part with the original letter of the 28th March, 1848, sell it to the company claiming under Castillero's title at a price one-half of what you would let Laurencel have it for?

A. 363.—In the course of the visits of Mr. Birnie to me since January last, for the purpose of obtaining from me documents or copies of documents relative to the affairs of New Almaden, he stated to me that he was authorized by the agents to say that they would pay me liberally for any documents that I might have in my possession prejudicial to the same; he constantly urged upon me to dispose of such documents to the said agents, adducing in support of that policy, that their money was as good as that of any other party, and that they could afford to pay more for such documents than any other opposing party, alluding to the claimants in the Fossat case and in the Berreyesa case. I constantly refused to enter into any negotiations for the sale of such documents with Mr. Birnie's employers, and at the same time and on the same occasion, I stated that it was not my intention to enter into any negotiations for that object with any party; that with regard to Mr. Laurencel, I felt hurt at the manner in which the correspondence I had allowed him the use of had been made public. I do not recollect of having made to Mr. Birnie the statement expressed in the question.

Q. 364.—What object had you in refusing to sell to any interested party the original letter of the 28th March, 1848, or the use of the same?

A. 364.—I don't exactly understand the meaning of the term interested parties.

Q. 365.—I will name them for you. The parties who I understand claim an interest in the Almaden Mine, are—first, the claimant in this case; second, the United States; third, the Berreyesa family with their assigns, and, fourth, Mr. Laurencel and those whom he represents here. Now that you understand who claim the mine, I will add, that when I used the term "interested parties," in the previous question, I referred to such claimants.

A. 365.—When I stated that I had constantly refused to Mr. Birnie to dispose of such document, that refusal related to the agents of the mine, and to any other party who had instructed Mr. Birnie to make overtures to me.

Q. 366.—I repeat Question 364, as explained by Question 365. Please answer it.

A. 366.—My object was simply because I did not choose to enter into any negotiation in that matter.

Q. 367.—What had induced you to depart from the line of policy laid out for yourself, when you sold Laurencel certain other documents, or the use of the same, as you prefer to state it, for the sum of twenty thousand dollars.

A. 367.—I did not depart from the line of policy which I adopted, in that matter.

Q. 368.—Did you not sell to Mr. Laurencel, certain documents to be used by him in an attempt to show that the claim in this case is fraudulent? Did he not pay you for the use of those documents the sum of twenty thousand dollars? Was it not your policy in making selections of your correspondence to be exhibited to Mr. Laurencel for that purpose, to select such portions only as might have a tendency to prove fraud? Was it not also your policy to obtain from Mr. Laurencel the largest sum of money which you could possibly induce him to pay for those documents; in other words, was it not your policy to induce Mr. Laurencel to believe that you could produce evidence which might tend to destroy this claim and make him pay you a large sum of money for such evidence? Having in your possession a letter of the 28th of March, 1848, a copy of which you furnished the U. S. District Attorney, to be used in evidence against this claim, did you not consider that letter as adverse to the title of the claimants? If you did consider it so, was not your conduct in gratuitously presenting it to be used by the Government against this claim, instead of selling it to Mr. Laurencel, a departure from your old line of policy?

A. 368.—This question is rather long; I beg to answer it by sections. I sold to Mr. Laurencel the use of certain documents to be used by him in an attempt to procure an amicable compromise with the attorneys of the parties claimants of the mine of Almaden under Castillero. That agreement was specific; the price paid to me by Mr. Laurencel for the use of those documents in the manner above expressed, was ten thousand dollars. The remainder of the payment alluded to in the question was dependent upon that compromise; and although the sum of that remainder was nominally ten thousand dollars, it was not in reality, or was not so realized by me. I showed Mr. Laurencel the above named documents in order that he might, by his own inspection and that of his counsel, ascertain whether they might be conducive to that compromise, and he so deeming that correspondence, made his agreement with me. With regard to the letter of 28th March, 1848, I did consider it as adverse; but for the reasons already stated in this examination, it was not presented to Mr. Laurencel. With regard to my furnishing the U. S. Attorney with a copy of that letter, I have already stated the motives which actuated me in so presenting that copy. I don't feel called upon to answer to the last part of the question, as to what were the motives that actuated me in so presenting that copy to the U. S. District Attorney, instead of selling it to Mr. Laurencel; nor do I feel called upon to answer the question with regard to the line of policy referred to. I leave it to the counsel to form whatever opinion he may choose with regard to the policy that I have adopted.

JAS. ALEX. FORBES.

Examination adjourned till Monday, July 26th, 1858, at 11 A. M.

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SAN FRANCISCO, July 26.

CROSS-EXAMINATION OF J. A. FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, U. S. Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 369.—You have stated in your last answer that you have explained in a previous part of this deposition, the motives that induced you to present this copy to the U. S. District Attorney. Do you allude to the reasons for doing so set forth in your statement in answer to Question 16, direct examination?

A. 369.—I do.

Q. 370.—After you received the letter of 28th March, 1848, from Alexander Forbes, making known to you that the documents procured by Castillero in Mexico as his title to the mine and lands, were all obtained after the occupation of California by the Americans, what steps did you take to satisfy yourself whether the documents so obtained were ante-dated, and therefore invalid, or whether, bearing correct dates, they were considered invalid, because made after the Americans took possession of California?

A. 370.—I took no steps at all in the matter, inasmuch as I had no means of ascertaining.

Q. 371.—Why could you not have written to Alexander Forbes, requesting an explanation of those expressions in his letter, or to Castillero, informing him of what Alexander Forbes had told you, and requesting a true history of his title, or to some person in Mexico who might have learned the facts for you; was it not strange, that owning an interest in this valuable property, you took no trouble to ascertain the true condition of the title?

A. 371.—I might have written to Alexander Forbes, or to Mr. Castillero, soliciting that information, but I considered it useless to make the attempt, inasmuch as I believed the last act of possession was obtained for the purpose of remedying anterior defects in the title. I did not write to any other party in Mexico, because I had no correspondence there. With regard to the last part of the question, I have to state that I am here to answer upon facts within my own knowledge, and not as to whether my opinion coincides with that of the counsel or not.

Q. 372.—By the last act of possession, you mean that given by Weekes in 1848, do you not?

A. 372.—I do.

Q. 373.—Then I understand you to say, you were so well satisfied with your title under that act of possession, that you did not consider it worth while to inquire into the truth of what Mr. Forbes told you in his letter of 28th March, 1848, and therefore you made no further inquiries about the matter, even from Alexander Forbes himself; am I correct?

A. 373.—You are not correct. I did not state that I was well satisfied with that act of possession.

Q. 374.—In your Answer 371, cross-examination, you said, "I might have written to Alexander Forbes or to Castillero, soliciting that information, but I considered it useless to make the attempt, inasmuch as I believed the last act of possession was obtained for the purpose of remedying anterior defects in the title"; if you did not consider these anterior defects to have been remedied by the last act of possession, why should the fact that the last possession was given, have induced you to refrain from making a single inquiry concerning the truth of Alexander Forbes' declaration in his letter of 28th March, 1848?

A. 374.—I made no inquiry with regard to the matter set forth in that letter, for the reason already stated, namely: that I considered it next to impossible for me to obtain such information, and more especially as I had been already informed by Mr. Alexander Forbes, that in case everything else should fail, we should fall back upon that possession.

Q. 375.—Please to state in what part of this deposition you have said that you made no inquiry with regard to the matter set forth in that letter, because you considered it next to impossible to obtain information on that subject?

A. 375.—I think I so stated in answer to Question 371, in which I said that I considered it useless to attempt to obtain any information, etc., thereby considering it to be impossible.

Q. 376.—In answer to Question 371 you said you considered it useless to make the attempt to obtain information, etc., *because* you believed the last act of possession was intended to remedy anterior defects in the title; how can you construe this answer to mean that you did not seek for the information referred to, because you believed the attempt to obtain it would be useless?

A. 376.—I don't exactly understand the question, but I will endeavor to explain: Previous to that last act of possession, from conversations that I had had with Mr. Alexander Forbes and Mr. Walkinshaw, I had become convinced that the title to that property was defective, that matter was discussed although not "*in extenso*," and it was determined by Mr. Alexander Forbes to obtain the second act of possession. The letter alluded to of 28th March, 1848, stated distinctly an important fact in that connection, which I considered would never be made the subject of a correspondence, neither on the part of Mr. Castillero nor Mr. Forbes, even had there been a less precarious mode of conveying such correspondence from Mexico to California. As far as I understand the question I have answered it fully.

Q. 377.—I repeat the last question; please answer it.

[At this point the witness was taken into court, the question repeated; the witness said he could not understand it.]

Examination adjourned until to-morrow, July 27, 1858, at 12, M.

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San Francisco, July 27, 1858.

CROSS-EXAMINATION OF J. A. FORBES THIS DAY CONTINUED.

Present: P. Della Torre, U. S. Attorney, and E. Randolph, Esq. A. C. Peachy, Esq. for Claimants.

Q. 378.—Why did you consider that the letter of 28th March, 1848, would never be made the subject of correspondence between yourself, Alexander Forbes and Castillero?

A. 378.—I think, in addition to the answer I made upon this point, that I stated that the matter contained in that letter would not be trusted to the precarious mode of conveyance then existing at that time between California and Mexico.

Q. 379.—I am to understand, then, that one of your reasons for not seeking from Alexander Forbes or Castillero a true history of Castillero's titles, was the precariousness of all means of correspondence with those persons; am I correct?

A. 379.—No, sir. When asked what was the reason that I did not write to Castillero or Alexander Forbes to make inquiries about that title, I stated that I considered it useless, as I believed that, at that time, Mr. Alexander Forbes would not have trusted to the precarious modes of conveyance for the transmission of such important intelligence to me.

Q. 380.—Then I am to understand that one of your reasons for not writing on the subject to Mr. Alexander Forbes was, your belief that he would not trust an answer to the precarious means of communication then existing between Mexico and California; am I correct?

A. 380.—I have so stated in my last answer.

Q. 381.—When did you first begin your correspondence with Alexander Forbes, advising him to procure the manufacture of titles to the mine of Almaden, and that they should be antedated? Were the means of correspondence at that time between California and Mexico less precarious than in the year 1848?

A. 381.—When my exertions to carry into effect the necessary measures for setting at rest all litigation with regard to that property were believed by me to be unavailable, I commenced that correspondence, the means of conveyance at that time between California and Mexico had become less precarious by reason of the establishment of the mail line of steamers, which touched at Mazatlan and San Blas. I have to add, in explanation, that my exertions, as stated above, were directed to the purchase of a part of the contiguous lands; for which purchase I subsequently entered into a negotiation in 1849 with the owners of part of the rancho of San Vicente, or Berreyesa claim.

Q. 381 [B].—When did your exertions to carry into effect the necessary measures for setting at rest all litigation with regard to the property, by purchasing a part of the Justo Larios Rancho begin, and when did they end?

A. 381 [B].—They commenced in the latter part of 1847 and beginning of 1848, when Mr. Alexander Forbes was in California, and terminated in the end of 1849. It is proper for me to state that when Mr. Isadore De la Torre took charge of the mine of Almaden, I also urged upon him strongly the propriety of making those purchases.

Q. 382.—Did you have any correspondence with Mr. Forbes upon the subject of purchasing a part of the Justo Larios Rancho?

A. 382.—I do not recollect that I had any correspondence with him upon that matter, other than my verbal communications with him while he was in California, as above stated.

Q. 383.—When did your exertions to carry into effect the necessary measures for setting at rest all litigation with regard to the Almaden property, by purchasing a part of the Berreyesa Rancho, begin and when did they end?

A. 383.—In my previous answer I referred to both tracts, the Justo Larios and Berreyesa ranchos.

Q. 384.—Then I understand that your efforts to purchase a part of the Berreyesa Rancho, began while Mr. Alexander Forbes was in California and ended in 1849. Am I correct? And please state what time in 1849 these exertions ended.

A. 384.—I have so stated, that my efforts did commence in 1847 and that they ceased in the latter part of 1849. The reason why I stated the intervention of Mr. De la Torre, was for the purpose of showing his intervention in the matter. This intervention took place in 1850, at which time in reality, my intervention did cease because they were frustrated by Mr. De la Torre.

Q. 385.—What was your reason for desiring to purchase parts of those ranchos?

A. 385.—My reason was because I believed the title to be defective and by the acquisition of the parts of those two ranchos, contiguous to the mine, all litigation would cease, inasmuch as the proprietors of those two tracts both laid claim to the mine and the place called the hacienda or where the reduction works are situated; and such was my belief and the good policy of making those purchases, that I offered Mr. Alexander Forbes, in the first instance, and subsequently, Mr. De la Torre, to appropriate twenty-five per cent. of my interest in the mine to such purchases.

Q. 386.—Was that offer in writing?

A. 386.—It was not necessary that it should be in writing, it was while they were in California.

Q. 387.—As answering things are sometimes done, you will oblige me by answering my question. Was that offer in writing?

A. 387.—I state again, that it was unnecessary, as they were in California. That that proposal was not made in writing but verbally.

Q. 388.—In what respect did you consider the title of the mine of Almaden so defective as to render the purchase of parts of the contiguous tracts so very desirable?

A. 388.—I consider the title defective in the first and second Acts of Possession, and subsequent to the departure of Mr. Alexander Forbes or about the time of his departure, my opinion was confirmed by the purport of his letter of 28th March, 1848, dated Monterey.

Q. 389.—In what respect did that letter prove to your mind that Castillero's title was defective; did you infer from it that the defect consisted in Castillero's title papers being ante-dated or in the fact that being truly dated they were made long after the Americans took possession of California?

A. 389.—My inferences were drawn from the facts set forth in that letter. I inferred the fact then declared, namely, that all the papers that had been obtained by Castillero in Mexico, as his title to the mines and lands of New Almaden, were obtained after the acquisition of California by the United States.

Q. 390.—Then I understand you to say you did not consider Castillero's title invalid because ante-dated, but because being truly dated, they were made after the Americans had taken possession of California. Am I correct?

A. 390.—I did not state that I considered Castillero's title as invalid, but I did state that I considered it defective. I did not mention anything about dates of his title, and therefore so considering it defective, I endeavored to acquire, by purchase, the contiguous tracts of land, as I have already stated, because as it is quite obvious that such acquisition would remedy all defects and irregularities in the title.

Q. 391.—I have already asked you, and I now repeat the simple question. Did you consider Castillero's title invalid *because* it did not bear a true date and was ante-dated, or did you consider in invalid *because* although truly dated, it was made after the Americans took possession of California? I request an answer to this question. I refer to the title obtained by Castillero from the Supreme Government of Mexico and not to the Acts of Possession given in California.

A. 391.—From the information I received in the letter of 28th March, 1848, from Alexander Forbes to me, that all title obtained by Castillero in Mexico in the manner so stated in that letter would be invalid provided that California remained in possession of the United States, without any reference to dates.

Q. 392.—In your letter of 5th May, 1847, to Mr. Alexander Forbes you speak of the decree appended to the contract of habilitation and say, "it is indispensable that the title and ratification of possession," the manufacture of which you strongly urge in that letter upon Alexander Forbes, "should be of the same date of the decree of Señor Lanzas;" if you selected the date of Lanzas' Decree as that which should be borne by these manufactured titles, must you not have known what that date was; must you not have known that that date was prior to the occupation of California by the Americans, else why did you select it. How then can you say that when you received Mr. Forbes' letter of 28th March, 1848, informing you that Castillero's title had been obtained long after the possession of California by the Americans, you made no inference therefrom as to whether or not his title papers were antedated?

A. 392.—The information that I received, both oral and written, at the date of this letter, 5th May, 1847, was derived from Mr. Walkinshaw. It is true that I have stated the necessity that the Act of Possession of the mine should coincide with the document stated herein to be a decree of Señor Lanzas, a copy of which Mr. Walkinshaw exhibited to me. In the document shown to me by him at that time, I of course observed the date appended to that decree. I am free to say that although I had my doubts with regard to the legality of the proceedings in the Act of Possession, I was entirely ignorant of the facts set forth in Mr. Alexander Forbes' letter to me of 28th March, 1848, and in order to answer pertinently to the question now propounded, I did infer that the title papers obtained by Castillero, as so stated in that letter, must have been antedated.

Q. 393.—In your answer to Question 381, you have said, "when my exertions to carry into effect the necessary measures for setting at rest all litigation with regard to that property were believed by me to be unavailable, I commenced that correspondence," meaning your correspondence with Alexander Forbes, advising him to procure the manufactured titles to the mine of New Almaden, and that they should be antedated. In your answer to Question 384, you have said that your efforts to purchase a part of the Berreyesa Rancho ceased in the latter part of the year 1849 and perhaps later. How do you reconcile those answers with your letter of 5th May, 1847, addressed to Alexander Forbes, written before you ever attempted to purchase any part of the Berreyesa Rancho according to your own statement of the time at which that attempt began, in which letter you say: "And I now lay before you my views that you may see the necessity of immediate action. It is of the most vital importance to obtain from the Supreme Government of Mexico a positive, formal, and unconditional grant of the two sitios of land conceded to Don Andres Castillero according to the decree appended to the contract, and also an unqualified ratification of the juridical possession which was given of the mine by the local authority of this jurisdiction, including, if possible, the three thousand varas of land given in that possession as a gratification to the discoverer. These documents should be made out in the name of Don Andres Castillero and Socios. I think that it will not be difficult to obtain these documents on making known to the Supreme Government that this Departmental Government is completely *acefalo*, in consequence of which the possession of the two sitios ordered to be given by the dispatch of Señor Castillo Lanzas has not been obtained, nor cannot be obtained nor even mentioned without imminent risk of opposition on the part of the American Government in this Department. It is indispensable that the title and ratification of possession should be of the date of the decree of Señor Lanzas."

A. 393.—I do not see any contradiction in the answers herein alluded to and quoted from, with regard to the matter recommended to Mr. Alexander Forbes by me in my letter of 5th May, 1847. I have to state that the copy of the document exhibited to me at that time by Mr. Walkinshaw, purported to be an order from Castillo Lanzas to the Departmental Government of California, to put Castillero in possession of two sitios of land without any ratification of the possession of the mine given by the local authorities, and hence my suggestion to Mr. Alexander Forbes for the procurement of such ratification. I think I have answered the question.

Q. 394.—Have you nothing further to say in answer to the foregoing question? I do not see how the discrepancies referred to in my question are reconciled by your answer.

A. 394.—I have to state in further explanation, that I cannot perceive any contradiction in the answers alluded to. I think the gentleman has misapprehended the purport of my answers, for I stated two different facts; the one was that my correspondence with Alexander Forbes with regard to the title of the mine commenced in 1847, and that my efforts to effect the purchase of the lands contiguous to the mining lands commenced also in 1847, and I cannot see any contradiction in my answers.

Q. 395.—In your answers 381 and 384, you said that your correspondence with Mr. Forbes relative to the manufacture of antedated titles first began when your exertions to purchase parts of the Berreyesa and Justo Larios ranchos had proved to be unavailable, and that those exertions ceased in the latter part of 1849, or really in 1850. You are then shown a letter from yourself to Alexander Forbes, dated 5th May, 1847, in which you advised the manufacture of antedated titles to the mine. Do you not perceive that your answers 381 and 384 are at least apparently contradicted by your letter of 5th May, 1847; and with the matter put to you as it is in this question, do you persist in saying you can perceive no contradiction between these answers and that letter?

A. 395.—I do perceive that there is an apparent contradiction as expressed in the question, and I have to state in explanation, that in my previous answer with regard to the correspondence that passed in the matter alluded to, my attention was drawn principally to the time in which the major part of that correspondence was carried on, namely, 1849 and 1850.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 28, at 11 A. M.

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SAN FRANCISCO, July 28, 1858.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, U. S. District Attorney, and E. Randolph, Esq. A.C. Peachy, Esq., for Claimant.

Q. 396.—Look at the letter now shown you, and state whose handwriting it is; whether it was written at the time it purports, and was sent to its address?

A. 396.—It is my handwriting. It was written at the time it purports, and was sent to its address.

[Attorney for claimant now offers this letter in evidence; the Commissioner attaches it to this deposition, and marks it O. H. X, No. 14, C. McA.]

Q. 397.—In your written statement made in answer to the last question on your direct examination, after references to the receipt of the letter of 28th March, 1848, from Alexander Forbes, you say "I was compelled to sustain our possession against Walkinshaw," etc., "And although I succeeded in sustaining that possession, etc., I earnestly recommended (as I had previously urged upon Alexander Forbes), the immediate purchase of a part of the lands of Berreyesa and those of Justo Larios." How do you reconcile that statement with your letter of 20th Dec. 1849, addressed to Barron, Forbes & Co., marked O. H. X., No. 13, especially with the paragraph beginning "the grant after making allusion," etc., and in the paragraph in which you say "I have desisted from the purchase of the Berreyesa land in order to obtain a sure and effective final defense of the property, but, meantime, I have much trouble in entertaining the Berreyesas in order to frustrate the plots and machinations of Walkinshaw and his associates;" and also with your letter of 30th October, 1849, marked O. H. No. 4, in which you say, "I shall endeavor to procrastinate as far as possible the purchase, (meaning of the Berreyesa land), and, moreover, to frustrate all the plans of "Walkinshaw and his associates for accomplishing their purchase," and also with your letter to Barron, Forbes & Co. of 18th Nov., 1849, marked O. H. X. No. 14, C. McA., in which you say, that you have ascertained that neither the mine nor hacienda is upon the Berreyesas' or Justo Larios' ranchos?

A. 397.—It is true as I have heretofore stated upon different occasions in this examination, that I recommended the purchase of parts of the tracts of the Berreyesa and Justo Larios ranchos. During the difficulties that occurred in 1849, with regard to the mine of Almaden, originated by Mr. Walkinshaw and his abettors, I found myself in a disagreeable position growing out of these proceedings. The only remedy that I saw to counteract an unfavorable result against the mine at that time, was the purchase I above referred to; but not being able to effect that purchase, my attention was directed to the extent of land comprised in the respective titles to the adjacent ranchos, in order to ascertain the quantity comprised within their boundaries. I took legal advice upon the subject, and was informed that the claimants of those tracts would be obliged to measure their land from the lines of their neighbors, or *colindantes*, which, with regard to the two tracts in question, would result in the exclusion of the mine and hacienda from those measurements. I, moreover, sought information with regard to the measurement of the tract of the Capitancillos or Justo Larios; the result of such information was, that the survey of the same was not a surface chain survey. It was upon these grounds that I communicated these facts, as alluded to in the letters quoted from. I have stated in those letters the necessity of obtaining the documents expressed in relation to the title, not because I was convinced that the above named purchase would not be serviceable, but because I considered that those documents would also serve to fortify the title. A short time before the arrival of Mr. De la Torre in California, I had my doubts of the possibility of forcing the claimants of the adjoining tracts of land to take their respective quantities from particular parts of those tracts, and I recommenced negotiations for the purchase of a part of the tract of the Berreyesa land, and I made an agreement with some of the members of the family of the Berreyesas for that title, in the sum of $30,000; $5,000 and odd I paid to them in partial payment on account of that purchase, which, in consequence of family dissensions and the absence of some of the parties interested, I did not succeed in having formally executed. In this state of affairs Mr. Isadore De la Torre arrived and assumed the charge of the mine, he being largely interested in the same by purchase, and being authorized by the other owners to so take charge. He continued the negotiation which I had commenced for the above mentioned purchase; he reduced the amount I had offered to $26,000, at which the Berryesas became vexed and refused to execute the contract made with me, or that which some of them had agreed to Mr. De la Torre; and, as I have stated in my written statement, I did at the time urge upon Mr. De la Torre the purchase for which I had commenced negotiations, and I offered to appropriate twenty-five per cent. of my interest in the mine for that purpose, calling his attention also to the facility with which such purchase could be paid, meaning the abundant supply of quicksilver that would be obtained by the apparatus which was then in the process of erection. Mr. De la Torre refused, and stated to me that the reason of his refusal was that he did not care for any result of litigation with regard to the mine, that his fortune was not dependent upon the mine, that he had enough elsewhere, that in consequence of the dangers and difficulties attending the negotiation he was determined to sell out the first opportunity he could meet.

Q. 398.—Not a word in your answer is responsive to my question. I asked you how you could reconcile the repeated declarations, in this deposition, of your ardent desire to purchase parts of the Berreyesa and Larios ranchos, with the positive declarations in several of your letters to the effect, that you did not really wish to purchase a part of either, but that by pretending to negotiate for a purchase you were entertaining the Berreyesas, and preventing their selling to another party until the documents should arrive from Mexico, which were to prove "a sure and effective final defense of the property?" Please answer.

A. 398.—In my previous answer I have endeavored to make the explanations called for in its question.

Q. 399.—In your written statement you say, "in view of the probable ultimate result of such an imprudent policy," (meaning the not buying parts of the Berreyesa and Justo Larios ranchos), "I endeavored to sell out my interest on the best terms I could," in what did the imprudence of that policy consist?

A. 399.—It consisted in the litigation which immediately ensued and has continued up to the present time; I should say it was the result of it—of that policy, I mean to say, in not purchasing.

Q. 400.—In your written statement you say, that in consequence of the information furnished by Alexander Forbes' letter of 28th March, 1848, from which you have said you inferred that Castillero's title papers were antedated, you became very desirous of purchasing parts of the Berreyesa and Larios ranchos; did the imprudence of which you complain consist in the claimants of the mine refusing to purchase parts of those ranchos, while they held nothing better than antedated titles to their property. Is that the imprudent policy of which you complain in your statement?

A. 400.—The imprudent policy, to which I allude in my statement, was that pursued by Mr. Isadore De la Torre in refusing, for the sake of saving $4,000, in the purchase which I had commenced negotiating for, as I already stated, and which refusal was contrary to the wishes of other parties interested, who were anxious to effect that purchase, and who had advised me that that property must be secured at all hazards, as will be seen by referring to one of the letters on file in this case. By that property I mean to say the mine and hacienda.

Q. 401.—Did you consider it prudent for the claimants of the mine under Castillero, to purchase parts of the Berreyesa and Larios ranchos, because you believed Castillero's title papers were antedated?

A. 401.—I did believe, and I do believe still, that in view of the whole proceedings with regard to the title of New Almaden, the purchase of those tracts of land would have forever set at rest all litigation against the property, and that the claimants thereto would have sustained their right effectually to the same.

Q. 402.—Not a word in that answer is responsive to my question. Will you please to answer it, or expressly to refuse to do so?

A. 402.—In consequence of my knowledge of all the proceedings with regard to the title, from its inception to the date of the receipt of letter of 28th March, 1848, I did consider it prudent for the Almaden Company to purchase parts of the tracts referred to.

Q. 403.—That answer is not responsive. You will save time when you desire to avoid answering a question, by expressing your refusal to do so. It is useless to endeavor to avoid an answer by means of irrelevant verbosity. I again request you to answer that question, or to refuse to answer it; you are at liberty to do either.

A. 403.—It is not my wish to prolong this examination either by verbosity or irrelevancies. I am obliged to the counsel for the permission he accords to me to answer or not as I may think proper; of that I am myself to be the judge. I shall answer the Question No. 401; that I did consider it prudent for the claimants of the mine under Castillero to purchase parts of the Berreyesa and Larios ranchos; not only because I believed that Castillero's title papers were antedated, but also for the reasons that I have stated in my Answer No. 400.

Q. 404.—Why, then, did you consider that it would be useless to make those purchases after you should have succeeded in obtaining from Mexico, in the year 1849 or 1850, and antedated, so as to bear the same date with the decree of Castillo Lanzas which you had seen and commented upon as early as 5th May, 1847; would not documents made in 1849 or in 1850, on the ground of their being antedated, be equally invalid with documents made before 5th May, 1847, on the same ground?

A. 404.—I do not recollect that I have anywhere stated that the purchase of parts of the tracts of the Berreyesas and Larios' would be useless. I have stated that the acquisition of the documents alluded to would have fortified the claim to the mine, and I coincide with the counsel in his opinion as regards the invalidity of documents obtained in the manner expressed. With regard to the document or decree of Castillo Lanzas, I have already stated that it was a simple copy, and had no ratification of the acts of the local authorities in California, in the possession given of the mine to Castillero.

Q. 405.—The counsel for the claimant has expressed no opinion in the preceding question; he simply asked your opinion, for the purpose of enabling you to see what you have frequently said about this purchase from the Berreyesas, and that you may be enabled to reconcile, if you can, apparently contradictory statements. I call your attention to the last paragraph of your letter marked "O. H. X. No. 13," where you say: "I have desisted from the purchase of the Berreyesa land, in order to obtain a sure and effective final defense of the property, but meantime I have much trouble in entertaining the Berreyesas, in order to frustrate the plots and machinations of Walkinshaw and his associates"; and also to your letter of 30th October, 1849, "O. H. No. 4," where you say: "I shall endeavor to procrastinate as far as possible the purchase, (meaning of the Berreyesas' land,) and, moreover, to frustrate all the plans of Walkinshaw and his associates for accomplishing their purchase, and I do entreat you to use every effort to send me the document of ratification of the possession of the mine and the grant of land thereon, on the very earliest opportunity, properly authenticated and certified, as explained by me when I was in Tepic"; and also to your letter of 18th November, 1849, "O. H. X. No. 14, C. McA.," in which you say: "all these difficulties will be set at rest in a definitive and final manner by sending me the documents I asked of you in my precited letters, to which I pray your strict attention. You will also be informed, that for the reason first set forth I have *not* purchased the land of the Berreyesas, as I so intended on 28th October, and as per my advice to you of that date"; do you not now perceive that you have stated that the purchase of parts of the tracts of the Berreyesas and Larios' would be useless, when you received from Mexico the documents to be manufactured in 1849 or in

1850, and which were to constitute in your opinion a sure and effective final defense of the property?

A. 405.—I admit the truth of these quotations from the letters, which, nevertheless, nowhere state that I considered such purchases useless. I stated in a previous answer the reason why I desisted temporarily in my attempts to effect said purchase; and, believing that I should not be able to effect it, I am free to say that the acquisition of the documents alluded to would have been very effective towards sustaining the claims to New Almaden. My principal reason for believing this was, that the ratification of the first act of possession by the Federal Government, would enable the claimants to hold under the mining *Ordenanzas*.

Q. 406.—Then you considered Castillero's title, as set forth in Castillo Lanzas' decree appended to the contract of *habilitacion*, good enough, as far as it went, but you conceived something more was necessary, and that was a ratification by the Supreme Government of the act of possession given by the local authorities of California in 1845. Am I correct?

A. 406.—Not exactly. I did not consider the decree of Castillo Lanzas to be good, because it was nothing more than a simple order to put Castillero in possession of a tract of land, without specifying boundaries. I did consider that the ratification of the possession in accordance to the mining ordenanzas by the Federal Government would enable the claimants to hold the mine and hacienda.

Q. 407.—Then, if on the 5th May, 1847, you had known that Castillero had proposed to the Supreme Government of Mexico a contract, one of the articles of which was, that the Supreme Executive should ratify and confirm to him the possession of three thousand varas in every direction from the mouth of the mine, which had been given him by the local authorities in California, and that the Supreme Government had approved the contract proposed by Castillero in all its parts, the only fault which you could have found with Castillero's title would have been, that it did not describe with sufficient accuracy the boundaries of the two square leagues of land into the possession of which it directed the Governor of California to put Castillero. Am I correct?

A. 407.—If I had known that Castillero had succeeded in obtaining the documents described in the question, I would have believed his title to have been good, with the exception expressed in the question, namely, the want of description of boundaries, which would have subjected the claimants to a litigation with the claimants of the adjoining lands.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 29th, 1858.

SAN FRANCISCO, July 29, 1858.

## CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: the U. S. District Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 408.—It appears from your letter of 5th May, 1847, that you were dissatisfied with Castillero's title, consisting of the decree of Señor Lanzas appended to the ratification of the contract of Avio by Castillero, a copy of which had been exhibited to you by Mr. Walkinshaw, and that your dissatisfaction arose from what you conceived to be two defects in that title; first, the absence of specifically named boundaries; secondly, the want of confirmation by the Supreme Government of the mining possession which had been given to Castillero by the local authorities of California; and that in consequence of those defects you gave the advice contained in your letter of 5th May, 1847; and it further appears, that at the time that letter was written, you had no reason to believe that the title papers of Castillero were not perfectly genuine. It follows, therefore, does it not, that the first idea of the necessity of having other title papers made originated with you, that the first recommendation of such a course proceeded from you, and that this was done simply because you did not have confidence in the legal effect and operation of a genuine title paper?

A. 408.—In answer to this question, as far as the words "*perfectly genuine*," I answer, Yes. With regard to the rest of the question commencing at the words "*It follows therefore*," I state that, in order to remedy the defects alluded to in the title, the course pointed out by me suggested itself as the most proper mode of remedying those defects; I am unable to state whether that suggestion was the first that had been made to the parties in interest for the object expressed by any other party than myself, that it was not particularly based upon my knowledge of the legal effect of the genuine title, but for the reason already stated, viz: want of boundaries and ratification of the possession.

Q. 409.—In your written statement in answer to the last question on your direct examination you say, that you refused to answer certain questions put to you by the Counsel for the Claimants, because of your unwillingness to compromise yourself without the means of vindicating yourself; are the questions referred to those to which you refused an answer, on the ground that it might tend to criminate you?

A. 409.—They are.

Q. 410.—In that statement you refer to the letter of 28th March, 1848, as the means of vindicating yourself; now that you have a copy of that letter, and are possessed of the means of vindication, are you willing to answer those questions?

A. 410.—I desire the Counsel to refer me to the questions to which he alludes.

Q. 411.—I refer to Question 249th, cross-examination, in your deposition begun on 14th December, 1857, which question reads as follows:—"Do you know anything connected with that paper (meaning the Castillo Lanzas decree of 23d May, 1846, directing the Governor of California to put Castillero in possession of two square leagues), having any tendency to prove that it was made on a day different from that on which it bears date, or that it is not for any other reason genuine, or that there has been any fraud whatever in procuring it?" And to Question 331 in the same deposition, which reads as follows:—"When you put in this answer, (meaning the answer in a suit in Chancery in the Circuit Court of the United States for this District, wherein James Tobin and others were plaintiffs, and Robert Walkinshaw and others, defendants), did you have any reason to believe that the document claimed to be a title in colonization mentioned in 31st section of said answer, was not made at the time it purports to have been made, or was not genuine, or was in any manner affected by fraud?" And to Question 333 in said deposition, which reads as follows:—"Had you any reason to believe, at the time you put in this answer, that the facts stated in 30th section thereof were not true?" to all of which questions you refused, on said examination, to answer, upon the ground that an answer might tend to criminate you.

Examination adjourned until to-morrow, July 30th, 1858, at 11 o'clock, A. M.

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## STIPULATION.

UNITED STATES,
*v.* } No. 420.
ANDRES CASTILLERO.

In the District Court for the Northern District of California, sitting in land cases.

It is stipulated and agreed, that the deposition of Mr. James Alexander Forbes may be continued before Blair Lowrie, Esq., appointed Special Commissioner to take testimony in this case. By order of the Court of this date.

July 30, 1858.

P. DELLA TORRE,
U. S. Attorney.

PEACHY & BILLINGS,
Attorneys for Claimant.

## ORDER.

### APPOINTING BLAIR LOWRIE SPECIAL COMMISSIONER.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room in the city of San Francisco, on Friday the 30th day of July, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: The Hon. M. Hall McAllister, Presiding Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
No. 420.

In this case, on application of P. Della Torre, Esq., U. S. Attorney, and by consent of A. C. Peachy, Esq., of counsel for the claimant, it is ordered that Blair Lowrie be, and hereby is, appointed Special U. S. Commissioner to take testimony herein.

M. HALL McALLISTER,
Judge U. S. Circuit Court
Districts of California.

Filed July 30, 1858.
W. H. CHEVERS, Clerk.

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SAN FRANCISCO, July 30.

### CROSS-EXAMINATION OF JAMES A. FORBES, U. S. WITNESS, THIS DAY CONTINUED.

Before me, Blair Lowrie, Special Commissioner, with the consent of counsel, appended to this deposition.

Present: A. C. Peachy, Esq., for Claimants; U. S. District Attorney and E. Randolph, Esq., for United States.

[Counsel for claimant withdraws the foregoing question.]

Q. 412.—Did you believe the statement contained in Alex. Forbes' alleged letter of 28th March, 1848, concerning Castillero's title to be true when you refused to answer those questions?

A. 412—What questions?

Q. i413.—I referto the questions enumerated in Question 411 of this deposition.

A. 413.—I did.

Q. 414.—When you refused to answer those questions, I take for granted your refusal was upon the ground that a true answer and not a false one would tend to criminate you. Am I not correct?

A. 414.—My refusal to answer those questions was because I believed that I might be subjected to a prosecution if I at that time had declared my knowledge of the facts set forth in that answer to have been contrary to what is therein stated.

Q. 415.—Admitting you did receive such a letter from Alex. Forbes, and that at the time you refused to answer those questions you believed its statements concerning Castillero's title to be true, have you not by the voluntary production of a copy of that letter, in effect, given an answer to all those questions?

A. 415.—Probably I may have, in effect, given an answer to those questions, and I do answer those questions now, affirmatively. I admit that in a legal point of view I was wrong in making those answers in the manner which I did. I have to state in explanation and extenuation, that that answer was very voluminous. Mr. Wm. E. Barron, Mr. Robert Walkinshaw and myself, were the defendants. Owing to my connection with the parties in interest in the mine of New Almaden, I adhered to their cause, and from the commencement of all the difficulties, I defended efficaciously, that property. I was unwilling to abandon the cause of those parties even after I was not interested therein. I considered myself, to a certain extent, committed, and in this view I signed the answer prepared by the counsel, which was also signed by Mr. Walkinshaw' but not by Mr. Barron, who found it convenient to be absent at that time, and who has not yet signed it.

Q. 416.—Do you know when Mr. Barron left the State on that absence?

A. 416.—I do not; I do not recollect the precise time.

Q. 417.—Why do you say, then, that Mr. Barron left the State in order to avoid answering in that suit?

A. 417.—I do not say so. I said that he did not sign it, but found it convenient to be absent, and never has signed it.

Q. 418.—When you say that Mr. Barron absented himself to avoid making an answer in that suit, do you not know that you are stating what is untrue—do you not know that Mr.

Barron left the State to visit his family, whom he had not seen in many years, and that at the time he left he had no reason to apprehend such suit?

A. 418.—I do not.

Q. 419.—How can you regard this letter of the 28th March, 1848, in the light of a vindication, when, in truth, it affords additional proof of the very fact, which, if confessed by you, would, according to your own acknowledgments, have tended to criminate you?

A. 419.—I do not know that I have anywhere stated that that letter would be a vindication.

Q. 420.—You said in your answer to Question 328, in your deposition in this case, begun on the 14th December, 1857, that all the matters set forth in your answer in the suit of Tobin et als. against Walkinshaw and others, above referrrd to, were considered by you as stated on your information and belief, except where you averred your own knowledge of facts. Granting you the full benefit of your own views of that matter, how do you reconcile your statement, in sections thirty and thirty-one of that answer with what you now swear to have been your information and belief, when that answer was put in under oath? In answering this question, please bear in mind that in those sections of the answer in Chancery, you set up in defense Castillero's title in colonization to the two square leagues, and swear it was made on the 23d May, 1846, and do not forget that you have said you inferred from Alex. Forbes' alleged letter of 28th March, 1848, that Castillero's said title was antedated. I specify these particulars to draw your attention to the apparent contradictions, which I give you an opportunity to explain.

A. 420.—In answer to this question, I say that I repeat the answer quoted from Question No. 328. All the matter set forth in that answer in Chancery was prepared by the counsel for the claimants of the mine of Almaden; and as to any further explanation, I refer to my Answer 415 of the present examination.

Q. 421.—In Question No. 253 of the aforesaid deposition, you were asked if you knew of any act committed by any person other than yourself connected with the original grant, having a tendency to prove its fraudulent character, to which you replied, "I do not; I am not responsible for the acts of other people;" and after this question had been explained to you by his Honor Judge Hoffman, you again replied in the negative. How do you reconcile this answer with that in this deposition, in which you declare that while giving your former deposition you remembered this letter of the 28th March, 1848, and its contents?

A. 421.—By simply stating that I do not know the person or persons who committed the acts alluded to in that question.

Q. 422.—In that question you were not asked if you knew what person or persons committed any act. You were asked if you knew of any act, committed by any person whatever, having a tendency to prove the fraudulent character of this grant, and the nature of the question was fully explained to you by the Court. With this explanation, please answer the foregoing question.

A. 422.—I do not recollect of having received explanations from the Court upon this point, and I answered in the understanding that I had no personal knowledge of any act alluded to in the question.

Q. 423.—When you stuck upon the word *know*, in Question 253, do you think that your answer comported with your obligation to tell the whole truth?

A. 423.—I considered that I answered correctly by stating what I did state, meaning that I had no personal knowledge of such acts. I was unwilling to make any statement which would prejudice the cause of the claimants to the mines.

Q. 424.—You have said that in the year 1850, you sold one-half of your interest in this mine to Jno. Parrott for the sum of $24,000. Do you think that this letter of the 28th March, 1848, from which you inferred that the title you sold to Mr. Parrott was antedated and fraudulent, establishes the honesty of such a transaction, and vindicates your conduct in that particular?

A. 424.—When I sold that interest to Mr. John Parrott, I agreed to warrant and defend him against everybody but the United States. Mr. Parrott has been most amply remunerated and is still being remunerated for the money invested in that purchase from me, so that in place of losing anything by that purchase, it has been and is still a source of profit to him.

Q. 425.—You have not answered my question, but let it pass, and instead of answering it, please to explain how the circumstances mentioned in your last answer can be regarded as a justification of your conduct in receiving from Mr. Parrott the sum of $24,000, for a title which you knew to be antedated and fraudulent?

A. 425.—In view of the agreement entered into between Mr. Parrott and myself, he chose to accede to the stipulations with regard to that purchase in which I agreed to warrant and defend him in that property against all parties except the United States; and in view of the large profits that Mr. Parrott has derived from that interest, I conceive that he has no reason to complain, nor that that transaction can be considered as unfair.

Q. 426.—Then in your opinion if you sell a person a piece of land when you know that the title is simulated, fraudulent, and absolutely void, you consider the transaction a perfectly fair one, provided you warrant the title. Must I not infer this from your answer?

A. 426.—I consider that if the purchaser having an opportunity to investigate the title to the property so sold to him, chooses to receive a deed of conveyance with warranty, that such transaction would be a fair one.

Q. 427.—You seem to think that your conduct in selling Mr. Parrott this share, turned out after all to be eminently just and honest, because Mr. Parrott has derived a large revenue from it, and because you warranted the title. Suppose you should succeed in your present endeavor to break down the title under which Mr. Parrott claims his interest in the mine, and that Mr. Parrott should be ejected therefrom, and that he should have to pay back all his profits in the shape of damages, and that you being a bankrupt should be unable to pay him his losses; under these circumstances, your sale to Mr. Parrott would become a very vicious and fraudulent transaction, would it not? And do you not perceive that in endeavoring to bring about such a state of things, you are utterly destroying the only foundation upon which the honesty of your sale to Mr. Parrott rests?

[Question objected to by counsel for the United States, because it does not correctly state the grounds upon which the witness justified his sale to Mr. Parrott, omitting altogether the most important fact heretofore alleged by the witness, viz: that the witness had reason to believe and still believes, that Mr. Parrott was at the time of the purchase, as fully cognizant that the title was antedated, fraudulent and forged, as the witness was himself. Also objected to, because the question, like the majority of the questions, on this cross-examination, is in effect an argument which ought to be addressed to the Court, and a moral lecture to the witness not proper to be incorporated in a deposition.]

A. 427.—The counsel mistakes my answer. I have not stated I thought my conduct eminently just and honest, when I have simply stated the nature of the transaction between Mr. Parrott and myself. I must repeat that I decline to answer upon opinions and theoretical speculations. I am here to answer facts within my knowledge, and not to make answers which shall tend to be used in argument for or against me.

Q. 428.—Do you agree with the U. S. Attorney that I have mis-stated your theory of morals?

A. 428.—I have no opinion to express upon that subject.

Q. 429.—I state to you, for your information, that you have no right to refuse to answer a question which is intended to ascertain your opinions and theoretical speculations on moral questions, as your views on such subjects may tend to show under what obligation you consider yourself to tell the truth; but I will not urge a further answer to the preceding question; please answer the following:

The attorney for the United States, in his objection to Question 427, says, "that in said question I have omitted altogether the most important facts heretofore alleged by you, to wit, that you had reason to believe, and you still believe, that Mr. Parrott was at the time of the purchase as fully cognizant that the title was antedated, fraudulent and forged, as you were. State whether in this deposition, or any other taken in this case, you ever made such an allegation, or anything like it; and, if yea, point me to the place where such allegation is made.

A. 429.—For a long time previous to the purchase of the share made by Mr. Parrott, now alluded to in the question, Mr. Parrott had resided in Mazatlan, Mexico, doing business there as a merchant, having friendly relations with Mr. Alexander Forbes, and Barron, Forbes & Co., doing business at the city of Tepic and at San Blas; and before the date of said sale of one share to him, I believe that he had informed himself of the nature of Castillero's title to the mine of Almaden. Subsequent to that purchase, Mr. Parrott has taken a very active part in the proceedings for the confirmation of that claim, not only in his own behalf, but in behalf of the other parties interested in that claim. I do not recollect at this moment whether I have made the statement expressed in the question in any deposition heretofore taken, or not.

Q. 430.—Do you not know that you have never made any such allegation in any deposition heretofore taken in this case?

A. 430.—I cannot state positively whether I do or do not at this moment, in the long depositions that I have given. The facts set forth in my statement in this examination, respecting the information that Mr. Wm. E. Barron had respecting the nature of the purchase of the one share he made of me, wherein I stated I believed he was fully informed in that matter, I intended that that observation should apply equally to Mr. Parrott.

Q. 431.—I must again beg you to desist from irrelevant matter. When I ask you a question please respond to it. When you wish to make an explanation, ask the Commissioner for liberty to do so. I understand now that you wish to amend your elaborate and carefully prepared statement, for the purpose of introducing a very important fact which you would scarcely have omitted when the statement was prepared, if you believed the fact to be true; and this is done to meet the theory of your justification, which is suggested by the U. S. District Attorney. I repeat my question: Where in your depositions heretofore taken in this case, do you find such an allegation?

[The counsel for the United States disclaims the idea of suggesting a theory to the witness, and maintains that the full cognizance of Mr. Parrott, as well as of Mr. Wm. E. Barron, of the nature of this title, is clearly charged by the witness in his statement referred to; and again of Mr. Parrott, in his answer to Question 426, on cross-examination.]

[The counsel for the claimant requests the counsel for the United States to postpone his objection to questions until the witness has answered the questions; or, at least, so to frame his objections that it may not refer the witness to the means of answering.]

A. 431.—I do not wish to amend my statement. I merely state the simple fact set forth in that statement with respect to Mr. Wm. E. Barron's knowledge of the nature of the title to the mine of New Almaden, which was intended to apply also to Mr. Parrott, whom I stated was anxious to purchase. I repeat my answer, that I do not recollect having made any other statement or allegation in any other deposition respecting Mr. Parrott.

Q. 432.—Did Mr. Parrott's anxiety to purchase a share in the Almaden Mine form one of your grounds for believing that he knew the title to the same to be antedated, fraudulent and forged?

A. 432.—At the time of the sale of the share to Mr. Parrott, I believed that he had informed himself of the nature of the title; but I could not tell to what extent he had so informed himself. But whatever information he may have acquired did not diminish his anxiety to purchase.

Q. 433.—Do you suppose that Mr. Parrott's anxiety to purchase would have induced you, or any owner of the mine cognizant of the facts set forth in Alex. Forbes' letter of 28th March, 1848, to have disclosed to Mr. Parrott that the title was fraudulent, ante dated and forged, and if not, how do you suppose Mr. Parrott obtained any information on that subject?

A. 433.—I can only answer for myself. I did not disclose to Mr. Parrott any such matter.

The long residence of Mr. Parrott in Mexico, and his extensive commercial and financial relations afforded him ample means to carry out his own operations and ascertain information upon any matter in that country, and by these means he doubtless acquired satisfactory information respecting the title to New Almaden.

Q. 434.—Then I understand you to say that because Mr. Parrott had resided for a long time in Mexico, where he conducted extensive commercial and financial business, you considered yourself justified in negotiating with him the sale of one-half of your interest in the mine, upon the basis that he was fully acquainted with the fraudulent character of the title which he was about to purchase. Am I correct?

A. 434.—I state that owing to the opportunities which Mr. Parrott had for obtaining information in relation to the title of the mine, I do believe he was fully informed of the same when he made the purchase of me.

[The foregoing question objected to by the Counsel for the United States because it does not state fully the grounds upon which the witness had said that he believed Mr. Parrott was fully informed as to the nature of the title to the mine, inasmuch as it omits all that the witness had said of Mr. Parrott's acquaintance and business relations with Alex. Forbes and the house of Barron, Forbes & Co., doing business at the city of Tepic and at San Blas.]

Q. 435.—What reason had you to suppose that Mr. W. E. Barron was acquainted with what you now say is the true character of this title?

A. 435.—The reason that I had for believing that Mr. Barron was acquainted with the nature of the title is because of his connection with the house of Barron, Forbes & Co., and of his knowledge of the affairs of the mine of Almaden, prior to his being established in California with Mr. James R. Bolton, as the agent of the mine, in which agency he is the prominent man in all the litigation, and therefore was, and is, intimately acquainted with the whole proceedings regarding the mines.

Q. 436.—What connection did Mr. W. E. Barron have with the house of Barron, Forbes & Co., before he came to California?

A. 436.—That of consular and commercial correspondent, and confidential clerk. He is the nephew of the then principal partner in that house, and is the cousin of the present representative of that house, Mr. Barron; I mean to say, Eustace W. Barron, son of Eustace Barron, Sen'r.

Q. 437.—You infer then from those facts, and those alone, am I to understand, that Mr. Wm. E. Barron at the time he purchased your remaining share knew the true character of the title which he was buying?

A. 437.—I infer from the facts stated in this and other answers, that he was and is fully acquainted with the nature of the title to New Almaden.

Q. 438.—Please state as you go along, so that we may have at least one point fixed, what I asked you before, if you have any other facts from which to draw the inference that Mr. Wm. E. Barron, at the time he purchased your remaining interest in the mine knew the title to the same to be fraudulent?

A. 438.—I have no other reasons to state than those I have already expressed.

Q. 439.—When you found Mr. Barron willing to pay you $30,000 for one twenty-fourth part of the mine, might you not have been staggered in your belief formed on such facts, that he believed the title of the mine to be fraudulent?

A. 439.—Yes, sir, I might have been staggered, had I not been convinced of the collossal power that would be exercised for sustaining that title at all hazards, as I had been previously informed would be exercised.

Q. 440.—With your high appreciation of the colossal power of the house of Barron, Forbes & Co., grounded, as I conceive, upon what you believe to be their great wealth, with your full belief that all the members of that house were acquainted with the fraudulent character of this claim, why did you not take your papers, which were for sale, to the best market, to wit: to this colossal house. If you threatened them to expose the nature of this claim, and that you would sell to adverse claimants all the evidence in your possession relating thereto, do you not suppose that they could afford to pay you a higher price for the evidenc than any body else?

A. 440.—I take leave to correct the counsel. I have not made any statement with regard to the colossal power of the house of Barron, Forbes & Co. The colossal power to which I alluded is that which has been exercised in California, Mexico and in Washington, resting in the house of Barron, Forbes & Co.; of Señor Escandon, of the city of Mexico; Mr. Eustace Barron, of the same place, and Señor Negrete of the city of Guadalajara. With regard to the sale of papers affecting the title, the counsel assumed what I have never declared. I have never stated that I had papers for sale affecting the title in question. I did not make any overtures to deliver up any such papers or to sell them either to the parties mentioned, or their agents in this city; nor did I threaten them with any exposure of such papers. I believed, and do believe, that the agents of the mine of New Almaden, resident in this city, thought they had no longer any use for my services, and confident in the resources of their principals for sustaining their title at all hazards, it would have been imputed to me that I desired to levy black mail upon them, and, therefore, I did not choose to place myself in the humiliating position of making any application to them.

Q. 441.—The colossal power which you have conjured up is more colossal than I supposed you meant. Perhaps I can help you to make it still more colossal. Might it not also include the house of Jno. Parrott, of San Francisco, and of Bolton, Barron & Co. of the same place?

A. 441.—I have no doubt that it suits the counsel's convenience to magnify the pecuniary means of his clients, and I thank him for the suggestion as regards the house of Parrott. As regards the house of Bolton & Barron, I am constrained to say that their available means depend upon the annual profits that they derive from the mine of New Almaden, the property of which I put them in tranquil possession in 1850. I will add further, in illustration of the colossal power of the whole concern, that I omitted to mention the house of Anthony Gibbs, of London, and the commercial branch of that house in Peru.

Q. 442.—The more colossal this power becomes, the more pertinent is my inquiry. When you had evidence to sell which you claimed would destroy the title under which all the branches of this colossal power held their respective shares in the mine, why did you not, I repeat, seek the best market for your evidence?

A. 442.—I have already stated that I had no papers to sell, and that I made no sale of papers for the purpose of overthrowing the title to the mine; but, although I had experienced the ingratitude of the parties claimant to that property, I made no attempt to overthrow their title, but, on the contrary, I placed within their reach the means of an amicable compromise, but they, depending upon that colossal power of which the counsel vaunts, refused to listen to the terms of that compromise.

Q. 443.—Seeing then that this letter of the 28th March, 1848, instead of operating in vindication of your conduct, either on the occasion of your first deposition or when you sold your interest in the mine for the sum total of $54,000, has a manifest tendency to make your position worse than it might otherwise have been, must you not have had another motive for producing this copy, and a very different motive from that assigned by you?

A. 443.—The counsel is incorrect. I did not state that I depended upon that letter for my vindication—in the sense in which the counsel now views it. I do not consider that that letter is a justification of my former declaration, but I will now take occasion to state what was my real object in retaining that letter in my possession. I knew that the counsel himself had gone to the city of Washington, attended by Mr. Wm. E. Barron, for the purpose of getting a bill passed in the U. S. Congress, for the taking of testimony in Mexico; and if they should not be successful in obtaining the passage of such a bill, that witnesses would be brought here for the purpose of supporting the title to New Almaden, and after such testimony should have been given in this Court, I was determined to exhibit that letter to the United States authorities.

Q. 444.—You pulled out of your pocket your answer to the last interrogatory on the direct examination in the shape of a written statement, that interrogatory appears to have been framed with a view of affording you an opportunity to bring out such an answer. I presume from the manner of its production that your statement was carefully prepared at your leisure; in it you complain of periodical examinations in this case, and declare your motive for producing a copy of the letter of 28th March, 1848, to be your desire to vindicate yourself; if you so much objected to periodical examinations, and were so desirous of vindicating yourself, why did you not, when on the witness stand in this case on the 30th June (last month), with the original letter in your pocket, produce it and hand it to the District Attorney? Why did you hang back, when provocation urged you on and opportunity invited you? Why did you wait until the letter was stolen before you took a single step towards offering it in evidence? and why, as soon as it was stolen, did you forthwith proceed in this business by summoning Laurencel to your counsels, that he might advise with you the best means of bringing the carefully preserved copy of it to the attention of the U. S. District Attorney?

A. 444.—I do not know where I have declared that it was my object to vindicate myself by the production of that letter. As regards the statement presented on this examination I have to say, that that statement was not carefully prepared at my leisure, but that I wrote it myself the day previous, and copied it on the morning of the day of that examination. I showed it to Mr. Randolph a few moments before I came into Court, and I stated to him that I was going to present it on my examination. He replied to me that I had a right so to do; and I declare that neither Mr. Randolph, or any other gentleman of the legal profession, ever suggested to me one word contained in that statement. The reason why I did not present that letter on my examination of the 30th June last, is fully stated in my preceding answer. I did not hang back, neither was provocation urged, or opportunity invited for me to present that letter. The examination was short, and counsel for claimants asked me to identify two or three letters and another document. My reasons for not proceeding immediately to present the copy of that letter to the U. S. District Attorney is set forth in my written statement. With regard to summoning Mr. Laurencel to devise means to present the copy of that letter to the U. S. District Attorney, I have simply to say that I thought proper to choose Mr. Laurencel as the medium of the conveyance of that copy to the said functionary.

JAS. ALEX. FORBES.

Examination postponed till to-morrow, at 11 A. M.

SAN FRANCISCO, July 31, 1858.

## CROSS-EXAMINATION OF JAMES A. FORBES, RESUMED.

Present: A. C. Peachy, Esq., Counsel for Claimants; Ed. Randolph, Esq., Counsel for United States.

Mr. Forbes desires to add in further answer to the last question, the following:

"I have to say in further explanation of the question, that in the examinations referred to, the counsel for the claimant was extremely moderate and forbearing in his questions to me, for the reason, I presume, that he had been informed by Mr. Barron that he, Mr. Barron, had been made aware of the contents of that letter."

Q. 445.—Look at the two letters now shown you—one dated Monterey, 20th March, 1848; the other, Monterey, 25th March, 1848—and say if you know in whose handwriting they are; and if yea, state who wrote them.

A. 445.—I do know the handwriting.

Q. 446.—Did you receive from Alexander Forbes the letters of which the papers shown you appear to be copies, preserved for his own use?

A. 446.—I think this document, dated 20th March, 1848, is a copy of a letter received from Alex. Forbes about that time. I mean to say that some of the matter contained in this document was embodied in the letter alluded to. With regard to this other document, dated 25th March, there is matter contained in it which was never written to me, and there is matter contained in it which is comprised in the letter of the 28th of March, 1848.

[Counsel for claimant offers in evidence the two documents shown to the witness, which are annexed to this deposition, and marked respectively "O. H. X., No. 15" and "O. H. X., No. 16."]

Q. 447.—When did you reply to these letters, or either of them?

A. 447.—I think I replied to that which is dated 20th March. I have no recollection of having replied to the part of the matter contained in the other document, which I have stated was comprised in the letter of the 28th March, 1848.

Q. 448.—How long after Mr. Forbes left California before you wrote to him? And when you wrote to him, had you received from him any letter written after his departure from California?

A. 448.—I do not reccollect how long it was. It is possible I may have received a letter from him before I again wrote him, but I am not certain.

Q. 449.—Look at the letter now shown you, and say if you are acquainted with the handwriting and signature.

A. 449.—I am.

Q. 450.—Look at this other letter now shown you, and say if you are acquainted with the handwriting and signature.

A. 450.—I do know the handwriting and the signature.

Q. 451.—Who wrote and signed those letters, and when; to whom were they addressed, and were they sent to their address?

A. 451.—I wrote them; I signed them; to Alex. Forbes, and they were sent to him.

[Counsel for claimant offers in evidence the foregoing letters, which are annexed to this deposition, marked respectively, "O. H. X., No. 17" and "O. H. X., No. 18."]

Q. 452.—Was the letter dated the 28th June, 1848, the first you wrote Mr. Alex. Forbes after his departure from California?

A. 452.—I do not recollect whether it was or not. I think that with regard to the letter dated 22d March, 1848, it was transmitted to him at Monterey at its date.

Q. 453.—Have you any more letters in your pocket, or in any old portfolio, relating to the title in this case?

A. 453.—I have no more letters in my pockets, and I cannot state with certainty whether any letters in relation to the title in question exist in my possession or not.

### Direct Examination Resumed.

Q. 1.—You have spoken of a suite of rooms in the Railroad House, one of which you occupied on the 30th day of June last past, and from which on the night of that day the original letter of Alex. Forbes of March 28, 1848, was stolen. Do those rooms, or any of them, communicate directly one with another?

A. 1.—They do not all communicate with each other. In that suite there is communication from No. 47 into No. 48, from 48 into 49, from 45 into 46, and from 43 into 44, which last number was that of the room which I occupied on the occasion referred to.

Q. 2.—On which side was the connecting door between 43 and 44 fastened?

A. 2.—That door, from room No. 43 into room No. 44, besides the lock on the door it has a bolt on the door in room

43. I mean to say on the door which communicates from 43 to 44.

Q. 3.—Do you know whether or not the window in 43 opening on the parapet which you have described, was fastened when you left your room and went to the restaurant on Montgomery Street?

A. 3.—I do not.

Q. 4.—Do you know anything which would have prevented a person from entering room 43 by the window, and then entering your room by the connecting door which you have described?

A. 4.—I do not. The bedstead in room No. 44 is placed against the door; it moves upon casters and is easily moved; that would be the only obstacle to entering that room in the manner expressed.

Q. 5.—Now please state any matter or thing within your knowledge which may now occur to you that is calculated to further explain the true nature of the alleged title in this case, and anything which you may think necessary to a proper understanding of any subject matter which has been brought forward on your cross-examination.

A. 5.—I simply have to ratify my statements made upon the points alluded to in this question, and now have to add that I never had any communication, either personally or otherwise, with the counsel for the claimant in this case or with his clients in relation to testimony, or in any other matter whatsoever in connection with this case, subsequent to the time in which overtures were made to them by Mr. Laurencel, for an amicable compromise of their respective claims.

Q. 6.—In your explanation which you this morning desired to make in continuation of your last answer on yesterday, do I understand you as intending to express your belief that the claimant in this case, or rather their agent in this city, I mean Mr. Barron, instructed the counsel for the claimant not to press you with questions on that day, because he knew that you were then in possession of the letter of the 28th March, 1848, and if pressed would produce it?

[Counsel for claimant objects to this question as leading.]

A. 6.—I think I have already stated in substance that such was my belief. I was informed on the morning of my examination, viz: the 30th June last, by Mr. Birnie, that he had communicated to Mr. Barron the purport of that letter, and from the manner in which the counsel for claimant conducted my examination, I naturally inferred that he had been informed by Mr. Barron of the knowledge that he had acquired respecting the contents of that letter from Mr. Birnie.

Q. 7.—Then after Mr. Barron had been informed by Mr. Birnie that you had the letter, and after that examination was concluded, and after Mr. Birnie had taken a copy of that letter for the purpose of giving it to Mr. Barron, within a few hours the letter was stolen from your carpet-bag, from your room No. 44, at the Railroad House in this city. This is the substance of your testimony, is it not?

A. 7.—It is, upon that point.

## CROSS-EXAMINATION RESUMED.

Q. 1.—Please state the particulars which induced you to believe that the counsel for the claimant was extremely moderate and forbearing in his questions to you on your examination on the 30th June last.

A. 1.—I refer to those questions; and I state also, that my belief of the facts expressed in my answer this morning is founded upon the demeanor and bearing of the counsel in that examination.

Q. 2.—Your letter of the 5th May, 1847, which at that examination you acknowledged to have been written by yourself on its date, and sent to its address, was sufficient to show, was it not, that at that time you had seen and commented upon a copy of the claimant's title in colonization, which your testimony was taken by the United States on the 14th December last, to prove had been made according to the suggestions in your Tepic memorandum?

A. 2.—I agree with the counsel that my letter referred to in this question does prove that I had seen a paper purporting to be a copy of an order from Señor Castillo Lanzas to the Governor of California to put Mr. Castillero in possession of two leagues of land. I do not know whether the object of taking my testimony on the 14th of December was to prove or disprove the facts I have just expressed.

Q. 3.—On your examination, begun on the 14th December, 1857, you were asked, in the most broad and comprehensive terms, whether you had any reason to believe that the document relied on by the claimants as their title in colonization, being the same referred to in your previous answer, was in any manner affected by fraud. You refused to answer that question, did you not, and all other questions of a like character, upon the ground that an answer would tend to subject you to a criminal prosecution?

A. 3.—In response to this question I refer to my answer No. 415, in yesterday's examination.

Q. 4.—Answer the foregoing question.

A. 4.—I did refuse to answer those questions; and for an explanation of my refusal to answer those questions I again refer to my answer No. 415, of yesterday's examination.

Q. 5.—After you had refused to answer those questions for the reasons stated, and before your recall on the 30th June last, had anything occurred to induce the claimants to believe that you had changed your views in regard to the expediency of answering those questions, and that on the 30th June you would be willing to subject yourself to a criminal prosecution by answering questions which you had refused to answer in the preceding December?

A. 5.—I do not know. I am unable to state what may have been the views of the claimants.

Q. 6.—I did not ask you what were the views of the claimants. I asked you whether anything had occurred to induce them to change their belief as to what your conduct would be on the 30th June, founded on what your conduct had been in the preceding December.

A. 6.—I do not know.

## DIRECT EXAMINATION RESUMED.

Q. 1.—At the date of your letter of the 5th May, 1847, hereinbefore referred to, had you seen anything which purported to be a ratification by the Mining Junta at the city of Mexico of the alleged mining possession given to Castillero by the local authorities of California in 1845, and an approval of said ratification by the President of Mexico?

A. 1.—I had not.

Q. 2.—At the date of Alexander Forbes' letter of the 28th March, 1848, hereinbefore referred to, had you seen any paper purporting to be the aforesaid ratification and approval?

A. 2.—I had not.

Q. 3.—Had you ever seen any paper purporting to be either the original or a copy of such ratification and approval at the date of your memorandum left in Tepic with Alexander Forbes for Andres Castillero?

A. 3.—I had not.

Q. 4.—The decree of Castillo Lanzas, referred to in your letter of the 5th May, 1847, is the same pretended title paper which you have said was first brought to your knowledge by Robert Walkinshaw, and which at the same time he gave you to understand was invalid or defective, and which Alexander Forbes also gave you to understand was invalid or defective, and which is referred to in his letter of the 28th March, 1848, as having been manufactured long after the Americans took possession of California; is it not?

[Claimants' counsel objects to the foregoing question upon the ground that it assumes as a fact that which although first stated by the witness has been subsequently withdrawn and explained.]

[Counsel for the United States does not understand that the witness has anywhere withdrawn the statement referred to.]

A. 5.—The paper referred to in this question is the one of which a copy was shown to me at the date of that letter by Mr. Walkinshaw. I think I have before stated that the conversations had soon after that date with said Walkinshaw, and subsequently with Alexander Forbes, was more in relation to the invalidity of the act of the mining possession to Castillero than it was in relation to this document; but this document was embraced in those stated by Alexander Forbes in said letter to have been obtained subsequent to the occupation of California by the United States, inasmuch as he states that all the documents obtained by Castillero in Mexico were procured by Castillero at that time.

JAS. ALEX. FORBES.

[At this point neither counsel having any more questions to ask the witness, the deposition was closed.]

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## EXHIBIT E. M.

HONOLULU, Sept. 27, 1846.

DEAR MR. FORBES:

I take advantage of the first favorable opportunity that presents itself, to send you a few hurried lines, in accordance with a former promise.

Here I am still, very much annoyed, as you may easily conceive, at being detained in this half savage place, having nothing to do, and my anxiety to reach Mexico amounting almost to madness. I am daily, nay hourly, expecting the arrival of the Palinuras transport ship, which is to carry me to San Blas.

The only English man-of-war here at present is the Juno, with our friend Capt. Blake. The Grampus, a fifty-gun frigate, reached this shortly after our arrival but was sent off almost immediately to Tahiti. The Collingwood left for the same destination on the 3d inst.; the Spy, brigantine, has gone more recently, also for Tahiti; the Cormorant, steamer, the Fisguard, the Modesto, and two surveying vessels under the command of Capt. Kellet, are in the Columbia River. The American ship

Columbus is here lately from Japan; she was destined to cooperate with the squadron on the coast of California, but now that the storm is blown over, she goes to Valparaiso.

The only news of any importance, by the last mail, is an account of the settlement of the Oregon question.

The treaty fixes the boundary by the line of 49 deg. 20 min. with the free navigation of the Columbia to British vessels, until the expiration of the H. B. Company's charter. By this you will perceive that England gives up all the good harbors of the north-west coast and gets nothing in return. Thus has the country been again sacrificed by the assinine stupidity of old Aberdeen. Every Englishman with whom I have spoken on the subject seems utterly disgusted at the whole proceeding, and none more so than the officers of H. M.'s Navy, who looked forward with pleasure to a brush with the Yankees, but who now must hide their diminished heads while Jonathan may well boast, if not of his bravery, at least of his superior sagacity.

I fully expect to leave this before a week and soon to enjoy a long palaver with our mutual friend, Mr. Forbes. I am most anxious to see about forming a company to work the mines of Santa Clara. In the event of my succeeding (of which I have but very little doubt) would you consent to take charge of the whole concern? Pray let me know in your next letter. I am also very desirous of doing something about that grant of land. I will give the Yankees as much annoyance as I possibly can in the matter. May I beg of you to write to me by the very first opportunity to Mexico. Send your letter to me under cover, directed to Mr. Bankhead. I inclose a letter which I got for you at Los Angeles, but which I forgot to deliver when last we met. I shall write to you again when I reach the city of Mexico.

I forgot to mention, that by the last accounts, the Americans were rapidly advancing into the very center of Mexico, and it was even feared that they would overrun the country, if England or France did not interpose. The "ilustre sangre Mexicano" seemed to be below zero.

I remain,
My dear Mr. Forbes,
Your very sincere friend,
EUGENE McNAMARA.

## EXHIBIT O. H. X., NO. 14.

Sta. Clara, 18th Nov. 1849.

Messrs. Barron, Forbes & Co., Tepic:

Gentlemen:—I have to inform you, that immediately after the judgment given by the Court in First Instance, against the denunciation of the Mine of New Almaden, I was cited to appear before that Court at the suit of Grove C. Cook, in which, *he* laid claim to that property as being upon his land!

This is the last effort of Mr. Walkinshaw, who I learn has offered to purchase a part of the land of Cook, and has thereby caused Cook to believe that the mine can be obtained in this suit!

The ultimate object of Mr. Walkinshaw, is to make it appear that the first possession of the mine is illegal, and very probably, by destroying the principal documents still in his possession, he expects to attain his iniquitous ends. Those documents are not recorded in California. I speak of the grant from the General Government, and the contract of habilitation.

I appeared and told the Judge that the suit of Cook was a very extraordinary proceeding; and requested him not to take cognizance of it, as it was only intended to annoy me as the representative of the principal owners of the mine; for in reality, there was no legitimate claim on the part of Cook or any other individual, to the mine, or the lands, or hacienda. The case was left over to a future day, since which, I have heard nothing of it.

On Monday, the 26th, Mr. Walkinshaw is cited to appear in a complaint, entered by me, for the delivery of the papers and documents belonging to the negociation of New Almaden.

You will readily perceive the necessity of attending to the purport of my private letters already remitted to you; and I hope that you will not fail to carry out the end therein expressed. Please bear in mind that all documents authenticated in foreign parts, to be available in an American court of justice, must be certified by an *American Consul* or *Minister*, at that foreign place whence such documents emanate.

I have ascertained that the land of the Berreyesas, contiguous to the mine, cannot reach the mine or the hacienda. The previous opinion we had upon this point, originated in the supposition that the survey of these lands was a surface chain survey or actual measurement; but having inquired particularly of the Surveyor, I was happy to learn that the survey was a trigonometrical horizontal survey, by which the land designated in the map will much excede the actual measurement according to the Mexican Ordenanzas de tierras y aguas. This observation is equally applicable to Cook's land.

All these difficulties will be set at rest in a definite and final manner, by sending me the documents I asked of you in my precited letters, to which I pray your strict attention.

You will also be informed that for the reason just set forth, I have *not* purchased the land of the Berreyesas as I so intended on the 28th of Oct., and as per my advice to you of that date.

I remain, gentlemen,
Your most ob't serv't.
JAS. ALEX. FORBES.

On the morning of yesterday, Mr. Walkinshaw employed a blackguard of a Mexican to present the testimony of Juan Megia and Julian Hernandez, formerly employed at New Almaden, to prove that the mine had not been worked for some months. The Mexican requested the Second Alcalde to ask me to hear that testimony, but did not specify what it was, nor did I at that moment, see the two witnesses. I approached the table of the Juzgado and the Mexican pointed to a paper that he had before him, saying that I was requested to hear certain testimony and to signify, in writing, that I would do so. I was going to read the paper, when the Mexican, (a fellow from Mazatlan,) seized the paper, said "No se puede ver." You may judge the state of my mind, after having been harrassed for more than a month by all kinds of such rascally proceedings. I was almost upon the point of kicking the rascal and his paper out of the room, but I exposed him to the Judge of the First Instance, and so frightened the fellow that he ran out of the Court.

I have since been informed of the purport of the abovementioned paper. This is one of the *honorable* proceedings of Walkinshaw! But he can do nothing in the denunciation.

J. A. F.

I had forgotten to mention that a Licenciad Laijar, some time resident at Tepic, is one of the associates of Walkinsaw, and is his legal adviser by Mexican law.

N. Almaden, 26th Nov.

This morning on my way to the mine, I called at the Juzgado's to meet Walkinshaw on my citation for the delivery of the papers and documents of this negcciation. He answered that he had no papers but those which interested himself; asked me to show a title to the hacienda and mine! and requested the Court to give him time to answer to my demand.

## EXHIBIT O. H. X., No. 15.

[NOTE.—Those portions of this letter printed in italics, and inclosed in brackets, show the words and sentences erased in the original.]

MONTEREY, March 20th, 1848.

MY DEAR SIR:

I have made an arrangement respecting the Admittance, by which she is to go down to the coast of Mexico at the same time (*with*) as the William, which arrangement amounts to a sale if certain contingencies do not (*occur*) take place. I therefore will not leave (*this*) Monterey till the 27th of (*the*) this present month. I mention this that you may know the latest day on which I can hear from you, and I request the bearer to be sent from the mine, to enable you to fulfill your promise of informing me if the Robles, or you as their attorney, (*would*) accept of my offer of $6,000 for their two shares. (*As*) I repeat what I said to you here, that it will give me much pain to leave this country with any bad feeling existing between us, and however much disappointed I may be in the arrangement which I hoped to make, I have no other wish than to do by you what I think is right and friendly. I, at all events, will expect to hear from you by the bearer, (*or by any other conveyance which you think will be more speedy. I must feel most severely the disappointment of not hearing from you before I leave the country; and no good can result from a resort to any legal or harsh measures, on either side between us, who of all others ought to go in concert.*

*I now beg that you will fulfill your promise, in writing me so as to reach this before I leave, and I have still a hope that you will make such arrangements as will meet both our views and tend to all our,*) who will wait your orders, unless you choose to send your letters by some other hand.

I trust you are as averse as I am from resorting to any legal or harsh (*proceeding*) measures. We are the last who ought to be at variance, and I still count on your settling the affair of the Robles, and giving me orders respecting your own two shares as will enable me to regulate the affairs of the mine in Europe on the footing which we had agreed on, or on some such plan, which you may rest assured will not be for your disadvantage, and which will be of great convenience to me and all concerned.

Expecting that without fail, I shall have the pleasure to hear from you before the 27th.

I am, etc., etc.

Yours, very truly,

It would be convenient if I could hear from you in time to reply before I leave this.

## EXHIBIT O. H. X. No. 16.

[NOTE.—Those portions of this letter printed in italics and inclosed in brackets, show the words and sentences erased in the original.]

MONTEREY, 25 March, 1848.

JAMES A. FORBES, ESQ., Sta. Clara.

My dear Sir:—I have received your letter of the 22d instant, and would have answered it immediately, but the man who brought it has been ill of a boil on his leg, which is the cause of the delay in writing you.

I shall not trouble you with any remarks respecting what has passed between us on the subject of the sale of yours and Robles' shares of the mine, further than to say that I firmly believe your proceedings in the whole affair have been according to what you have thought right, and I assure you that I have felt most poignantly the difference of opinion we have had (*as to the value of the shares in question*,) on the business, but unfortunately as to the value of the shares I find (*that*) the difference in opinion still exists, but in order to make another endeavor to effect an arrangement, I have named Mr. Walkinshaw and D. Manuel Diaz, who will wait upon you as soon as possible, and who (*will have*) take powers from me to conclude an agreement.

I would not have named D. Manuel Diaz, if he had been one of those whom you suppose had attempted to prejudice me against you, (*but I assure you that*) on the contrary he has always spoken of you as a friend, and as such I name him, thinking it will be agreeable to you.

I am most sensible of your (*great attention*) exertions to serve me, and of the great trouble you took to forward in every way in your power the interests of (*the mine*) that concern, and (*I can assure*) you may rest assured that whatever way the business now depending between us is settled, and whatever proceedings may ensue, I do not leave California with any other sentiment towards you personally than that of friendship and respect. The great convenience to me of settlement, and (*the advantage*) my opinion of the advantage (*such a settlement*) it would be to all parties, have been the only motives for my urging such settlement, which I have still strong hopes may be effected.

(*Begging of you to forgive any seeming want of politeness on my part in the discussion between us, which was unintentional*,)

I remain, my dear sir, your very obedient serv't,

A—— ———.

I beg you will continue your correspondence with me as usual, and that you will be kind enough to inform me of what is passing in California; as well as to let me know of every thing respecting the negotiation between you and my apoderados.

A. F.

## EXHIBIT O. H. X. No. 17.

SANTA CLARA, 22d March, 1848.

ALEXANDER FORBES, Esq.

My Dear Sir:—I have this moment received your letter of the 19th instant, and answer it immediately by your messenger.

I had already closed a package for you, including a letter containing my answer to your last proposition, and in relation to the whole of the shares in the mine of New Almaden, held in the name of Robles. I beg to refer you to that letter.

I desire you to accept my thanks for the expression of your regret on leaving California with any bad feelings existing between us; and also for your friendly and equitable wishes towards me. None of the first exist in my breast, and I pray God that all success may attend you. There is no meed of praise or merit attached by me to my actions or operations in this affair of the mine of New Almaden; nor shall I allege any services rendered to you; but I shall spurn at those base sycophants, who being no real friends of yours, but wishing to creep into your favor, have endeavored to poison your mind with regard to one who never entertained a thought sinister to your interest; and who, notwithstanding the cold, repulsive reception occasioned by your pre-occupied mind, did not hesitate to manifest a sincere desire to serve you. But in what manner have those feelings on my part been appreciated? You declare that I have arrayed myself in defiance against you, and that you will take measures to counteract all that I can do! This has caused in me a poignant wound to my feelings, knowing that it may be augmented by your incorrect view of my intentions in relation to the affairs of the mine. I am quite sure, however, that the right of the Robles, which I represent, is most incontestible and tenable in any tribunal of the civilized world; consequently, it never has occurred to me that any litigation could take place, except by an attempt to impair that right.

It is difficult for me to believe that you, or any other person of sound, moral, unbiassed judgment will say that I have done wrong in the trust reposed in me by the Robles. But I will trespass no longer upon your time. I went to Monterey with a sincere desire to effect an arrangement with you; but you formed a misconception of my principles and sentiments. I have made a last proposition to you with the intention of retiring from any further intervention in the affairs of the mine of New Almaden. It remains with you to accept or reject that proposition, and also to remain assured of the respect with which, I am, my dear sir,

Your most obedient servant,

JAS. ALEX. FORBES.

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[Private.]

## EXHIBIT O. H. X., No. 18.

SANTA CLARA, 28th June, 1848.

ALEXANDER FORBES, Esq.

My Dear Sir:—Soon after your departure from Monterey, Mr. Walkinshaw and Don Manuel Diaz, made proposals to me in your name, for the purchase of the four "barras" or shares in the mine of New Almaden de Sta Clara, of which I am the agent on the part of the Messrs. Robles. The offer made by your agents for those shares not being equivalent to their present or future value, I have declined entering into any negociation for their disposal. Having present a due sense of the nature of my position as agent for the shares of the Messrs. Robles, and also of that of your position as habilitador and part owner of the mine, permit me to call your attention to the following observations:

The individual shareholder, who on behalf of himself, and of the other owners of the mine, granted a power of attorney to the Rev. Mr. Macnamara, did so under the persuasion and express understanding that that Rev. gentleman would use his best endeavors to obtain an "habilitacion" for working the mine, in all its relative branches, in a manner at once commensurate to the vast magnitude of the undertaking and the interest of the owners.

Under the impression that this object could in no way be better obtained than through an English company, (the command of capital, the spirit of enterprise, the liberality of management, and the good faith of the mining companies of that nation, being above all others distinguished,) it was specially provided that the contract of habilitacion should be celebrated with an English company.

How far Mr. Macnamara did, or did not, adhere to the terms of the trust reposed in him, to you, (who are acquainted with all the facts,) I leave to judge. Certain it is, as has subsequently appeared, that on his arrival in California, Mr. Macnamara commenced his negotiations relative to obtain an interest in this mine, as your agent; and it is no less certain, that having obtained the confidence of the owners, and authority as their agent, he returned to Tepic, immediately disclosed to you the nature and extent of his powers, and without taking another step in the business, consented that you should be the "habilitador" on the lowest terms assigned by the owners; being precisely those which are least favorable to their interest and most favorable to yours.

Such was the well-known conduct of Mr. Macnamara; and it therefore must not be wondered at if, under such circumstances, doubts should arise touching the validity of your contract of habilitacion, and at the same time, doubts as to the right of Mr. Macnamara to the one share of the mine offered to be ceded to him, in consideration of the due discharge of his agency on behalf of the owners, to obtain for them a beneficial contract of "habilitacion."

To conciliate the owners of the mine to this undue proceeding of Mr. Macnamara, you must be sensible that nothing has been done on your part. Your attention hitherto, has been engrossed by a desire to advance your own exclusive interest, or rather your private ends, in total disregard of the interest of the "habilitated" owners. In fact, you have not disguised your intention to wrest from them the few shares of the mine of which they still hold possession, and as if to second your views and at the same time to save risking more funds than the small advance you have hitherto staked, you have not provided the proper approved apparatus for extracting the quicksilver; but, in its stead, set up a miserable make-shift invention, (the result of a series of unsatisfactory experiments); and this, notwithstanding your own conviction of it being attended with the sacrifice of a very large per centage of quicksilver; while, at the same time, the difference between the daily extraction thus produced, and that which would be produced by a suitable apparatus, is enormous, exceeding one thousand pounds; and thereby subjecting the owners to an enormous and aggravated daily loss; which is still more augmented in consequence of the continuous defective state of your substitute for the proper apparatus.

In regard to the provision of the ordenanzas, Art. 10, Tit. XI, to which frequent allusion has been made by you, allow me to remark that the benefit of that article is alike open to the parties I represent, as to any other individual having an interest and a right to appeal to it. And that so far as may concern the transfer of any shares of the mine from the hands of the original owners, due intimation of such transfer never having been made to my parties, their right to avail themselves of the aforesaid article is in no way impaired.

Mr. Walkinshaw has informed me that he received instructions from you not to receive any of the quicksilver accruing to the four shares (of the mine) of which I am the agent, but to place the product thereof at my disposal.

I can easily perceive that this measure is an indirect blow dealt in the hostile attitude you assumed towards me at my last interview with you at Monterey. I could not expect that you would be troubled with the product of those shares: and as I feel it to be my duty to question the validity of your contract as habilitador of the mine of New Almaden, I have deferred receiving any part of the product of the shares for which I am agent, until this question shall be decided.

The Rev. P. Real having appointed me to be his agent for the management of his share promised to Mr. Macnamara upon the condition hereinbefore stated, I trust that you have not purchased that share of the last mentioned person.

I presume that what I have stated to you in this letter will be sufficiently explicit for you to understand the necessity of your naming an agent in California to meet and rebut, if possible, the facts herein stated, and which are the foundation of the cause of litigation which you are aware I was desirous to avoid, even by undue cesion of right in deference to you.

Permit me to request an answer to this at your earliest leisure.

I am, my dear sir,
Your ob't servant,
JAMES A. FORBES.

Indorsed: Filed Sept. 6, 1858.
W. H. CHEVERS, Clerk.

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## ORDER.

THE UNITED STATES
*v.* } No. 420.
ANDRES CASTILLERO.

On appeal from the Land Commission, in the U. S. District Court for the Northern District of California:

On motion of the claimant's counsel it is ordered and directed by the Court, that the claimant may proceed to examine as witnesses in this case, before W. H. Chevers, U. S. Commissioner, the following persons, to wit: Asa Vestal, William Aram, J. C. Rayney, Leslie Bostwick, William S. Smith, Thomas Campbell, H. C. Melone, William McCutchen, William C. Jones, Isaac Branham, Frank Lewis and L. D. Gavit, at such time or times, after due notice to the U. S. District Attorney, as may be reasonable.

August 17th, 1858.

OGDEN HOFFMAN,
U. S. District Judge.

Filed, August 17, 1858.
W. H. CHEVERS, Clerk.

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## DEPOSITION OF WILLIAM ARAM.

U. S. DISTRICT COURT
Northern District of Cal.

UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came William Aram, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimants' counsel)—What is your name, age and place of residence?

ANSWER 1.—William Aram; am 37 years of age, and reside in Santa Clara County, near San Josè; I have lived there six years, ever since I came to the country.

Q. 2.—Do you know Jas. Alex. Forbes, living in the village of Santa Clara?

A. 2.—I know him by sight.

Q. 3.—Are you acquainted with his general reputation in the community in which he lives.

A. 3.—I am.

Q. 4.—What is his reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of his character by his general reputation, would you believe him on his oath?

A. 5.—If there were reliable witnesses contradictory, I would not believe him on his oath.

Q. 6.—Would you believe him on oath if it were to his interest to swear to a falsehood?

A. 6.—I should not.

## Cross-Examination.

Q. 7.—How long have you known of this bad opinion of Mr. Forbes?

A. 7.—About the whole time I have lived in the country.

Q. 8.—When did you come to the country?

A. 8.—In 1852.

Q. 9.—Where did you then settle?

A. 9.—Near San Josè; I purchased a part of a 500 acre lease of my brother, for 999 years.

Q. 10.—How long have you known Mr. Forbes, personally?

A. 10.—Directly after I came into the place I had an introduction to him, and have known him ever since.

Q. 11.—Under what circumstances did you first hear the expression of an unfavorable opinion of Mr. Forbes' veracity?

A. 11.—Hearing private remarks made of the man. Soon after I came into the country I heard something about his having been arraigned for perjury. The charge was that the grand jury had found an indictment against him for perjury, but I paid no attention to the names or parties.

Q. 12.—Did that statement produce in your mind an unfavorable opinion of him?

A. 12.—I cannot say it did particularly, but it opened the door, when I heard constant remarks of things adverse to his character for truth and veracity.

Q. 13.—In a community where there have been so many conflicts and divisions as in the county of Santa Clara, was not the mere finding of such an indictment sufficient to injure character and to cause many remarks against the individual?

A. 13.—It would have that tendency.

Q. 14.—Have you never heard of perfectly innocent men being indicted by a grand jury, and where this has been effected by the malice of private enemies?

A. 14.—I have.

Q. 15.—Do you know what proceedings were had upon that indictment?

A. 15.—Except from report, I do not.

Q. 16.—Was it prosecuted to a trial?

A. 16.—It was not.

Q. 17.—Have you heard any remarks about his having been indicted by the grand jury?

A. 17.—I have heard it spoken of some several times within the six years I have been here.

Q. 18.—Has there not been at different times since your arrival in the country, a great deal of excited or ill feeling between the American settlers and those persons claiming lands under Spanish grants and their agents and witnesses?

A. 18.—There has been a great deal at times where the settlers consider the claims fraudulent.

Q. 19.—Was there not at one time an opinion that most of the grants in that neighborhood were fraudulent?

A. 19.—There has been such a view taken of the matter by the masses.

Q. 20.—Was not that county very much divided into two sets or parties, one claiming under alleged Spanish grants and the other claiming under American law as pre-emptors or settlers?

A. 20.—Such has been the state of society for the past few years.

Q. 21.—Did not those two parties make very grave charges each against the other, and was there not a great deal of feeling on the subject?

A. 21.—They did, and at times there was considerable feeling.

Q. 22.—Has not Mr. Forbes been very much identified with the party of the claimants?

A. 22.—In some instances he has.

Q. 23.—As an old resident of California has he not frequently been called on to testify?

A. 23.—In some instances I have heard he had been; have heard it from both settlers and claimants.

Q. 24.—Did you hear any comment upon his testimony in those cases?

A. 24.—I have; I heard Harry Love curse him for what he, Forbes, had said about the Bennett case, out of court. Don't know that he testified in that case. Harry Love is the present husband of Mrs. Bennett. I heard remarks made about the part he took in the Galindo case. Don't know whether as agent or witness. Have heard remarks made by several, unfavorable to him, Mr. Forbes. They were parties opposed to the claim. These were all the particular circumstances I recollect at present, unless it was the Peralta case. I heard many remarks made.

Q. 25.—What were those remarks?

A. 25.—I was not present at the examination of Forbes. The remarks were that he was taking a very active part in the matter and that he was interested. There was a great deal of feeling at that trial, so much that they moved from the Court House to the City Hall in consequence of the crowd.

Q. 26.—Have you any interest in the pueblo lands of San José?

A. 26.—I have; I have heard that an affidavit of Mr. Forbes has been filed on the part of the United States in opposition to that claim.

Q. 27.—Has there been no difference of opinion in the community as to the character of Mr. Forbes?

A. 27.—I have never heard any man speak well of him on general terms; heard one man say he had nothing against him as he had been paid. He is generally disliked.

Q. 28.—Have you any opinion of Mr. Forbes' character as a man, and do you like or dislike him?

A. 28.—My opinion is formed from the general character of the man. Personally, I neither like nor dislike him; I wish to have nothing to do with him; I think he owes a good deal of money in the country.

WILLIAM ARAM.

Sworn to and subscribed, August 17, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

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## DEPOSITION OF WM. L. SMITH.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Wm. L. Smith, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

Answer 1.—William L. Smith; am a little upwards of sixty, and reside in the city of San José, Santa Clara County.

Q. 2.—Do you know Jas. Alex. Forbes, of the village of Santa Clara, in Santa Clara County?

A. 2.—I do.

Q. 3.—How long have you known him?

A. 3.—I have never known him intimately. I have known him by sight, and the usual courtesies have passed between us since 1852.

Q. 4.—Do you know Mr. Forbes' general reputation in the community in which he lives?

A. 4.—I do.

Q. 5.—What is his reputation for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character from his general reputation, would you believe him on his oath?

A. 6.—I could not, unsupported by other evidence, circumstantial or otherwise.

### Cross-Examination.

Q. 7.—How long have you known Mr. Forbes by sight and reputation?

A. 7.—I think since 1852.

Q. 8.—When did you first hear of Mr. Forbes' bad character for veracity?

A. 8.—As well as I recollect, in the year 1852, and up to the present time. I thought for a long time that it was a prejudice in the public mind, until I saw him as a witness before a judicial tribunal in California, when I concurred with the public opinion of him, as to truth and veracity; I felt at first as if I would not partake of this prejudice, until a further acquaintance with him and his character, and hearing him testify before a judicial tribunal, I concurred with the public opinion of him as to truth and veracity.

Q. 9.—Before what judicial tribunal and on what occasion was that testimony given?

[Objected to by Mr. Peachy as immaterial and irrelevant.]

A. 9.—It was before the District Court of Santa Clara County, in the case of the probate of the will of old Peralta, in 1855 or 1856.

Q. 10.—What particular interest did you take in that case?

A. 10.—None further than a desire to hear Mr. Forbes' testimony in that case.

Q. 11.—Were you of your own knowledge acquainted with the circumstances about which Mr. Forbes testified?

A. 11.—No further than they were developed on that trial, and by Mr. Forbes himself.

Q. 12.—What were the circumstances testified to by Mr. Forbes, which made you form this opinion of him?

[Objected to by Mr. Peachy, first, because it is irrelevant, and second, because it is not in cross-examination of the witness.]

A. 12.—As well as I recollect, he swore that he had no interest in the matter then in controversy, but in the course of his examination, as a witness, he was required and did produce a deed of absolute conveyance from one of the heirs or legatees, to him for a large stock of cattle and his interest in the real estate.

Q. 13.—Is your recollection perfectly accurate as to what Mr. Forbes did swear, and if so, give us his words?

[Same objection to this question as to the preceding.]

A. 13.—My recollection is distinct that he denied, promptly, having any interest in the matter then before the court, and in the course of his examination on the point of his competency or interest, he was required to produce a certain instrument, in writing, then in his possession, which he did and was read in open court, and purported to be an absolute conveyance of the property of one of the heirs to said Forbes.

Q. 14.—From which one of the heirs?

[Same objection as before.]

A. 14.—I do not recollect the given name of any one of the heirs.

Q. 15.—Do you know precisely what was the issue to be tried in that case?

[Objected to as before.]

A. 15.—I do. It was of the soundness of his mind and his capacity to make a will.

Q. 16.—After Mr. Forbes had produced the conveyance you spoke of, did the Court permit him to testify in that case?

[Objected to for same reasons as before.]

A. 16.—I think they did, with the understanding that if upon examination of authorities it should be found inadmissible, it would be ruled out.

Q. 17.—Are you not one of the parties who claim the lands of the pueblo of San José, by purchase at Sheriff's sale under execution for some twenty odd thousand dollars.

A. 17.—I am one of a company who purchased the common lands claimed as belonging to the pueblo of San José, at the Sheriff's sale under an execution. The execution, as well as I recollect, was for between $26,000 and $27,000. The lands sold for more than the amount of the execution. The surplus, after satisfying the execution, was paid to the city authorities.

Q. 18.—Was not the quantity of land purchased by you, and the others in the manner and for the sum mentioned, about two hundred and fifty square miles?

A. 18.—I have not estimated the quantity of land. The eastern boundary is eleven leagues and one-half. I do not know the quantity of land.

Q. 19.—Have you not often heard it estimated by persons interested in that purchase, and have you not to-day heard Mr. Melone, one of your partners, under oath in this very case, estimate the quantity of land at thirty Mexican square leagues, which amounts to something in the neighborhood of two hundred and fifty square miles?

A. 19.—I have heard Mr. Melone's testimony; I concur with him that it embraces between twenty-five and thirty leagues.

Q. 20.—Are you not informed, and do you not believe, that Mr. Jas. Alex. Forbes has done an injury to your interest in this great claim by making an affidavit in support of a motion on which the United States caused a decree which has been entered in your favor for all this land to be set aside, and the case re-opened for further proceedings?

A. 20.—No further than a delay and increased expenses to the company in prosecuting the claim to a final decision.

Q. 21.—How many ranchos are included within the limits of those two hundred and fifty square miles?

A. 21.—I do not know the number within the pueblo boundaries.

Q. 22.—Do you think there are as many as ten ranchos within those limits?

A. 22.—I do not think there are over twelve.

Q. 23.—Do you really expect that some day or other, you and your associates in this speculation will enter into the enjoyment of this extensive territory, and the ranchos included?

[Objected to by Mr. Peachy.]

A. 23.—No, I do not, sir.

Q. 24.—Are you not still prosecuting this claim, and if yea, why are you prosecuting it, if you do not expect to succeed?

[Objected to by Mr. Peachy for irrelevancy; and secondly, it assumes a fact that has not been proved, in this that the claimants might establish the pueblo claim against the United States, but not against grantees within the pueblo limits from the Mexican Government, and the question assumes that if the witness does not expect to recover all of the land, he cannot recover any of it.]

A. 24.—We are still prosecuting the claim under the conviction that it is a good and valid claim against the government of the United States, and that as upwards of three-fourths of the common lands are covered by Mexican grants, and they not being segregated, and the pueblo having natural boundaries, we are compelled to prosecute the whole claim according to the boundaries of the pueblo.

Q. 25.—Then it is the intention of your association to give every ranchholder a quitclaim deed gratuitously?

[Mr. Peachy requests the Commissioner to instruct the witness that he is not bound to answer the foregoing question on the ground that it interferes with his private affairs, and is entirely irrelevant.]

[The witness does not object to answer the question.]

A. 25.—My feeling is to give each ranch owner the extent of his grant according to the laws, usages and customs of the Mexican Government. I do not speak for the association.

Q. 26.—Has not all along, since you have been acquainted with the county of Santa Clara, a strong feeling existed among American settlers against Spanish grants, and the old residents of the country who have been the principal witnesses in support of them?

A. 26.—At one period it was generally believed that there were no good Spanish grants within the State of California; and it produced a prejudice in the minds of the settlers against the claimants of the Spanish grants, but upon the judicial investigations that have taken place since, I believe a majority of the settlers are in favor of the claims being confirmed.

Q. 27.—Have you at any time occupied land in that county as a settler?

A. 27.—I have occupied and cultivated ground in Santa Clara Connty without hearing or knowing of its being claimed by a Spanish grant. After I heard of a Spanish grant covering that ground, I advised my neighbors to compromise with the claimants. I refer to the Galindo Grant.

Q. 28.—Was not this Galindo the father-in-law of Mr. Forbes? Was not Mr. Forbes understood to be interested in the grant, and did he not for a long time have the management of the same?

A. 28.—Within the last twelve months I have understood that he was Galindo's son-in-law, and that he acted as the agent of Galindo in presenting that claim to the District Court for confirmation. I knew of no connection between the two anterior to about twelve months ago. I first heard of the Galindo claim in 1853 or 1854.

Q. 29.—When you heard of the existence of this Galindo claim to your farm and residence, were you not sensible of an unfriendly feeling toward the claimant and his agents, and have you not to this day a strong suspicion, at least, that the grant is fraudulent?

A. 29.—I entertained no prejudice whatever against the claim or the claimant, and refused to contribute to outside efforts to defeat the claim.

Q. 30.—Has not Mr. Forbes been long a resident of California; and has he not often been called as a witness in support of Spanish grants upon which there were many American settlers?

A. 30.—Don't know how long he has resided in California; I am not aware that he has been called as witness as above questioned; I have heard that he has resided a long time in California and that he has acted as agent for claimants of Spanish grants upon which there were many settlers.

Q. 31.—Do you not suppose that Mr. Forbes' connection with old Spanish grants and the trouble and uneasiness which he has caused to settlers upon them, may account in a measure for the unfavorable opinion of his character which you say has so long been entertained among American immigrants in Santa Clara County?

A. 31.—I have no doubt but there is much hostility and prejudice to him arising from that source, but that he is equally unpopular with those settlers that were in California before the general excitement relative to Spanish grants.

Q. 32.—Is not Mr. Forbes represented to be a British subject by birth, and to have held the office of British Consul in California under the Mexican Government; is he not a man of reserved and unsocial manners, who apparently thinks himself better than his neighbors, and may not these circumstances also have contributed to create an unfriendly feeling towards him among the American immigrants who have settled in Santa Clara County?

A. 32.—I have always understood he was a British subject, and that he was the British Consul in this country under the Mexican Government. He is a man of reserved and unsocial manners and seems to think himself better than his neighbors. All these may have contributed to create an unfriendly feeling towards him among the settlers in that county.

Q. 33.—Have there not been during the last few years a great many feuds and divisions among the population of Santa Clara County, and harsh feeling and harsh language been greatly indulged in by men of one set or party, against those of another?

A. 33.—There has not been unusual excitement by any one particular party, against another, but the tumult and disputes about land was between settler and settler, as much as with the settlers against the Spanish claimants.

## DIRECT, RESUMED.

Q. 34.—Were you not examined in the case of the United States *v.* Charles Fossat, as a witness on behalf of the United States, on the 15th April, 1857, and did you not on said examination declare substantially what you have declared on your direct examination in this deposition, and did you not on said examination, among other things, declare that judging of J. A. Forbes' character by his reputation in the community in which he lives, you would not believe him on his oath?

[Objected to as leading.]

A. 34.—Yes, sir.

Q. 35.—Making due allowance for the prejudice against Mr. Forbes, arising from all the sources to which the U. S. Attorney has referred, do you not think it impossible that an honest and truthful man could have acquired such a wide-spread reputation for falsehood as that which prevails around his domicil respecting Mr. Forbes?

A. 35.—I think it possible that such a character may exist.

Q. 36.—Do you think it at all likely?

A. 36.—I have not seen or heard of such a person.

WILLIAM L. SMITH.

Sworn to and subscribed, August 17, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF H. C. MELONE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came H. C. Melone, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and Edmund Randolph, for the United States.

QUESTION 1.—(By claimant's counsel)—What is your name, age, and place of residence?

ANSWER 1.—H. C. Malone; am 51 years old, and reside in San José, Santa Clara County.

Q. 2.—How long have you resided in Santa Clara County, and what public offices have you held there?

A.—Have resided there since September, 1849. I was Clerk of the Court of First Instance, from about the 1st October, 1849, to 1st April, 1850. I was then elected County Clerk, and held that office until October, 1853. Last September I was elected County Treasurer and hold that office now.

Q. 3.—Do you know James Alex. Forbes, of the village of Santa Clara?

A. 3.—I do.

Q. 4.—Are you acquainted with his general reputation in the community in which he lives?

A. 4.—I am.

Q. 5.—What is his general reputation in that community for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character from his reputation, would you believe him on his oath?

A. 6.—I would not.

Q. 7.—How far is the village of Santa Clara from the county seat, where you live?

A. 7.—It is called three miles.

Q. 8.—How long have you known James Alex. Forbes?

A. 8.—I have known him since September, 1849.

Q. 9.—Is there more than one man of that name in Santa Clara County?

A. 9.—I know of no other.

### CROSS-EXAMINATION.

Q. 10.—How long has it been that you have entertained this bad opinion of Jas. Alex. Forbes?

A. 10.—Public opinion has given him that character ever since I knew him.

Q. 11.—Was that, in your judgment, a fair and general opinion, or was it merely the result of the rumors or private malice of the enemies of Mr. Forbes?

A. 11.—It was public opinion. I know nothing of Mr. Forbes' enemies.

Q. 12.—Was that also your own opinion from your knowledge of Mr. Forbes?

A. 12.—I formed my opinion from public rumor entirely; I never had any transactions with him.

Q. 13.—Do you own any land in Santa Clara County, and under what title do you claim?

A. 13.—I own about 420 acres of the Rancho of San Juan Bautista, granted to Agustin Narvaez. I claim under Narvaez. I bought portions of it in 1851 and 1852, and a small piece in 1857.

Q. 14.—Have you never occupied any land in the county as a settler?

A. 14.—I have not.

Q. 15.—Have you any interest in the claim now pending in this court for the pueblo lands of San José?

A. 15.—I have.

Q. 16.—Do you know that Mr. Forbes has made an affidavit in that case prejudicial to your interest as a claimant?

A. 16.—I do not of my own knowledge. I have been informed and believe that on motion for a new trial in that case, Mr. Forbes made an affidavit in support of that motion. I have never read the affidavit and don't know the contents of it; a decree had been entered in favor of the claimants, and a motion was made on the part of the United States to set aside that decree and open the case.

[It is conceded by the counsel for the claimant and the United States Attorney, that the said cause was confirmed on the 6th August, 1857. That on November 23, 1857, motion for a re-hearing was filed. That on 2d December, 1857, an order was entered setting aside the decree and granting a re-hearing.]

Q. 17.—What was the quantity of land covered by the confirmation in that case?

A. 17.—I do not know. I think about thirty square leagues.

Q. 18.—How did the parties in interest obtain title to those pueblo lands of San José?

[Question objected to by Mr. Peachy as irrelevant.]

A. 18.—By purchase at Sheriff's sale under execution, and from the city of San José.

Q. 19.—What was the amount of the execution under which the pueblo lands were sold?

[Objected to by Mr. Peachy on the ground of irrelevancy.]

A. 19.—I don't know the exact amount. It was for some twenty thousand dollars. We paid twenty-six thousand and sixty dollars at the Sheriff's sale.

Q. 20.—Has there not always been in the county strong feeling among the American settlers against Spanish grants and the witnesses that support them?

A. 20.—I think not, in bona fide grants.

Q. 21.—Were there not a good many grants in that county which were generally considered by the American settlers not to be bona fide grants?

A. 21.—There were a few.

Q. 22.—Please mention them.

A. 22.—Mrs. Bennett's claim, Galindo's claim near Santa Clara, Anto. Chabolla and the Berreyesa claim across the Coyote, I think the name is Tularcitos. Do not now remember of any others that were resisted on the grouud that they were not bona fide grants.

Q. 23.—Did your first acquaintance with Mr. Forbes commence about the time that he had the suit in Santa Clara County with Mr. Walkinshaw for the possession of the New Almaden Mine?

A. 23.—It did.

Q. 24.—Did your bad opinion of Mr. Forbes extend as far back as that time?

A. 24.—I have not said that I expressed any bad opinion of Mr. Forbes, individually, but public opinion commenced about that time, or in the spring of 1850, when he was indicted for perjury by the grand jury of Santa Clara County.

Q. 25.—Were you at that time Clerk of the Court?

A. 25.—I was.

Q. 26.—Who were the witnesses before the grand jury?

[Question objected to by Mr. Peachy as irrelevant.]

A. 26.—I do not recollect.

Q. 27.—For what perjury was he indicted and at whose instance?

A. 27.—I do not now recollect, the indictment will show. I do not know at whose instance.

Q. 28.—Was there ever a trial on that indictment?

A. 28.—There was a demurrer filed to the indictment which was sustained on account of a flaw in the indictment, and it was quashed.

Q. 29.—Was not that indictment defective because it contained no statement of the matter of which Mr. Forbes had sworn falsely?

A. 29.—I do not recollect, but I think it was because the names of the witnesses before the grand jury were not written on the back of the indictment.

Q. 30.—Was not the charge of perjury in that case brought by William Wiggins or others, interested in the Capitancillos Rancho, and the perjury alleged to have been committed by him in defending the title of this claimant, Andres Castillero, or in resisting the claimants of the Capitancillos Rancho, in some claim they were setting up to some one of those quicksilver mines adjacent to the New Almaden mines?

[Question objected to by Mr. Peachy as irrelevant, because the question states that there are mines adjacent to the Almaden mines, which is not the fact.]

A. 30.—I do not recollect who brought the charge. I know of no suit between the parties claiming under Castillero and the Capitancillos Rancho at that time, to the Capitancillos Rancho or any mines adjacent to the Almaden mines.

Q. 31.—Was not the perjury alleged to have been committed on the trial before Davis Devine, a Justice of the Peace, of a forcible entry and detainer suit between E. S. Townsend and others, against Suñol and others, in which was involved the possession of the quicksilver mine now known as the Guadalupe Mine and in which he had testified in behalf of Suñol?

A. 31.—I do not recollect any of the particulars of the charges.

### DIRECT, RESUMED.

Q. 32.—Were you not examined in the case of the United States, on the 14th of April, 1857, several months before a motion to open the decree in the case referred to in Question No. 16, in this deposition, and did you not on said examination declare, substantially, what you have declared on your direct examination in this deposition; and did you not on said examination, among other things, declare that judging of Jas. Alex. Forbes' character by his reputation in the community in which he lives, you would not believe him on his oath?

A. 32.—I was examined at the time referred to. I declared substantially what I have done to-day, that I would not believe him under oath.

H. S. MELONE.

Sworn to and subscribed before me, August 17, 1858,

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF WILLIAM McCUTCHAN.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came William McCutchan, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. District Attorney and Edmund Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—William McCutchan; am 41 years old, and reside in Santa Clara County.

Q. 2.—How long have you lived in Santa Clara County; how far from the village of Santa Clara, and what is your occupation?

A. 2.—Have lived in that county since 1849; about three miles from the village of Santa Clara; I am a ranchero.

Q. 3.—Do you know James Alexander Forbes of Santa Clara?

A. 3.—I do.

Q. 4.—Do you know Mr. Forbes' general reputation among his neighbors?

A. 4.—I think I do.

Q. 5.—What is his general reputation for truth and veracity?

A. 5.—It is bad.

## CROSS-EXAMINED.

QUESTION 1.—Upon what ranch do you reside in Santa Clara County?

ANSWER 1.—The Rancho "Palos." It is a grant to the three brothers Bernal.

Q. 2.—How long have you known Mr. Forbes?

A. 2.—Since 1849.

Q. 3.—Is your own opinion unfavorable to Mr. Forbes' character for veracity?

A. 3.—Yes, sir.

Q. 4.—How long have you entertained that opinion?

A. 4.—Since the commencement of the Land Commission.

Q. 5.—What connection has the commencement of the Land Commission with your opinion of Mr. Forbes?

A. 5.—Rumor has it that he has been a witness in a great many of those cases, and a great deal has been said about it.

Q. 6.—On what side has he been a witness?

A. 6.—I do not recollect on what side; I think generally he has been a witness on the side of the Spanish claimants.

Q. 7.—Has it not been usual to call the old residents of the country to testify in relation to land grants, and was not Mr. Forbes a resident of the country long before the American occupation?

A. 7.—Yes, sir.

Q. 8.—Is it not your opinion that these Spanish land grants, and the witnesses who support them, have done great injury to the interests of American settlers?

[Question objected to by Mr. Peachy.]

A. 8.—I think to quite an extent.

Q. 9.—Have you been engaged in resisting any of them?

A. 9.—I have an interest in some property in our county for which there are other claimants; I claim under a Spanish grant, the Ortega grant; and I resisted the "Las Animas" and Castro grants.

Q. 10.—When did you acquire title in the Bernal grant?

A. 10.—I think about two years ago.

## DIRECT, RESUMED.

Q. 11.—From your knowledge of Jas. Alexander Forbes' character derived from his general reputation in the community in which he lives, would you believe him on his oath?

A. 11.—I would not.

WM. McCUTCHAN.

Sworn to and subscribed before me, this 17th day of August, 1858.

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF FELIX RANEY.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 18th, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Felix Raney, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for the claimant; and the United States Attorney and Edmund Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—Felix Raney; 56 years of age, and reside in Santa Clara County, Cal.

Q. 2.—How long have you resided in Santa Clara County?

A. 2.—Since the fall of 1850.

Q. 3.—Do you know James Alex. Forbes of the village of Santa Clara?

A. 3.—I know him by sight and reputation only.

Q. 4.—Do you know his general reputation in the community in which he lives?

A. 4.—I do.

Q. 5.—What is that reputation for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character by his general reputation in that community, would you believe him on his oath?

A. 6.—I could not where there was any inducement for him to deviate from the truth.

## Cross-Examination.

Q. 7.—How long have you known about this bad opinion of Mr. Forbes?

A. 7.—Since October, 1850.

Q. 8.—Was that the date of its origin?

A. 8.—I don't know of the date of its origin, or what was the cause.

Q. 9.—How did you come to know about it in October, 1850?

A. 9.—I had some old acquaintances who had resided in Santa Clara since 1846. I went to them to learn from them whom to select as a friend to give me information about land titles, and I suggested the idea that Mr. Forbes had been in the country a long time, and was competent to the task. They said he was not a man to be depended on; that he would deceive me, and would as lief tell me a lie as the truth, and I never have yet made his acquaintance on that information; never have yet spoke to the man.

Q. 10.—Who were those friends, and where did they live?

A. 10.—They lived in the village of Santa Clara at the time. It was Mr. Fielding Lard. He was keeping stock, farming a little, and had been mining. He was ranching then at the old Indian Rancheria, two miles west of the village of Santa Clara.

Q. 11.—Was that place included in any Mexican claim?

A. 11.—It never was claimed by any Spanish claim till Mrs. Bennett's claim, in being located a little more than a year since, covered it.

Q. 12.—Have you ever occupied any land in Santa Clara County as a settler or pre-emptor?

A. 12.—I occupied a place one-half mile south of Santa Clara. It was known as Mission land, and believe it is still so known.

Q. 13.—Has nobody ever claimed that land under an alleged Spanish grant?

A. 13.—I think the Galindo claimants perhaps claim that land. I don't think the testimony in the case would include that land in the Galindo Grant.

Q. 14.—Have not the Galindo claimants, or their agents, offered to sell that land?

A. 14.—I think they have; have been told so.

Q. 15.—When did you settle on that land?

A. 15.—In October, 1850.

Q. 16.—Is not Mr. Forbes the son-in-law of Galindo, who it is alleged obtained a grant for that land?

A. 16.—He is known as such.

Q. 17.—Have you ever heard any thing of this indictment that these other witnesses have testified about?

A. 17.—It had slipped my memory if I did hear any thing about it.

Q. 18.—Has there not been much feeling among the settlers on the so-called Galindo Grant against the grant?

A. 18.—There has been a good deal.

Q. 19.—Was this opinion of Mr. Forbes, which you have expressed, universal in the community so long as you have known it, or was there a difference of opinion?

A. 19.—There were a few persons, a year or two back, who thought that public opinion had done him injustice. That it is universal, I cannot say that.

Q. 20.—Is Mr. Forbes a man much liked in that community?

A. 20.—Not by the American people. I think he is very unpopular. He is not liked by the Anglo-Saxons, by neither Americans or English.

Q. 21.—Have you ever heard any remarks about his not paying his debts?

A. 21.—I have heard a great deal of complaint about his not paying his debts.

### DIRECT EXAMINATION RESUMED.

Q. 22.—Since you first knew Mr. Forbes, has his reputation for veracity grown better or worse?

A. 22.—It has grown worse.

Q. 23.—You have said you have heard complaints about Mr. Forbes not paying his debts. Please to state his general reputation for honesty in the conduct of his business affairs.

[Objected to by U. S. Attorney: Testimony as to the honesty or dishonesty of a witness being clearly inadmissible in an issue as to his reputation for veracity.]

[The U. S. District Attorney objects to the witness answering the question, and moves the Commissioner to adjourn until to-morrow morning for the decision of the Court; which motion the counsel for the claimant opposes upon the ground that the witness has been brought from a distance, and is very desirous of returning to his home, and requests the Commissioner to take down the answer of the witness subject to the ruling of the Court.]

[In reply, the U. S. Attorney insists upon the application of legal principles, which in this case must overrule the request of counsel, and the convenience of the witness.]

[Mr. Peachy requests the Commissioner to adjourn until some time this evening, to obtain a ruling of the Court in order that the examination may be finished to-night.]

[The U. S. Attorney objects, because if the Court should rule that the question be admissible, it opens a new train of examination, which it will be impossible to close to-night; and besides, because he has been engaged continuously in taking depositions since 11 o'clock, A. M., and there is other pressing business of the government equally entitled to his attention, which requires it to-night.]

The Commissioner decides to adjourn until to-morrow, at 11 o'clock, A. M.

FELIX RANEY.

Sworn to and subscribed before me, August 18, 1858.

W. H. CHEVERS,
U. S. Commissioner.

—

5 o'clock and 20 min., P. M.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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August 19, 1858, 11 o'clock, A. M.

Examination resumed from yesterday.

Present: A. C. Peachy, for claimant; and the U. S. District Attorney.

Mr. Peachy withdraws Question 23. Examination closed.

FELIX RANEY.

Sworn to and subscribed before me, August 19, 1858.

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF ASA VESTAL.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 18, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Asa Vestal, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the United States Attorney and Edmund Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age and place of residence?

ANSWER 1.—Asa Vestal; am 57 years and upwards, and reside in San José, Santa Clara County.

Q. 2.—How long have you resided in Santa Clara County?

A. 2.—Since 6th August, 1850.

Q. 3.—Do you know James Alex. Forbes of the village of Santa Clara?

A. 3.—I do, sir, pretty well.

Q. 4.—Do you know his general reputation in the community in which he lives?

A. 4.—Yes, sir, pretty well.

Q. 5.—What is his reputation in that community for truth and veracity?

A. 5.—It is not good, sir.

Q. 6.—Judging of his character by his general reputation in that community, would you believe him on his oath?

A. 6.—Not where he was interested.

### CROSS-EXAMINATION.

Q. 7.—Did you hear the testimony of W. L. Smith on yesterday?

A. 7.—A great part of it, I did. I was present in the room, but don't know that I heard every word.

Q. 8.—Are you not one of the parties in interest associated with W. L. Smith in the pueblo land claim, of which he testified?

A. 8.—I have recently bought a small interest in that claim for the purpose of protecting my property.

Q. 9.—Do you mean that you have taken a deed from the associated speculators for your own property only, or that you bought an interest in the whole operation?

A. 9.—At sheriff's sale I bought an interest in the whole property, intending to secure my own property. The property was sold in a suit of myself against William R. Bassham. After all other property that I had levied on was sold, there was about two thousand three hundred dollars yet due, and this interest of Bassham in the pueblo claim, was the only thing that I expected to get any thing from.

Q. 10.—Have you not heard and believe, that J. A. Forbes has done an injury to your interests in that matter by making an affidavit in support of a motion in behalf of the United States in which a decree of confirmation that had been rendered in favor of your claim was set aside, and the case re-opened for further proceedings?

A. 10.—I never knew until yesterday that Mr. Forbes had made an affidavit in that case; I had never thought of such a thing; I learned it yesterday when Mr. Smith was giving his deposition. I have never kept myself posted with regard to the history, and look upon the claim as nearly worthless.

Q. 11.—Have you ever been what is known as a settler?

A. 11.—I bought my land when I came to this country at the moderate price of one hundred dollars per acre, and have never squatted on one quarter of an inch of land in this country or any other.

Q. 12.—Since you have resided in Santa Clara County, has there not been a very unfriendly feeling among the American immigrants towards Spanish grants, and the old residents of the country, who have been the principal witnesses to support them?

A. 12.—Agreeable to my acquaintance with the American people, they have been divided on that subject. There are two parties. One has been in favor of what is called sqatterdom, and the other was opposed to it. I think the squatter class the most numerous, and unfriendly to Spanish grants, and their witnesses.

Q. 13.—Has not Mr. Forbes resided a long time in this country, and in various ways been very active in establishing these old Spanish grants, and if yea, may not this circumstance have contributed very much to create the unfriendly feeling and unfavorable opinion which you say have existed towards him among the American immigrants in Santa Clara County?

A. 13.—He has resided here a great many years, as I have understood. I have also understood that he has been very active in establishing old Spanish grants. I do not think these two circumstances would have any bearing on his character with regard to truth and veracity. It might render him unpopular with regard to sociability among his neighbors or acquaintances.

Q. 14.—When people find themselves deprived of their homes and property by the testimony of a man, do you not think it natural for them to conceive a very bad opinion of his character for truth and veracity?

A. 14.—If a man has squatted on another man's land, and a court of justice takes it from him, and gives it to the proper owner, a correct thinking man ought not to think hard of any witness in the case.

Q. 15.—Has there not been a great deal of hard feeling among the people of Santa Clara County towards one another during the last few years? Have they not been greatly cut up into hostile cliques, and sets or parties?

A. 15.—In political affairs they have a good deal. There has been some hard feeling between these two parties of Americans, one in favor of squatting on the land, and the other opposed to it.

Q. 16.—Has there not been also a great deal in private affairs not relating to squatting or politics?

A. 16.—I think we believe that we have as good a community in our county with regard to friendship and sociability as the State can boast of.

Q. 17.—Is it not understood that Mr. Forbes was born a British subject, and in former times held the office of British Consul in California. Is he not a man of unsocial disposition, who appears to think himself better than his neighbors, and do you not know that these circumstances have tended to render him unpopular among the American inhabitants of Santa Clara County?

A. 17.—I learned he was an Englishman when I first became acquainted with him. With regard to the office he has held heretofore, I knew nothing of it until yesterday when Mr. Smith was being examined. I would say that his general deportment was that of a man who was unsocial, and thought himself better than his neighbors. As to his treatment to me, he has always treated me with as much respect as I could ask. I have no unfriendly feelings towards Mr. Forbes an an individual. It is my opinion that these circumstances would render him unpopular with a great many of the American inhabitants of that county.

Q. 18.—When did you first hear the expression of opinions unfavorable to Mr. Forbe's character for veracity?

A. 18.—Not many months after coming to this country I saw him arraigned for perjury in a court of justice, and I learned that he got shut of the matter by some informality in the bill of indictment.

Q. 19.—What was that informality?

A. 19.—I don't know.

Q. 20.—With what perjury was he charged in the bill of

A. 20.—I don't know; I was a stranger in the country.

indictment?

Q. 21.—At whose instance was that indictment found, and who were the witnesses before the grand jury?

A. 21.—I do not know, sir.

Q. 22.—Was there ever a trial upon that indictment before a petit jury?

A. 22.—A trial was called, and when the indictment was laid down, (I was in the court-house at the time,) before the Judge, I learned in consequence of this informality or wrong in the indictment the cause was dismissed.

Q. 23.—Was there ever at any time any public examination into the facts alleged against Mr. Forbes?

A. 23.—I don't know; not to my knowledge.

Q. 24.—Did not the mere fact of the finding of this indictment create in your own mind an unfavorable opinion of Mr. Forbes?

A. 24.—It put me on my guard and watch of the man. It did create an unfavorable opinion of him in my mind. This was the beginning of my unfavorable opinion of him. It might have worn off but for things that have happened since.

Q. 25.—Have you not heard that indictment spoken of by others?

A. 25.—I have sir, frequently. In conversation with the community, as one man will speak of another, they speak of that case, the will cases, and several other cases in which Mr. Forbes has sworn wrong.

Q. 26.—What were the other cases?

A. 26.—I don't know that I can point out the other cases, Spanish names I cannot reccollect well. I am not familiar with law matters, nor posted up in regard to the business of courts. My business is on my farm.

Q. 27.—Have you never heard of perfectly innocent men being indicted by a grand jury, and of this having been done through the procurement of private enemies?

[Objected to by Mr. Peachy as being irrelevant, and being inapplicable to Mr. Forbes.]

A. 27.—I have known men to be indicted by a grand jury, and when it come before a trial jury, the facts were failed to be established.

Q. 28.—Is Mr. Forbes generally considered to be a popular or unpopular man in his neighborhood?

A. 28.—I think he is unpopular, sir.

Q. 29.—Is he any way in debt, and has he paid his debts?

A. 29.—I have heard some of the men say who had built his mill, that he owed them considerable sums, and they cursed him pretty hard because they could not get their pay.

### DIRECT EXAMINATION RESUMED.

Q. 30.—Were you not examined in the case of the United States *v.* Charles Fossat, as a witness for the United States, some time in the month of April, 1857.

A. 30.—I was examined some time last year, in the spring.

Q. 31.—On the occasion of that examination did you not substantially testify as you have done on your direct examination in this deposition?

A. 31.—I did.

Q. 32.—At that time had you purchased Bassham's interest in the pueblo claim?

A. 32.—I had not.

Q. 33.—Did you then have any interest in the pueblo claim?

A. 33.—None at all.

Q. 34.—Since the indictment was found against Mr. Forbes in 1850, or 1851, has there been any reaction in public opinion in favor of Mr. Forbes' character for veracity, or has his reputation in that particular continued from year to year to grow worse?

[Objected to by the U. S. Attorney, as leading, and indicating the desired answer.]

A. 34.—I would say it has continued to grow from bad to worse, from my knowledge of public opinion on the subject, which is pretty considerable.

### CROSS-EXAMINATION RESUMED.

Q. 35.—Was this feeling against Mr. Forbes universal throughout the community, or was there a difference of opinion on the subject?

A. 35.—So far as my knowledge is concerned,. it was universal. There might have been a difference of opinion, but it was not talked to me.

Q. 36.—On your examination in April, 1857, in the Fossat case, who conducted the examination for the United States?

A. 36.—Mr. Peachy, I think.

ASA VESTAL.

Sworn to and subscribed, August 18, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

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## DEPOSITION OF ISAAC BRANHAM.

U. S. DISTRICT COURT,
Northern District of Cal.

UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Aug. 19, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Isaac Branham, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy for claimant; and the U. S. District Attorney.

QUESTION 1.—(By claimant's counsel)—What is your name, age and place of residence?

ANSWER 1.—Isaac Branham; 55 years of age and reside in Santa Clara County. Have resided there since the fall of 1846.

Q. 2.—Do you know James Alex. Forbes of the county of Santa Clara?

A. 2.—I do. I have know him since the fall of 1846.

Q. 3.—Do you know his reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is his reputation for truth and veracity in that community?

A. 4.—Bad.

Q. 5.—Judging of his character by his reputation, would you believe him on his oath?

A. 5.—I would not, sir.

## CROSS-EXAMINATION.

Q. 6.—How long have you known Mr. Forbes?

A. 6.—Since the fall of 1846.

Q. 7.—How long has this bad opinion of him been entertained by the community?

A. 7.—So far as my acquaintance with him is concerned, it commenced about that time.

Q. 8.—Did you have any difference with him yourself?

A. 8.—None.

Q. 9.—Have you ever had any connection with the New Almaden Mine?

A. 9.—None.

Q. 10.—Did you ever make any examinations with reference to that mine?

A. 10.—I did.

Q. 11.—Please state the circumstances.

A. 11.—Somewhere in the spring of 1847, in company with Capt. Fisher, now dead, and I think José Fernandez, we went to measure the depth and width of the mine at the request of Josiah Belden. We found there an Indian; I think we made the depth of the hole about eighteen feet. Don't recollect the width. Don't think there was much difference between the depth and width. A memorandum was made which I suppose I signed. I presume it was in Spanish as Fernandez made it out. Don't know where that memorandum is now. Have not seen it since.

[Mr. Peachy objects to the foregoing question and answer, upon the ground of irrelevancy.]

Q. 12.—You have said that you went at the request of Belden, what did he have to do with the matter?

[Question objected to by Mr. Peachy, who also objects to the answer of the witness being put down. Whereupon the Commissioner decides that he will refer the question raised in the objection to the Court for its ruling.]

[Mr. Peachy here moves the Commissioner to close the deposition on the ground that the District Attorney refuses to ask any more questions.]

[At this point Mr. Peachy requests the Commissioner to strike out the foregoing motion, he withdrawing the same.]

[The counsel for the claimant moves the Commissioner to inquire of the U. S. District Attorney whether he will not proceed to the examination of this witness on some matter independent of the answer which the witness may give to the foregoing question, if he have any such matter to inquire about, and he makes this motion for the reason that the witness has come from a distance and is very desirous of returning to his home and business, which he says is pressing, and because the U. S. District Attorney has declined putting any further question to the witness, since the last ruling of the Commissioner, made a half hour since.]

[The Commissioner makes the request as desired, and the District Attorney declines to answer.]

[The counsel for the claimant moves the Commissioner to close this deposition for the reason that the District Attorney has left the room, having neither asked for an adjournment nor proceeded with the cross-examination.]

[The Commissioner refuses the motion, to which refusal counsel for claimant excepts.]

The examination is hereby adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 20, 1858.

CROSS-EXAMINATION RESUMED FROM YESTERDAY.

Present: Mr. Peachy for claimant; and the U. S. District Attorney and Mr. Randolph, for the United States.

[Question objected to by Mr. Peachy for the further reason that it is not competent to prove by this witness what Mr. Belden went there for.]

A. 12.—As I understood, he aimed to get possession of the mine, from the fact that the denouncements had not been carried out according to the Mexican law.
Q. 13.—Did you not go by the order of Mr. Burton, the Alcalde?
A. 13.—I don't recollect, but my impression is that it was.

[Mr. Peachy objects to foregoing question and answer, as attempting to prove the existence and contents of an order of court by parol testimony, and as irrelevant.]

Q. 14.—On whose land did Mr. Belden claim that the mine was situated?

[Question objected to by claimant's counsel on the ground of irrelevancy, and because it is incompetent to prove title in Mr. Belden by parol testimony.]

A. 14.—My understanding was that he claimed the mine as being on the land of Grove C. Cook, by lease from him or somebody.

[Mr. Peachy objects to the foregoing answer as introducing irrelevant matter, and because the United States cannot prove a lease from Grove C. Cook to Josiah Belden, by parol testimony.]

Q. 15.—What was that Indian doing at the mine?

[Question objected to by Mr. Peachy on the ground of irrelevancy.]

A. 15.—I did not see him doing anything.
Q. 16.—Was there any machinery at the mine?
A. 16.—I saw a crowbar there. Don't know that it would be called machinery.

[Mr. Peachy objects to foregoing question and answer on the ground of irrelevancy.]

Q. 17.—What evidence, if any, did you see of the mine having recently been worked?

[Question objected to as irrelevant.]

A. 17.—I saw some of the quicksilver ore that was broke off, in the hole, and some outside. Can't say how long it had been done.
Q. 18.—Was there any inclosure round about the mine?

[Objected to for the same reason as before.]

A. 18.—I saw no fencing that I recollect of; I saw a cabin close by.
Q. 19.—How far was that cabin from the mine; was it occupied, if so, by whom?

[Objected to for same reason as before.]

A. 19.—Can't say the exact distance. I suppose about one hundred yards. I was not in it, did not see any one in it.
Q. 20.—Upon the whole, then, it was a very lonesome, solitary place, was it not?

[Objected to for same reason.]

A. 20.—It was.
Q. 21.—Have you at any time before or after that visit, in the years 1846 or 1847, visited that mine?

A. 21.—I don't think I have. May have done so, but don't now recollect that I did.

Q. 22.—Since you have lived in Santa Clara, has there not been a great deal of hard feeling among the American settlers against the claimants under Spanish grants and the old residents who have been called as witnesses to establish them?

A. 22.—I don't think there has, as a general thing.

Q. 23.—Is not Mr. Forbes generally considered a man of offensive manners, and is he not unpopular among his neighbors?

A. 23.—I think he is.

Q. 24.—May not his unpopularity and the fact of his being a British subject, and in former times having held the office of British Consul in California, and his having been so many years identified with the native population have contributed to create the unfavorable opinion entertained towards him by the American settlers?

A. 24.—The foregoing facts may have contributed a small degree of prejudice, but would not of themselves have been sufficient to create the feeling there is now against him.

Q. 25.—Are you not one of the parties in interest in what is known as the pueblo claim?

A. 25.—I am.

Q. 26.—Has not Mr. Forbes in that case made an affidavit unfavorable to your interests?

A. 26.—He has; but that has no control or influence over me as regards my opinion of him. I was a witness in behalf of the United States, in the case of the United States against Charles Fossat, in April, 1857, some months before the affidavit of Mr. Forbes was filed, and I then testified substantially as I have done in my direct examination in this deposition.

ISAAC BRANHAM.

Sworn to and subscribed, August 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF F. LEWIS.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 46, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came F. Lewis, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, for claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel)—What is your name, age and place of residence?

ANSWER 1.—F. Lewis; about 30 years of age; reside in Santa Cruz County. Have resided there over a year.

Q. 2.—Did you ever live in Santa Clara County; if yea, how long?

A. 2.—I have. From January, 1853, until March, 1857.

Q. 3.—What was your occupation in Santa Clara County?

A. 3.—From about August, 1853, to some time in the winter of 1856, I was Deputy County Recorder.

Q. 4.—Do you know Jas. Alex. Forbes of Santa Clara; how long have you known him, and do you know his general reputation in the community in which he lives?

A. 4.—I have had a slight acquaintance with him since the fall of 1853. I have often heard his reputation spoken of.

Q. 5.—What is his general reputation for truth and veracity?

A. 5.—I should say it is bad.

Q. 6.—Judging of Mr. Forbes by his general reputation for truth and veracity, would you believe him on his oath?

A. 6.—I would not.

### CROSS-EXAMINATION.

Q. 7.—How long since, has Mr. Forbes had this reputation?

A. 7.—From the first time I heard him spoken of, I heard of him that he was a man not scrupulous as to the means he took to attain a desired end.

Q. 8.—Do you know of any circumstance which gave rise to that impression?

A. 8.—I have heard that he had been indicted for perjury by a grand jury, and that the indictment was quashed for some informality. Don't know what case it was in. It was before I came to the country. Also his testimony in the Peralta Will case, was often spoken of.

Q. 9.—Since you have been acquainted with Santa Clara County, has there not existed among the American settlers a very unfriendly feeling against the Spanish grants, and the old residents who have testified in their favor?

A. 9.—I never have known of any such feeling except among the pre-emptors.

Q. 10.—Has not Mr. Forbes been very active in one way or another in establishing Spanish grants?

A. 10.—He has been in some, I have heard. Do not know it to be the fact.

Q. 11.—May not his being a British subject by birth, his having formerly held the office of British Consul in California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity, have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 11.—So far as his being a British subject and his having been Consul is concerned, I think those facts would not tend to render him unpopular with the American people of that county.

His manners might render him unpopular in some respects.

The fact of his identification with the old inhabitants of the country, would not, of itself, render him unpopular with the American settlers. Some of the most popular men in the county are as fully identified with the old inhabitants as is Mr. Forbes.

F. LEWIS.

Sworn to and subscribed, August, 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

## DEPOSITION OF THOMAS CAMPBELL.

United States District Court,
Northern District of California.

The United States,
*v.*
Andres Castillero.

San Francisco, August 20th, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Thomas Campbell, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for the claimant; and the United States Attorney and Edmund Randolph, for the United States.

Question 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

Answer 1.—Thomas Campbell; 41 years; reside in San José, Santa Clara County, and have resided there since May or June, 1847.

Q. 2.—Do you know James Alex. Forbes, of Santa Clara?

A. 2.—I do.

Q. 3.—Do you know his general reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is that reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of Mr. Forbes by that reputation, would you believe him on his oath?

A. 6.—I would not, sir.

### Ctoss-Examination.

Q. 6.—How long since Mr. Forbes has had that reputation?

A. 6.—If I recollect right, as early as 1847.

Q. 7.—Do you know of any circumstance which gave rise to that impression?

A. 7.—Nothing very particular. I have heard him spoken of as a man whose word could not be relied upon. This was as early as 1847.

Q. 8.—Do you know of any thing that has happened since

1847, upon which people have rested their opinions that he was not to be believed on his oath?

A. 8.—One case that I recollect of; "The Peralta Will Case."

Q. 9.—Since you have lived in Santa Clara County, has there not existed among the American settlers a very unfriendly feeling against the Spanish grants, and the old residents who have testified in their favor?

A. 9.—I cannot say to any great extent; there may be some.

Q. 10.—Has not Mr. Forbes been very active in one way or another in establishing Spanish grants?

A. 10.—I am not aware that he has been engaged in very many of those grants, or claims.

Q. 11.—May not his being a British subject by birth, his having formerly held the office of British Consul in California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 11.—So far as his being a British subject and his having been Consul is concerned, I think those facts would not tend to render him unpopular with the American people of that county. His offensive manners might render him unpopular in some respects. The fact of his identification with the old inhabitants of the country, would not of itself render him unpopular with the American settlers.

THOMAS CAMPBELL.

Sworn to and subscribed, August 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

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## DEPOSITION OF L. C. BOSTICK.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 20, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came L. C. Bostick, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—Leslie C. Bostick; am 49 years of age; reside in Santa Clara County; have resided there since Feb. 1850.

Q. 2.—Are you acquainted with Ja's Alex. Forbes, of Santa Clara?

A. 2.—I have no acquaintance with him; know him when I see him.

Q. 3.—Do you know his general reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is that reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of Mr. Forbes' character by his reputation, would you believe him on his oath?

A. 5.—I would not where he was interested.

### CROSS-EXAMINATION.

Q. 6.—How long have you known that Mr. Forbes has borne this bad reputation?

A. 6.—Some four or five years. When I first heard of it, it was from rumor. After that I was present when Mr. Forbes gave testimony in the Peralta Will case—the same that was referred to Mr. Smith in his deposition.

Q. 7.—Since you have lived in Santa Clara County, have there not been a great many divisions among the people, and particularly has there not existed a very unfriendly feeling among the American settlers against Spanish grants, and the old residents who have been witnesses in support of them?

A. 7.—There has been an unfriendly feeling among the settlers in reference to the Spanish grants, but I don't believe that the Americans generally entertain unfriendly feeling against the old Spanish settlers.

Q. 8.—Has not Mr. Forbes in one way or another been very active in sustaining Spanish grants?

A. 8.—I cannot say, sir.

Q. 9.—Is not Mr. Forbes an unpopular man among the Americans?

A. 9.—He is.

Q. 10.—May not his being a British subject by birth, his having formerly held the office of British Consul for California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 10.—So far as his being a British subject and his having been Consul, I don't think these facts would cause the Americans to dislike him. His offensive manners, but not his identification with the old inhabitants, in my opinion, tend to make him unpopular with the Americans.

L. C. BOSTICK.

Sworn to and subscribed before me, this 20th day of August, 1858.

W. H. CHEVERS,
U. S. Commissioner.

Filed, August 17, 1858.

W. H. CHEVERS, Clerk.

## DEPOSITION OF MANUEL COUTO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, October 18, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Manuel Couto, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter:

Present: Mr. Peachy, for claimant; and the District Attorney and Mr. Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age and place of residence?

ANSWER 1.—Manuel Couto; am 40 years of age, and reside in the city of Mexico.

Q. 2.—What public office do you hold in the city of Mexico?

A. 2.—Secretary of the Administracion del Fondo de Mineria.

Q. 3.—Did you ever hold any office in the Junta de Fomento y Administracion de Mineria, in the city of Mexico? If yea, state when you were appointed, and what offices you have held.

A. 3.—I have; I was first employed in 1844 as a Clerk, and so continued until 1848, when I was appointed an *oficial.* I continued as an *oficial* until 1852, at which time I was appointed Secretary, and have so continued up to this time.

Q. 4.—At whose request did you come from the city of Mexico to this place?

A. 4.—At the request of the person who has charge of the affairs of Don Eustachio Barron in Mexico.

Q. 5.—What salary is attached to your office in Mexico?

A. 5.—Sixteen hundred dollars per annum.

Q. 6.—During your absence from Mexico do you receive your salary?

A. 6.—No, sir.

Q. 7.—When did you leave Mexico?

A. 7.—On the 6th of last August.

Q. 8.—How much were you paid by Mr. Barron for coming from the city of Mexico to the city of San Francisco to give your testimony?

A. 8.—Four thousand dollars.

Q. 9.—Have you been paid that sum?

A. 9.—Yes, sir. It has been paid to me in full.

Q. 10.—Who was President and who *Vocales* of the Junta de Fomento in the year 1846?

A. 10.—Don Vicente Segura was President in 1846. The *Vocales* were José Maria Bassoco, and José del Motte.

Q. 11.—Are you acquainted with the handwriting of Vicente Segura and his signature?

A. 11.—Yes, sir, because I see him write and sign every day.

Q. 12.—Name all the persons in the service of the Junta de Fomento in the year 1846.

A. 12.—The Secretary was Josè Maria Castera; the Chief Clerk was Ysidro Rafael Gondra; another Clerk was Josè Maria Cauchola. The first Escribiente (writer) was myself. There was an assistant writer, (escribiente) in that year named Saavedra. Those were all the persons employed in the Secretary's office.

Q. 13.—Are you acquainted with the handwriting and signature of Gondra, and of the others mentioned?

A. 13.—I am; because I was employed with them in the Secretary's office in the dispatch of business.

Q. 14.—In what year was Vicente Segura appointed a member of the Junta de Fomento, and by whom was he nominated?

A. 14.—In the year 1842, I think it was, that the Junta de Fomento was established by a law passed that year. Vicente Segura was appointed by the government a member of the Junta under this law. For a long time before 1842, he, Segura, had been Contador de Mineria.

Q. 15.—Who was Minister of Justice in the month of May, 1846?

A. 15.—Becerra.

Q. 16.—Were you acquainted with him, and did you know his handwriting and signature?

A. 16.—I was; and know his handwriting and signature, because I have seen him write and sign, and because it was through his office that the Junta communicated with the (*gobierno*) government.

Q. 17.—Look at the document now shown you, being Exhibit "G." annexed to defendant's answer in the case of the United States *v.* John Parrott, et als., in the U. S. Circuit Court for the Districts of California, and say if you know the same to be a copy of an expediente existing in the archives of the *Junta de Fomento de Mineria*, and if you have compared the said copy with its original.

A. 17.—I know it to be a copy of an expediente existing in the archives of the Administracion del Fondo de Mineria. This is the same office which was formerly called the office of the Junta de Fomento. The archives are the same but the name of the office has been changed.

Q. 18.—How was the comparison made?

A. 18.—I compared it by reading it while the original was being read by another Clerk, and then reading the original while he read the copy.

Q. 19.—Is that copy a full and accurate copy of the original?

A. 19.—Yes, sir.

Q. 20.—Examine that copy, and state if you can, in whose handwriting are the originals of the various documents there appearing copied.

A. 20.—This first indorsement (*caratula*) is in the handwriting of Ysidro Rafael Gondra. The first page marked with red ink, Number 1, is in the handwriting of the same person. The 2d, 3d, and 4th pages, marked 2, 3, and 4, in red ink, I don't know the handwriting of. They are copies of two letters presented by Don Tomas Ramon del Moral when he presented to the Junta specimens of the ore of cinnabar and quicksilver. The handwriting on pages marked 5, 6 and 7, in red ink, excepting the marginal notes on page 5, I do not know, because it was written by some person in the office of *Direccion del Colegio Nacional de Mineria.* The first marginal note is written and signed by Vicente Segura. Second marginal note is in the handwriting of the same Gondra.

The original document, a copy of which appears on pages 5, 6 and 7, in red ink, is signed by Josè Maria Tornel; I know Tornel's signature because he was Director of the College. I have had business with him, and have seen him sign. His signature to the original is genuine. The handwriting in the original document, copy of which appears on pages 8 and 9, numbered in red ink, is that of the same Gondra.

The original of the document which appears on page numbered 10, in red ink, I do not know the handwriting of, but I know the signature. It is the signature of Becerra, Minister of Justice, the same of whom I have already spoken.

The original of the document which appears on pages numbered from 11 to 18, (both inclusive,) in red ink, is in the handwriting of Saavedra, before mentioned, except the marginal note on page 11, and the corrections and interlineations, which are in the handwriting of the said Gondra. I don't know the handwriting of the original of a document a copy of which appears on pages numbered, in red ink, from 19 to 22, both included. It was taken by Castillero to have a clean copy of it made.

The original of the signature, a copy of which appears on page 22, is the signature of the same Gondra. The original of the copy which appears on pages numbered in red ink, 23 and 24, bears the genuine signature of the said Becerra. The handwriting of the body of the document, I do not know. The signatures to the certificates signed Manuel Couto, Vicente Segura and J. Miguel Arroyo, I know to be the genuine signatures of those persons; the first is my own. The first two certificates are in the handwriting of a person named Antonio Vallejo.

Q. 21.—Look at the document now shown you, marked "Exhibit H." annexed to defendant's answer in the above named suit, and say if you have compared the same with its original, and where its original exists, how you made the comparison, and whether the same is an accurate and full copy of the original.

A. 21.—I know the original, of which this is a copy. The originals exist in the office of *Direccion del Colegio, Nacional de Mineria.* I saw these copies compared with the originals. The agent of Mr. Barron read the originals, while Mr. Brodie read these copies; and then Mr. Brodie read the originals, while the agent of Mr. Barron read these copies. The agent's name is Mr. Pardo, a lawyer.

Q. 22.—State, if you can, in whose handwriting are the original documents, copies of which appear in "Exhibit H."

A. 22.—The handwriting of the document, a copy of which appears on pages numbered in red ink 1 and 2, is in my handwriting, with the exception of the signature and note on the margin. The signatures to the document itself are those of Vicente Segura and the same Gondra. The handwriting of the marginal note I do not know, but I know the signature thereto; it is the signature of the same Tornel. The document, a copy of which appears numbered in red ink 3 and 4, I do not know the handwriting of; but the signature to it is the signature of the same Gondra. The handwriting of the document, a copy of which appears on pages 5 and 6, I do not know; but the signature to it is the signature of the same Gondra. The signatures to the certificates, signed "Joaquin Velazquez de Leon," "J. Miguel Arroyo," I know to be genuine signatures.

Q. 23.—Look at the document now shown you, being Exhibit I. annexed to defendant's answer in the above named suit. State if you have compared it with the original expediente, how the comparison was made, where the original exists, and if this is a full and accurate copy of the original.

A. 23.—I did not compare it myself; but I was present, and saw it compared with the original expediente, by Mr. Brodie and Mr. Pardo, the lawyer. They compared it in this way, the same as I have described with regard to Exhibit H.

Q. 24.—State in whose handwriting are the original documents, copies of which appear in this Exhibit I.

A. 24.—The document, copy of which appears on page numbered in red ink 1, I don't know the handwriting of. The document, copy of which appears on pages numbered in red ink 2 and 5, both included, is all in my handwriting, excepting the marginal note commencing on page 2 and ending on page 3. The first marginal note on page 2, down to the word "Mayo," and exclusive of that word, is in my handwriting. The signatures on page 5 are those of the said Segura and Gondra. The handwriting of the document, copy of which appears on pages numbered in red ink, 6, 7 and 8, I do n't know; but the signature to it is of the said Gondra. The handwriting of the document, copy of which appears on page numbered in red ink 9, I do not know. The handwriting of the document, copy of which appears on pages numbered in red ink, 10, 11, 12, 13, 14, 15 and 16, is in the handwriting of the aforesaid Saavedra, excepting the second marginal note, beginning on page 10, with the words "Mayo 20, 1846," and ending on the next page. The signature to it, on page 16, is that of the said Segura. I don't know the handwriting of the second marginal note; but the rubric to it I know; it is that of Becerra. The document, copy of which appears on pages numbered in red ink, 17, 18, 19, 20, 21, 22, is in my handwriting. The signature to it is that of Andres Castillero. The handwriting of the document or minutes, copy of which appears on pages numbered in red ink 23 and 24, I do not know. The certificate appearing over the signature of J. Miguel Arroyo, I do not know the handwriting of; but Arroyo's signature thereto is genuine.

Q. 25.—How do you know the signature of Andres Castillero, appearing on the original document, of which pages 17 to 22, both included, contain a copy, to be his genuine signature?

A. 25.—Because I saw him sign it.

Q. 26.—Where did Castillero sign that document?

A. 26.—In the office of the Junta de Fomento.

Q. 27.—When did he sign it?

A. 27.—On the day of its date, 12th May, 1846.

Q. 28.—How came this original document to be written by yourself?

A. 28.—Because he gave me the draft of it, in order that I might make a clean copy of it; and I, being a clerk in the office at the time, did make a clean copy of it.

Q. 29.—Look at pages 10 and 11 of this Exhibit I. and state whether you examined particularly the original of the marginal decree or *acuerdo* thereon copied, and if you did, whether you examined particularly the rubric affixed to the said decree, and whether you can say now, from your recollection of the original rubric, whose it is. I mean, at the time of the comparison by Brodie and Pardo, of which you spoke.

A. 29.—I saw the original rubric; I am certain it is the rubric of the Ministro Becerra.

Q. 30.—What is the object and use of the first marginal note, appearing on page 10, of Exhibit I.?

A. 30.—It is called a *Membrete*. It is an epitome of the contents of the document. It is put on in the office from which the document emanates. It is put on for the convenience of the Minister, so that he may not have to read the whole document.

Q. 31.—Is it usual to put on such marginal notes to communications sent from one pueblo office to another; I mean is that the practice in the pueblo offices in Mexico?

A. 31.—It was usual to make such marginal notes. The government had expressly ordered that it should be done in order to facilitate business.

Q. 32.—Now look on the 2d marginal note beginning on page 10, and state what is its object and purpose, and whether in all the public offices in Mexico, it is the usual practice to make such notes.

A. 32.—The object of this 2d marginal note, is to express the conclusion at which the President had arrived after consultation with the Minister. It is the decree of the President. It is addressed to the proper office, in order that it may be complied with. It is usual; it is the custom in Mexico to make such decrees in this way. I don't mean that such a decree is itself sent to any other office by the Minister. I mean that the Minister hands it to the proper Clerk in his own office, to have it complied with, or carried out.

Q. 33.—Examine the document now shown you, marked Exhibit K. annexed to the defendant's answer in said suit. State whether you compared it, and how, with its original.

A. 33.—It was compared with the original in my presence by Mr. Brodie and Pardo.

Q. 34. —Are you acquainted with the handwriting and signatures in the original document, copies of which appear in this Exhibit K.?

A. 34.—I am acquainted with the originals, but I do not know the handwriting, nor any of the signatures except two.

Q. 35.—In whose handwriting is the original expediente?

A. 35.—I do not know any of the handwriting or signatures in the original expediente, except two signatures that I do know. They are the signatures of Andres Castillero and Becerra.

Q. 36.—When did you first become acquainted with Andres Castillero?

A. 36.—In May, 1846, in Mexico, when he signed the document referred to.

Q. 37.—Do you remember when and in what manner the *Junta de Fomento de Mineria* was first made acquainted with the discovery by Castillero of a quicksilver mine in California?

A. 37.—By the specimens which were first presented to the Junta by Don Tomas Ramon del Moral. I don't remember the date, the expediente will show.

Q. 38.—State if you have any personal recollection of those specimens of cinnabar having been brought to the Junta de Fomento de Mineria, or of anything done by Castillero about the business of the mine at the office of the Junta.

A. 38.—I remember seeing the specimens presented, and I remember when the expediente was began. The specimens and expediente have been in my possession as Secretary, since I was appointed Secretary, and are at present.

Q. 39.—Do you remember when Castillero was engaged in the business of the mine before the Junta de Fomento, and do you remember the fact of any communications having passed between the Junta de Fomento and any other department of the government about this mine? If yea, state what you remember about it.

A. 39.—I do; I remember that Castillero was occupied before the Junta de Fomento about the matter of the mine, and that these communications which are found in the expediente passed in relation to the matter. I remember that Castillero made his propositions to the government, and that they were accepted afterward. There was an order of the government forbidding all payments of public money, and therefore the amount that was to be paid Castillero was not paid him, and the conditions in that respect were not complied with.

Q. 40.—You have said that the original communication from Vicente Segura, President of the Junta, to Tornel, Director of the National College, dated April 21st, 1846, a copy of which appears in Exhibit H. pages 1 and 2, is in your handwriting. And also that the letter from said Segura to the Minister of Justice, dated 5th May, 1846, copy of which is found in Exhibit I. on pages 2, 3, 4 and 5, is in your handwriting. And also that Castillero's proposals to the Junta de Fomento, dated 12th May, 1846, copy of which appears in Exhibit I. on pages 17, 18, 19, 20, 21 and 22, are in your handwriting. Were those letters and his said proposals written by you on the days of their respective dates?

A. 40.—They were all written on the days of their respective dates.

Q. 41.—Were the other documents and letters appearing in the various Exhibits, about which you have been examined, written on the days of their respective dates, and sent and received in the due course of official communication between the various public officers mentioned in them so far as you know; and have you any reason to believe that any of said communications or documents was made at a time different from that indicated by their dates?

A. 41.—So far as I know, they were all made on the days of their respective dates, and transmitted in the ordinary course of business from and to the offices between which they passed.

Q. 42.—Is Don Vicente Segura living?

A. 42.—He is.

Q. 43.—What office does he hold, and what offices has he held since 1843.

A. 43.—First he was President of the Junta de Fomento de Mineria, when it existed. When it ceased to exist he became Administrador de Fondo de Mineria, and has continued so up to this time.

Q. 44.—What is his age?

A. 44.—Don't know exactly, but he is over sixty years of age.

Q. 45.—Is Gondra living?

A. 45.—He was when I left. He is very sickly; he is in a dying condition. He is over sixty years of age.

Q. 46.—Is Becerra living?

A. 46.—He is dead. When he died, he was Bishop of Puebla. Don't recollect when he died.

Q. 47.—Is Cásterra living?

A. 47.—No, sir. Don't remember exactly the year he died, but think it was about 1850.

Q. 48.—Is Paredes living?

A. 48.—He is dead.

Q. 49.—Is Castillo Lanzas living?

A. 49.—He is. When I left Mexico in August last he was Minister of Relations.

Q. 50.—Do you know Manuel Herrera, who was at one time Professor of Chemistry in the National College of Mining?

A. 50.—I knew him. He is dead; he died about two years ago.

Q. 51.—What professors and officers of the National College of Mining do you remember to have been such in 1846.

A. 51.—Don Manuel Herrera, Professor of Chemistry; Don Manuel Ruiz de Tejada, Professor of Physics; Andres del Rio, Professor of Mineralogy; Blas Balcarcel, Professor of Mathematics; Juan Palacios, Professor of the English Language; Antonio Balderas, Professor of French; Gen, Professor of German.

Q. 52.—What office did Don Tomas Ramon del Moral hold in 1846?

A. 52.—Don't remember exactly, but think he was Professor of Drawing. He is dead; don't remember when he died.

Q. 53.—Is J. J. de Herrera dead?

A. 53.—He is. Don't remember when he died. He was President of the Republic at the time peace was made with the United States. Don't remember whether he was President before.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal.
October 19, 1858, 12 o'clock, M.

Direct Examination Resumed from Yesterday.

Present: Mr. Peachy, for claimant; and the U. S. Attorney and Mr. Randolph for the United States.

Q. 54.—Are you acquainted with the signature and handwriting of Castillo Lanzas?

A. 54.—I am not.

Q. 55.—Please state in what offices are the originals of the several exhibits marked G., H., I., K., of which you testified yesterday?

A. 55.—The original of Exhibit G. is in the office of the Administracion del Fondo de Mineria. I know this because it is in my charge. Original of H. is in the office of the Direccion del Colegio de Mineria. I know this because I assisted Brodie and Pardo in making the comparison of this copy with the original in that office; I saw the original in that office. Original of I. is in the office of the Ministry of Relations; I know this because I have seen it there; I saw it there when the comparison was made. Orignal of K. is in the office of the Ministry of Gobernacion; I saw it there when the comparison was made.

Q. 56.—How many Ministries were there in 1846? name them.

A. 56.—Four. Ministry of War and Marine, Ministry of Hacienda, Ministry of Relations and Gobernacion, and the Ministry of Justice and Public Instruction.

Q. 57.—Since 1846 has any change been made in the Ministries? and if so, state when these changes were made, and what are the Ministries of the government at present

A. 57.—They have been changed. In 1852 there were two additional Ministries made. One called the Ministry of Fomento, Colonizacion, Industria and Comercio; and the other is called the Ministry of Gobernacion y Policia.

Q. 58.—Look at Exhibit G. and please explain what appears to be your name written on pages 1, 4, 9, and state why it was there written in the corresponding original?

A. 58.—The object in placing it there is to indicate that a clean copy of it has been made. It is merely a mark placed there for that purpose, on borradors only, or blotters.

Q. 59.—Do you know José Maria Lafragua, formerly Minister of Relations?

A. 59.—Yes.

Q. 60.—Was Mr. Lafragua ever in the office of the Junta de

Fomento, inspecting for any purpose the original of Exhibit G.? If yea, state when and for what purpose.

A. 60.—He was. I remember that he was in the office of the Junta, and examined in my presence the original expediente; that he took some data from it to come to San Francisco in this same business; but I do not remember the time; I think it was about two years ago.

Q. 61.—Where is Mr. Lafragua now?

A. 61.—He is in Spain. He went there as Minister from Mexico.

### Cross-Examination.

Question 1.—Where were you born?

Answer 1.—In Puebla.

Q. 2.—When did you first come to the city of Mexico to live?

A. 2.—I do n't know.

Q. 3.—Do you mean that you came there so young that you cannot recollect?

A. 3.—I have been there very often. I don't know when I went there first, I was so small.

Q. 4.—When did you first consider yourself a permanent resident of the capital, and that it was your home?

A. 4.—I don't remember exactly, but it was about sixteen years ago.

Q. 5.—Sixteen years ago you were twenty-four years old. Please tell me exactly where you had lived and what had been your occupation up to that time.

A. 5.—Before that time I had no occupation; I lived with my family in different parts of the republic.

Q. 6.—Tell me all the parts of the republic in which you had lived before that time.

A. 6.—In Puebla, Charchicomula, Guanajuato, and I don't remember what other places.

Q. 7.—What was the business and occupation of your family, in each and all of the places in which they had resided up to the time that you reached twenty-four years of age?

A. 7.—My father was always a proprietor—land holder.

Q. 8.—What was the reason of his changing his residence so frequently?

A. 8.—I do not know.

Q. 9.—Where were you educated?

A. 9.—At the different places where I resided.

Q. 10.—Were you ever engaged in any business of any description before you were employed in the Junta de Fomento, etc.?

A. 10.—I had no occupation or business of any kind.

Q. 11.—Do I understand you correctly that you have never been engaged in any business, public or private, in the course of your life, except in the Junta de Fomento, etc., and the Administracion del Fondo de Mineria, as you have testified on your direct examination?

A. 11.—I had my own private affairs before I was employed by the Junta.

Q. 12.—What was the nature of your private affairs, which constituted your business and occupation before you were employed by the Junta, etc., and at what place was that business conducted?

A. 12.—I cannot state this, because it is irrelevant to this matter.

Q. 13.—As you are altogether a stranger in this community, and have given testimony against the United States in this very important cause, I consider it important to the interest of the United States to find out, if possible, who and what you are; and, therefore, repeat the last question. Please answer it.

A. 13.—I cannot answer that question, because those matters are altogether private, and have nothing whatever to do with this matter. I am willing to answer any question that relates to the subject under examination.

Q. 14.—Were you engaged in commerce on your own account, or in the employment of any other person at any time during the period referred to; and if so, where and when; and if in the employment of any person, where and whom?

A. 14.—This is the same question which was formerly put to me in another form. I answer it as I did before. I had different kinds of private affairs, none of which have any relation to this case.

Q. 15.—You labor under the mistake of supposing that you are the judge whether the questions are relevant to this matter; but I am the judge, at present, whether my questions are relevant or not; and your only business is to answer truly whatever I ask you. I again repeat my question.

[Mr. Peachy objects to that part of the question which undertakes to instruct the witness as to what are the rights of the counsel for the United States, and as to what are the obligations of the witness, upon the ground that those rights and obligations are not correctly stated.]

A. 15.—I was engaged in different kinds of private business, in buying and selling different kinds of goods, and in the brokerage business. I cannot remember particulars about these matters; I don't know how long I was engaged in this way. It was before I was employed by the government. I was engaged in those matters on my own account, at the different places where I resided.

Q. 16.—Were you engaged in trade as above stated, in each of the several places in which you have said you had resided with your family; namely, in Puebla, Charchicomula, Guanajuato, and the other places referred to in your sixth answer?

A. 16.—I mean that I was engaged in trading and in those private affairs in each of the places I have named, and also in the city of Mexico.

Q. 17.—How is it that in your fifth answer to this cross-examination you have stated that before that time, to wit, sixteen years ago, when you entered into the employment of the Junta, "I had no occupation; I lived with my family in different parts of the republic;" and now you say that you had been occupied in trade in each of the several places in which you said you had resided?

A. 17.—I did say so, because, without having any necessity for it, I occupied my time in those matters while I lived with my family.

Q. 18.—I call your attention again to your fifth answer. Your words are, "Before that time I had no occupation;" and now you say that you were occupied in various kinds of trade, referring to the same period and the same places. Do you not see a contradiction?

A. 18.—I see no contradiction; because I had no regular occupation. Those were small matters of no consequence, which I engaged in voluntarily, without any compulsion or necessity for it. I have stated them as details, because I was asked to state details.

Q. 19.—Before you entered the service of the Junta, did you never have any other employment or business whatsoever, except that of trade, as you have above stated.

A. 19.—I had not.

Q. 20.—By what means did you obtain employment from the Junta, on whose recommendation, and who was your immediate employer?.

A. 20.—I obtained the employment by the recommendation of my parents; I was employed by the government; I got my commission from the government.

Q. 21.—What was exactly the style and designation of the office to which you were appointed; what was the tenor of your commission, and by whom was it signed?

A. 21.—The title of the office was Escribiente de la Junta de Fomento de Mineria. I don't remember the tenor of the commission; it was signed by the President, General Santa Anna.

Q. 22.—What was the day, month and year, of the date of your commission?

A. 22.—I remember the month and year, but not the day. It was March, 1844.

Q. 23.—Was there any other signature on your commission except that of the President, General Santa Anna, if yea, what other?

A. 23.—It was signed by the Minister of Justice, also. His name was Barranda.

Q. 24.—Besides the first commission, have you since received any other commission or commissions, and if yea, at what time, and by whom signed?

A. 24.—In the year 1848 I received a commission as *oficial.* I don't remember by whom it was signed, and in 1852 I received that of Secretary. This last was signed by the President Arista, and the Minister whose name I do not remember, but I can ascertain very soon, as I brought this last with me.

Q. 25.—Can't you remember the name of the President by whom your commission in 1848 was signed?

A. 25.—I don't remember.

Examination adjourned until to-morrow, at 11 o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., October 20th, 1858.

### Examination Resumed from Yesterday.

Q. 26.—Have you brought your commission with you, of which you spoke yesterday?

A. 26.—I have. [Witness here produces it, a copy of which is filed with this deposition.]

Q. 27.—Are you acquainted with the Bernardo Couto, one of the signers of the Treaty of Guadalupe Hidalgo?

A. 27.—Yes, sir. He is my uncle, and brother-in-law. He is my father's brother, and married my sister.

Q. 28.—Do I understand you to say that he married his own niece?

A. 28.—Yes, sir. He married the daughter of his brother.

Q. 29.—When was the Administracion del Fondo de Mineria established, and in what manner was it established?

A. 29.—The office was formerly called Junta de Fomento y Administracion de Mineria, and in 1852, by virtue of the decree of the 28th June, of that year, it changed its name, and it is called Administracion del Fondo de Mineria, and in place of the three persons who formerly composed the Junta, there is one person who is called Administrador del Fondo de Mineria. His name is Don Vicente Segura.

Q. 30.—Who was President on the 28th of June, 1852?

A. 30.—Don Mariano Arista.

Q. 31.—What other changes were made in the office, if any?

A. 31.—The persons employed in the office under the new organization were reduced to these: a Contador y tenidor de libros, (Bookkeeper,) and his Clerk; a Secretary, myself, and my Clerk.

Q. 32.—What are the names of the Contador, and that of your Clerk?

A. 32.—Agustin Peredo is the Contador, Josè Garcia is the name of his Clerk, and Francisco Segura is the name of my Clerk. He is the son of the Administrador.

Q. 33.—What is the name of the agent of Mr. Eustaquio Barron at whose request you came from Mexico to this place to testify, and referred to in your fourth answer on your direct examination?

A. 33.—Emilio Pardo. The same person who came with me, and is here now. He is a lawyer.

Q. 34.—Was Mr. Eustaquio Barron in Mexico at the time when you were requested by Mr. Pardo to come to San Francisco?

A. 34.—I don't know.

Q. 35.—Did you not see Mr. Eustaquio Barron himself on the subject of these papers, and of your coming to San Francisco to prove them?

A. 35.—I did not. I saw him at his house in Mexico the night before I left. I went to see him in order that he might know who I was, because he did not know me.

Q. 36.—Then you had never seen Mr. Eustaquio Barron at any time in the establishment called the Administracion del Fondo de Mineria?

A. 36.—I never did see him in that office.

Q. 37.—Did Mr. Barron himself pay you the $4,000 for coming from the city of Mexico to the city of San Francisco to give your testimony referred to in your 8th answer?

A. 37.—He gave me an order signed by himself in Mexico for $500, which was paid to me in advance. The balance of $3,500 was paid to me in this city by his partners and nephews.

Q. 38.—Do you mean that the balance of $3,500 was paid to you by the house of Bolton, Barron & Co., of this city. On what day was it paid, and in what sort of funds?

A. 38.—They did. I received it at different times in $20 pieces. I do not recollect exactly when.

Q. 39.—On what day did you receive the last payment, and how much?

A. 39.—About fifteen days ago, and about $2,900.

Q. 40.—On or about what day did you receive the next preceding payment, and how much?

A. 40.—One hundred dollars, but can't say positively when it was, but I have the date in my pocket book which is at my room.

Q. 41.—Do you remember having signed an affidavit in the case of the United States against John Parrott, et als., in the U. S. Circuit Court. How much of the $3,500 had you received from Bolton, Barron & Co., at that time?

A. 41.—I do. I can't tell exactly, but think I had received about $600.

Q. 42.—Did Mr. Barron give you a bill of exchange upon Bolton, Barron & Co., of this place, for the $3,500, and if not, what sort of an order did you have upon them for that sum?

A. 42.—He gave me no bill of exchange, nor any other kind of an order.

Q. 43.—Did you not bring with you any kind of a paper or document by which you could compel them, Bolton, Barron & Co., to pay you the $3,500?

A. 43.—No, sir. Nothing.

Q. 44.—Had you no security or assurance of any sort that Bolton, Barron & Co. would pay you the $3,500?

A. 44.—The only security I had was a document or agreement in writing that we made in Mexico, stating that I was to be paid that sum.

Q. 45.—With whom was that agreement made?

A. 45.—Mr. Pardo made that agreement with me, and it was signed by Mr. Barron and myself.

Q. 46.—Please produce that agreement, I desire to annex a copy of it to this deposition.

A. 46.—I cannot, because it is in Mexico.

Q. 47.—As that was the only guarantee you had for the payment of the $3,500, why did you not bring it with you to show to Bolton, Barron & Co. that you were entitled to the money. Did you not see that without it you would be entirely in their power?

A. 47.—I knew that by leaving it in Mexico, it would be safe, and that I could compel the house with which I made it to perform it, and that if I had brought it with me, I might lose it on the way.

Q. 48.—Did it not occur to you that it would be advisable to bring a duplicate of the agreement, especially as you had no bill of exchange or writing of any sort to show your right to the money when you should arrive?

A. 48.—I did not bring it with me because it was not necessary for me to use it here, I had no occasion to use that credit in San Francisco, I had other means of getting money should I need it.

Q. 49.—Has anything happened since you have been here to render it necessary or desirable for you to use that credit, and which has caused you to draw the whole of the sum here in San Francisco?

A. 49.—I first received small sums, as I have stated, and I afterwards considered it proper to receive the whole amount, and did so.

Q. 50.—Who was President of the Junta de Fomento y Administracion de Mineria in the year 1844, when you say you first received your appointment in the service of that body?

A. 50.—Josè Maria Bassoco.

Q. 51.—Who in 1845?

A. 51.—Josè del Motte.

Q. 52.—Who in 1846?

A. 52.—Vicente Segura. Bassoco, in 1847. Josè del Motte, in 1848. Segura, in 1849. Bassoco, in 1850. In 1851, or the year before, del Motte died, and his place remained vacant. I don't remember who was President in 1851. Don't remember who was the last President in 1852.

Q. 53.—As you were in the employment of the Junta from 1844, until it expired in 1852, is it not strange that you cannot remember with absolute certainty who was President of the body, who constituted its members, and all the changes which occured in it during that time? Please look over your answer first made, and say whether you repeat that answer.

A. 53.—After Del Motte died the Presidency was taken in turn by the two remaining members, or Vocales, Segura and Bassoco; so that Segura was President in 1851, and until the Junta ceased to exist.

Q. 54.—How do you know that Segura was President in 1851 and 1852, and that the several members of the Junta had been Presidents respectively in the years which you have mentioned?

A. 54.—The way I make out who the President was in each of the years named, is by computing from the year 1844, when I entered into office, and knowing that in that year Bassoco was President, and knowing that each of the other vocales became President in his turn, according to the provisions of

Gondra was 1st *Oficial*, and acted as Secretary; that you were 2d *Oficial*, and there was no Escribiente, do you not?

A. 67.—Yes.

Q. 68.—Are you sure that at that time you were 2d *Oficial?*

A. 68.—I am.

Q. 69.—In the year 1852, and before the Junta ceased to exist, where did you reside in the city of Mexico, on what street, and at what number?

A. 69.—I don't remember; I have changed my residence frequently.

Q. 70.—Is there not in the city of Mexico, a street called San José Gracia?

A. 70.—There is, and I lived at No. 8 in that street. I resided there with my parents, but I don't know whether I resided there at that time. I keep that house now and sub-let it.

Q. 71.—Was there ever a man named Manuel Couto employed in the Junta de Fomento y Administrativa de Mineria, except yourself, during the years 1844 to 1852, inclusive?

A. 71.—There was not. There is a boy about 14 years of age, of my name, son of my uncle Bernardo Couto. He lives in the city of Mexico, but is not employed in the Junta.

Q. 72.—In the year 1848, you say you became 2d *Oficial* of the Junta, etc., and held that office until the Junta expired, and you were appointed Secretary of the Administracion del Fondo de Mineria, do you not?

A. 72.—Yes, sir.

Q. 73.—In the year 1852, was not the Secretaryship of the Junta de Fomento y Administrativa de Mineria vacant; the office of 1st *Oficial* and 2d *Oficial* also vacant; Don Manuel Garcia 1st Escribiente, and Manuel Couto of the street San José de Gracia, of No. 8, that is to say yourself, only 2d Escribiente?

A. 73.—The office of Secretary was vacant in 1852, but the offices of 1st and 2d *Oficial* were not vacant. The name of the person referred to as Garcia, was Manuel Garcia del Valle. He was employed in 1844, when I was first employed, and died a few days thereafter.

Q. 74.—Look at the book now shown you, entitled "Guia de Forasteros y Repertorio de Conocimientos Utiles, por el General Juan Nepomuceno Almonte, Mexico: Imprenta de I, Cumplido, C. de los Rebeldes, N. 2, 1852;" and the introduction to which is dated at Mexico, January 1, 1853, signed by the author, and tell me what you find on pages 104 and 105, on the subject of the organization of the Junta de Fomento de Mineria.

A. 74.—I find as follows, to wit:

"JUNTA DE FOMENTO DE MINERIA.

Presidente, Sr. D. Vicente Segura, en la oficina Colegio de Mineria.

Comisionado de los Mineros, ———.

Comisionado de los Acreedores, D. José Maria Bassoco, Donceles, num. 4.

SECRETARIA.

Secretario, ———.

Oficial Primero, ———.

Idem Segundo, ———.

Escribiente Primero, D. Manuel Garcia del Valle, Angel, num. 12.

Idem Segundo, D. Manuel Couto, San José de Gracia, num. 8.

CONTADURIA.

Contador, D. Migual Hierro, Tercera de San Juan, num. 4.

Oficial Primero, D. Miguel Gaugoiti, Canoa, num. 1.

Idem Segundo, D. Agustin Peredo, Venero, num. 7.

Escribiente, D. J. F. Bonilla, Hospital de San Juan de Dios.

ARCHIVO.

Archivero, D. Francisco Quirban, Medinas, num. 20.

TESORERIA.

Tesorero, D. Teodero Castera, Escondida, num. 20.

Contador de Moneda, D. J. Garcia Arana, Santisima, num. 6.

Mozo de Oficios, D. Manuel Rodriguez, en la oficina."

Q. 75.—Explain now why in this work, which the author says he has compiled with great care and labor in 1852, it appears that you held only the office of 2d Escribiente, whilst you say that you had been promoted to the place of *Oficial* as early as the year 1848; and how it is that in the branch of the Tesoreria there was an officer called the Contador de Moneda, who at that time was D. J. Garcia Arana, whilst you say from 1844 to 1852, when the Junta expired, you say there never had been any such officer.

A. 75.—That book is full of errors. There are a number of persons represented there as filling offices in 1852, that died a long time before. That portion of it which refers to the Junta, shows who the officers of the Junta were when the office was established in 1844; but it does not correctly state who those officers were in 1852. Even the Junta itself did not exist at the date of the Introduction in the book.

Q. 76.—The Introduction does not say whether the Junta existed on the 1st January, 1853, or not, as you may now see by reading it; but the author gives the organization of the Junta whilst it existed in 1852, does he not?

A. 76.—As I understand, it is only a list of persons in the employ of the government. I know nothing about this book; I do know that my statements about the organization of the Junta are correct.

Q. 77.—In your answer to the 75th cross-question you say that this book shows the organization of the Junta "when the office was established in 1844." Do you mean to say that in that year the Junta de Fomento y Administrativa de Mineria was established?

A. 77.—I do not mean to say that the Junta de Fomento y Administrativa de Mineria was first established in that year; but the statement in this book refers to that time.

Q. 78.—Was there any vacancy in the Junta in 1844? Have you not stated that it was full, consisting of Segura, Del Motte and Bassoco?

A. 78.—There was no vacancy in 1844.

Q. 79.—Was there not a vacancy in the Junta in 1852, just as it appears in this book?

A. 79.—In 1852 there was a vacancy in the Junta, but it was not such a vacancy as is represented in this book. These vacancies represented in this book are merely blanks left by the author, because he did not know the names of persons supposed to be the officers.

Q. 80.—Where the author left a blank from ignorance of the name of the member of the Junta, as you suppose, it happened that there was a vacancy in reality at that time. Do you mean that this was an accidental coincidence?

A. 80.—There was in reality a vacancy at that time, 1852, in the Junta; but this blank was left because the author was ignorant of the name which he supposed ought to be put there. It probably is an accident that there is a blank in this book just when, in 1852, there was a vacancy. All this data about the Junta, in the book, was made up in 1844, and the blanks which appear in it, appear there because the author was ignorant of the names of persons holding the offices corresponding with the blanks in 1844.

Q. 81.—How do you know when and in what manner the author obtained the data from which he made up this part of the book. What had you to do with the making up of the book?

A. 81.—I had nothing to do with the making up of the book; but I know that this data about the Junta was made up in 1844, because it correctly states what my employment was in that year, and also because it states correctly the office held by

Manuel Garcia del Valle in that year, and who died a short time after, and in the same year, 1844. If it had been made up in 1852, the name of this man, who was dead, would not have been put in it.

Q. 82.—In the year 1844, was the office of the Secretary of the Junta vacant?

A. 82.—It was not.

Q. 83.—Was it not vacant in the year 1852, just as the blank appears in this book?

A. 83.—Yes.

Q. 84.—Is that another coincidence between the ignorance of the author and the actual fact, as it existed in 1852?

A. 84.—It is.

Q. 85.—If these blanks under the head of the *Secretaria* occur because the author was ignorant with what names to fill them, how do you suppose he obtained information of the names of the Escribiente and the 2d Escribiente? Why could he not obtain the names of the Secretary and the two *oficiales* from the same source, and in the same manner that he obtained the names of the two lowest Clerks or writers, (Escribientes,) in the establishment?

A. 85.—I do not know why he left the blanks; but Manuel Garcia del Valle and myself are very well known in Mexico, and because we belong to two of the best families of Mexico.

Q. 86.—From 1844 to 1852 inclusive, was there no *Archivero* of the Junta de Fomento, etc., but Francisco Quirban?

A. 86.—There was none; he is still living, and resides in the city of Mexico.

Q. 87.—What were the duties of the Archivero?

A. 87.—To take charge of the archives, and to deliver documents to the Junta when they asked for them.

Q. 88.—What kind of papers did the Archivero keep? Give as full an account of them as you can, of the character of documents of whatever description it was his duty to keep.

A. 88.—He kept all the papers belonging to the office of the Junta de Mineria, consisting of the ancient records, expedientes and books of the old Mining Tribunal, and all the papers, documents, expedientes and books of the Junta.

Q. 89.—Was it the duty of this Archivero to keep the expediente of which Exhibit "G." concerning which you have testified on your direct examination is, as you have said, a copy?

A. 89.—It was.

Q. 90.—Is this Francisco Quirban, *Archivero,* the man who you say now on your oath, was the keeper of the original of this expediente from the year 1846 to the year 1852, when the the Junta expired?

A. 90.—He is.

Q. 91.—Since 1852, and not before that time, I understand you to say that you have been the keeper of the archives among which the original of this expediente is to be found. Is this so?

A. 91.—This is so. I have been the keeper only from the date of my commission.

Q. 92.—What is the present occupation of this Francisco Quirban?

A. 92.—I do not know. He is not in any public employment.

Q. 93.—When the Junta de Fomento, etc., communicated with the government, to what ministry did they address themselves?

A. 93.—To all.

Q. 94.—When they communicated with the government on the subject of mines and mining interests, did they not always address themselves to some one of the ministries in particular?

A. 94.—As a general thing, the Junta addressed itself to the Ministry of Justice.

Q. 95.—Was not the Junta subordinate to some one of the ministries, and obliged always to communicate with the government through that ministry?

A. 95.—It was subordinate to the Ministry of Justice, but it dealt with the different ministries according to the nature of the business it had to transact.

Q. 96.—Please explain more definitely what the nature of the Junta's subordination to the Ministry of Justice was, and what sort of communication a subordinate department or bureau of the Ministry of Justice, (as you describe the Junta,) could hold directly and independently with other ministries?

A. 96.—The Junta communicated through the Ministry of Justice to the government. As an instance of the Junta's subordination to the Ministry of Justice, I refer to the case of this mine. When anybody wishes to communicate with the government, they have to do so through the ministry. The ministry through which the Junta had to communicate with the government was the Ministry of Justice. It could not communicate directly with the government. The Junta was not a subordinate branch of the Ministry of Justice. The Junta could communicate directly with other branches of the government.

Q. 97.—Now tell me what sort of communications the Junta could hold with the government through other ministries?

A. 97.—For instance, when it was necessary to make any disbursements, the Junta communicated with the government through the Ministry of Hacienda.

Q. 98.—Why, when the Junta had to disburse a few thousand of dollars did it have to communicate with the government through the Ministry of Hacienda, and not through the Ministry of Justice?

A. 98.—Because the Ministry of Hacienda is that which has to do with the public funds.

Q. 99.—During all the years that you were in the service of the Junta, etc., was that the way of doing business at the Junta when it proposed to disburse a few thousand dollars, had it to communicate with the government through the Ministry of Hacienda?

A. 99.—The Junta has sometimes requested the government to approve of some disbursements through other ministries.

Q. 100.—Then on the subject of an expenditure of money the Junta might sometimes communicate with the government through the Ministry of Hacienda, and sometimes through other ministries; if this is your meaning, explain distinctly about what sort of disbursements or expenditures it was necessary to communicate with the government through the Ministry of Hacienda, and what sort through other ministries, and which other ministries?

A. 100.—I do not know that the Junta could communicate on that subject with the government, but I know that it did so. I cannot state the different kinds of disbursements in relation to which it was necessary to communicate with the government through other ministries.

Examination adjourned until Saturday next, the 23d inst., at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL.,
October 23d, 1858, 11 o'clock, A. M.

EXAMINATION RESUMED FROM THE 21ST INST.

Q. 101.—You have said that this list of the persons employed in the Junta de Fomento, etc., was a statement of the officers of that institution in the year 1844, when you entered its service, and not the year 1852, which this book, Guia de los Foresteros, etc., purports to give. Have you not?

A. 101.—I have.

Q. 102.—You have said that when you entered the service of the Junta etc., the President was Josè Maria Bassoco, in March, 1844. Have you not?

A. 102.—I think so.

Q. 103.—Don't you know what you have already answered on this examination?

A. 103.—I am positive that I did state that Bassoco was President in March, 1844, to the best of my recollection. I make the same statement now.

Q. 104.—Is your memory so bad that you can be in the least doubt as to who was the President of the Junta at the time when you first entered its service?

A. 104.—The only doubt I have is as to whether the President was Del Motte or Bassoco.

Q. 105.—Why might not it have been Segura who was President in the year 1844?

A. 105.—Because he was President in 1843, the first year of the Junta's existence.

Q. 106.—Then you are certain that Segura was not President in 1844?

A. 106.—I am.

Q. 107.—If Segura was not President in 1844 how can you say that the author of this book has taken the list of officers of that institution as it stood in the year 1844, when you first entered its service. Look at this book, and say whether Segura does not head the list as President. How can this be the list of 1844, as you have so often said?

A. 107.—Yes, sir; this is the list of 1844. It is not because his name appears at the head of the list that he shonld be President. The statement in the book is not correct. If this list was made up in 1844, it is incorrect in this particular. If it referred to 1843, it is correct in this particular. I don't know when the author of this book obtained this list.

Q. 108.—I have not asked you when the author of this Guia de los Foresteros, etc., obtained this list. It is you who have undertaken to say very positively that it is not, as it purports, the list of 1852, but that of 1844. You now say that it is not correct for that year, but would be correct for the year 1843. How could it be correct for that year when your name appears on the list, and you did not enter the service of the Junta until the year after, to wit: 1844?

[Mr. Peachy, claimant's counsel, objects to the question on the ground that it is assumed that the witness has said that that would be a correct list for the year 1843; whereas he did in fact say, that it would be correct for the last named year in so far as it puts down Vicente Segura as the President of the Junta, and no further.]

A. 108.—I do not state positively that it would be correct for that year. I do not know when the author made up this list.

Q. 109.—Is it then your idea that the author, Gen. Juan Nepomuceno Almonte, in the city of Mexico, when he was preparing a list of all the officers of government for the year 1852, got the name of the President of the Junta de Fomento, etc., from the list as it existed in the year 1843, and the name of the two Escribientes from that of the year 1844, and by some means was not able to obtain at all the names of one of the members of the Junta and of the Secretary, and two *oficiales.* Is that what you have intended to say?

A. 109.—I do not know how, or from whom the author obtained his information. I only know that this list is incorrect.

Q. 110.—Have you not repeatedly said not only that the list was incorrect for the year 1852, but that it was correct for 1844?

A. 110.—What I said was, that it was the *planta* of the office for 1844, which means a statement of the different offices belonging to the Junta. It states correctly the offices in the Junta for the year 1844, but does not state correctly the names of the persons filling them.

Q. 111.—Were not the offices in the Junta the same from the day of its establishment in 1843, until 1853, when it ceased to exist?

A. 112.—The offices were the same.

Q. 112.—If that was all you meant when you said this list was that of the year 1844 and not of the year 1852, how could you have said that it was incorrect for 1852 and correct for 1844, when the list of offices was precisely the same for both years up to the time in 1852, when the Junta ceased to exist as you have said?

A. 112.—In the year 1852, some of the persons named in that list were dead. It was a correct list for the offices, but not of the officers. The names given in the list are names of the persons who held (in 1844, when I entered), the offices which they are represented as holding in the list, with the exception of the President Segura. He was President in 1843.

Q. 113.—Then I understand you correctly as before, that in this list the author has obtained the name of the President in 1843; the names of the two Escribientes for 1844, and that where there are blanks they were not left because there were vacancies, for none such existed, but because, as you suppose, the author did not know the names of the officers with which those blanks ought to be filled?

A. 113.—This list does show the President in 1843 and the names of the two escribientes in 1844, but I cannot know why blanks were left in this list.

Q. 114.—Do you now swear positively that this is not the correct list of the officers of the Junta for the year 1852 ?

A. 114.—It is not a correct list of those officers after the 28th June, 1852.

Q. 115.—You cannot surely misunderstand me. I did not ask you if this was a correct list of the officers after the Junta was abolished, but whether you would swear positively that it was an incorrect list of the officers of the Junta for the year 1852, before it was abolished as you say?

A. 115.—Now I understand you. This is not a correct list of the officers of the Junta for the year 1852 before the Junta expired. Many of the persons named in this list were dead in 1852, to wit: The Comisionado de los Mineros, who had been Del Motte; the Secretario, who had been José Maria Castera; the Segundo *Oficial*, who had been José Maria Cauchola; the Escribiente primero, who had been Don Manuel Garcia Del Valle; the Contador, who had been Don Miguel Hierro; the *Oficial* primero of the Contaduriá, who had been Miguel Gaugoiti; the Tesorero, who had been Teodoro Castera.

Q. 116.—All the persons who were not dead held respectively the same offices given them in that list, except that you had been promoted since the year 1848 to the place of second *oficial* in the Secretaria, to fill the vacancy caused by the death of Cauchola. Is that what you say?

A. 116.—Some of the persons who were living did not hold in 1852 the offices given them in this list; they had been promoted.

Q. 117.—Please say which of them had been promoted, and to what places, and give the names of the persons who had been introduced to fill the vacancies caused by their promotion?

A. 117.—There were but two persons employed by the Junta to fill vacancies during the whole term of its existence. I can give their names but not the time when they were employed. José Sanchez was one, and Francisco Segura the other. They both entered as Escribientes in the Secretaria.

Q. 118.—In whose places did they enter respectively?

A. 118.—They entered to fill the places which Garcia del Valle and myself had formerly held. They entered at different times, I cannot state the time. I don't remember which vacancy occurred at first. I don't remember which of the two took my place, nor which took the place of Del Valle.

Q. 119.—How is it that you do not remember which vacancy occurred first, when you have said Del Valle died soon after you entered the office in 1844, and that your place was not vacant until you were promoted 2d *Oficial* in 1848?

A. 119.—I don't remember when the vacancies were filled, because vacancies were not always filled immediately.

Q. 120.—Was not the vacancy caused by the death of Del Valle filled before you were promoted 2d *Oficial* in 1848?

A. 120.—It was not. After he died, I was the only Escribiente until I was promoted in 1848. There were Assistants there during that time. Assistants were persons who were temporarily employed, and not officers of the government.

Q. 121.—When Castera died, who was promoted as Secretary in his place?

A. 121.—No one.

Q. 122.—When Miguel Hierro died, who was made Contador in his place?

A. 122.—Gaugoiti.

Q. 123.—When Gaugoiti was promoted, who was made 1st *Oficial* in the Contaduriá in his place?

A. 123.—Agustin Peredo.

Q. 124.—When Peredo was promoted, who was made 2d *Oficial* in his place?

A. 124.—Francisco Bonilla.

Q. 125.—Who was then made Escribiente in Bonilla's place?

A. 125.—Josè Garcia Arana then first became an officer of the government, and was appointed Escribiente in Bonilla's place.

Q. 126.—In what year did Josè Garcia Arana become an Escribiente?

A. 126.—I do not know.

Q. 127.—Was Josè Garcia Arana afterward transferred to any other office; if so, what?

A. 127.—He was not. Before that time he had been a Clerk for the Treasurer, with the title of Contador de Moneda, but as I said before he was not an officer of the government, but was employed and paid by the Treasurer himself.

Q. 128.—Then I understand you to say that the Contador de Moneda in the treasury was not an officer employed by the government, and that that office constituted no part of the *planta* of the Junta de Fomento, etc.?

A. 128.—He was not an officer of the government, but his office is part of the *planta*. The office was created by the law. The law also provided that he should be paid by the Treasurer himself.

Q. 129.—When Gaugoiti died, what office did he hold?

A. 129.—The office of Contador at the head of the Contaduriá.

Q. 130.—Who was promoted to fill his place?

A. 130.—No one.

Q. 131.—At or about what time did he die?

A. 131.—I do not know.

Q. 132.—Did the place of Contador remain vacant after the death of Gaugoiti until the Junta was abolished in 1852?

A. 132.—It did.

Q. 133.—After the death of Teodoro Castera, who was made Tesorero (Treasurer), in his place?

A. 133.—No one.

Q. 134.—At or about what time did Castera, the Treasurer, die?

A. 134.—I do not remember; it was about the year 1850.

Q. 135.—Did the office of Treasurer remain vacant on his death, until the Junta expired in 1852?

A. 135.—It did.

Q. 136.—At what time have you said Castera, the Secretary, died?

A. 136.—They both died about the same time; there was but a few months difference.

Q. 137.—Can you not recall the time within a year when Gaugoiti died?

A. 137.—I cannot.

Q. 138.—In 1852, when the Junta expired, and for some time before that date, one of the members of the Junta, the Secretary, Contador and Treasurer of that body, were all dead, and their vacancies unfilled; was it not so?

A. 138.—It was so.

Q. 139.—What was the reason, if you know, why the Junta had fallen into a state of such dilapidation and neglect?

A. 139.—I do not know the reason.

Q. 140.—During the period of all these vacancies did the Junta continue to transact business at all, and if yea, was it to as great an extent as formerly?

A. 140.—It was all the same as before.

Q. 141.—On what day of the year did the Presidents of the Junta enter upon their office?

A. 141.—I don't know.

Q. 142.—Was it in the beginning, or the middle of the year, or about what time of the year?

A. 142.—It was about the beginning of the year, but I cannot remember the exact day.

Examination adjourned until Monday next, the 25th inst., at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., October 25, 1858.

Examination adjourned until to-morrow at 11, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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San Francisco, Cal., October 26, 1858.

Examination adjourned until to-morrow, at 11, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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San Francisco, Cal. October 27, 1858.

Examination Resumed from Yesterday.

Q. 143.—You have several times spoken of a law by which the Junta de Fomento y Administrativa de Mineria was abolished, and the Administracion del Fondo de Mineria was constituted in its place; can you produce me a copy of that law?

A. 143.—I showed you a copy of the law the other day; I have not got it with me now, it is at my room.

[Counsel for the United States requests the witness to bring that law, in order that a copy may be made to file with this deposition.]

Q. 144.—From what sources was the Junta, etc., provided with revenue for its support?

A. 144.—It derived its revenue from the taxation of the produce of the mines. They charged one real duty on each *marco* of silver. The duty was collected when the silver was assayed. A *marco* is eight ounces. The revenue raised in this way is called the *Fondo de Mineria.*

Q. 145.—Was there not another source of revenue, which was called the *Fondo de Azogues.* How was that *fondo* raised?

A. 145.—There was another *fondo*, called the *Fondo de Azogues.* The government created this *fondo* by applying fifty thousand dollars per annum of the duties collected on cottons at the port of Tampico, and eighty thousand dollars per annum of similar duties collected at the port of Vera Cruz, to the creation of this *fondo*, (fund.)

Q. 146—Was the quicksilver fund (*Fondo de Azogues*) collected in those ports by the Junta itself; or by the collectors of the revenue paid into the treasury, and then from the treasury paid into the Junta?

A. 146.—It was collected by the collectors of the revenue in those ports, and by them paid over to the Junta directly; it did not come through the treasury.

Q. 147.—When the war with the United States begun, did not the government of Mexico appropriate this quicksilver fund to the support of the war, and divert it from the support of the Junta?

A. 147.—I do not remember.

Q. 148.—Were you not in the service of the Junta when the war begun, and during all the time it lasted?

A. 148.—I was; I have been there since 1844 to this time.

Q. 149.—After the war begun, did not the government suspend all payments made by the public treasury, and reduce the Junta to the lamentable extremity of leaving it without any funds?

A. 149.—I do not remember.

Q. 150.—Was there not such an order made on or about the 10th day of May, 1846.

A. 150.—I do not remember.

Q. 151.—If the government had issued such an order in the month of May, and had taken away all the funds by which the Junta was supported, would it not have come to your knowledge, as you were one of the employees, receiving a salary; and would you not be as likely to remember that circumstance as any other event which took place in the Junta during the same month?

A. 151.—The government, for different reasons, suspended payments from the public treasury on many occasions; but whether payments were suspended at the particular time referred to, or not, I don't remember. Besides, the suspension of payments by the government never included a suspension of payment of salaries of its employees; those salaries were always paid.

Q. 152.—Do you not know that the government of Mexico, during the war with the United States, did withhold the salaries of its employees, in whole or in part, and applied the money to the necessities of the nation?

A. 152.—Don't remember that it was ever done to any one, and I know it was not done to me.

Q. 153.—Can you not state whether or not the Junta de Fomento, etc., continued to receive the aforesaid duties on imports at Tampico and Vera Cruz, and which constituted the quicksilver fund, during the war with the United States?

A. 153.—I don't remember.

Q. 154.—Did not the government of Mexico, on or about the 19th September, 1846, issue an order directing the suspension of all payments of the branch of quicksilver, except the support of the college and expenses of the office?

A. 154.—In 1846, there was a suspension of payments; but I don't remember the date.

Q. 155.—What sort of payments were they which were suspended?

A. 155.—All the payments which were usually made in my office, except such as were made for the support of the college, for the expenses of the office.

Q. 156.—Do you know whether the government, at any time after 1846, restored the quicksilver fund to the Junta; and if so, when did the Junto again commence to receive that fund?

A. 156.—I don't remember.

Q. 157.—Do you know whether the Junta de Fomento, etc., did ever again, after the year 1846, receive the quicksilver fund?

A. 157.—I do not remember.

Q. 158.—Did not the government of Mexico, during the war, also appropriate the Fondo de Mineria, or mining fund of one real per *marc* on silver, to the national defense?

A. 158.—The government did, on various occasions, make use of a part of that fund. It may have done so during the war.

Q. 159.—Did it not appropriate the whole of that fund, as well as the quicksilver fund during the war?

A. 159.—It did not.

Q. 160.—Did the Junta continue to receive the mining fund during the war? How and where was that fund collected?

A. 160.—It did. It is a long story as to how and where it was collected. Collectors are appointed at the different places in the republic where minerals are assayed. At the different mints, when the silver is presented for assay, the assayer collects the *real* per *marc*, according to the weight of the silver bar, and at the end of each month, the amount of this tax of one *real* per *marc*, is delivered to a commissioner appointed at the place by the *administracion* of the *Junta*. The commissioner then transmits the amount in drafts upon Mexico, to the Junta, after deducting his commission, which is four per cent.

Q. 161.—Name some of the places where there are assaying offices in Mexico.

A. 161.—I will state the names of some that I remember: Guanajuato, Zacatecas, San Luis Potosi, Durango, Guadalajara, Chihuahua, Jesus Maria, Pachuca, Culiacan, Cosalá, Alamos, Parral, Simapau, etc., etc., etc.

Q. 162.—Did the collectors of the *real* per *marco*, or mining fund, continue to collect it, and continue to remit it to the Junta at Mexico, during the war with the United States?

A. 162.—Yes, sir.

Q. 163.—When was it that the American army approached the capital; when did they take it, and how long did they hold it?

A. 163.—I don't remember; I paid no attention to it.

Q. 164.—Were you not in the capital at that time; and if so, how could you fail to recollect it?

A. 164.—I was there and in the neighborhood. It was about the month of August, and I think in 1847; but I don't remember. I don't remember how long they held the capital.

Q. 165.—During the time that the American army was encamped near the capital, and during the time they held possession of it, did the Junta continue to receive the mining fund of one *real* per *marco* on silver, and continue to exercise its usual functions?

A. 165.—It did; it, the Junta, was respected by the American army.

Q. 166.—Was it the custom of the Junta to make an annual report of its affairs to the government. Did it make such a report in 1844; and if so, at what time, and to what ministry?

A. 166.—It was usual. I presume such a report was made in 1844, but I do not remember it. Do not know to what ministry it was directed. The report was to the government; but I don't know what ministry it went to at any time.

Q. 167.—Was there such a report in 1845; and if so, to what ministry was it directed?

A. 167.—I can't remember.

Q. 168.—Was there such a report in 1846; and if so, to what ministry was it directed.

A. 168.—I can't answer this particular question, with reference to any year, because I do not know.

Q. 169.—When an application was made to the Junta de Fomento y Administrativa de Mineria for assistance, in what manner was it made, and to what officer was it first presented, and in what form was it presented?

A. 169.—First presented to the Secretary. I do not remember in what manner it was made.

Q. 170.—When the Secretary received such an application, did he make any entry respecting it in any book?

A. 170.—He made none when he first received it, or relating merely to the receipt of it.

Q. 171.—Did he not make some writing of some sort as a memorandum of the time of its receipt, the nature of the application, the person from whom it was received, etc.?

A. 171.—He kept the original paper itself, as the beginning of the expediente. Sometimes, in matters of urgency, he would mark upon the margin the time when it was received, so that it should appear there was no unnecessary delay on the part of the Junta; but this was not generally done.

Q. 172.—What next did the Secretary do with the application?

A. 172.—The next step was for the Secretary to present it to the Junta for its consideration.

Q. 173.—Was there any record kept of the discussions of the Junta on the subject of such applications?

A. 173.—The result of each day's deliberations was written down in a book, and signed by the gentlemen of the Junta. This record was called the Book of the *Actas*.

Q. 174.—Where is that book now?

A. 174.—In my possession, in the office in Mexico. Those books are not allowed to leave the office.

Q. 175.—Were not the final resolutions of the Junta, on the subject of any application, extended more formally than in the book of the *Acta*, or journal of their proceedings to which you have referred?

A. 175.—This book of the *Acta* is a formal record. The first and last sheets in the book are stamped. The book is stamped in the stamp-paper office, and the pages are all numbered in that office before it is stamped, so that it is the same as if each leaf was stamped. The same amount of fees were paid to the stamp-office as if each leaf were stamped. The *Administrador de papel Sellado* certifies on the first page of the book the number of pages in it. This book undergoes all this preparation before it is used by the Junta.

Q. 176.—Is this the only book in which the final resolutions of the Junta are recorded?

A. 176.—Yes.

Q. 177.—By whom are these *Actas* extended or written out. Upon what notes or information are they written out?

A. 177.—The contents of the *Acta* are always dictated, and sometimes written by the Secretary. Sometimes they are written by a Clerk or Escribiente under the dictation of the Secretary who witnesses the deliberations of the Junta.

Q. 178.—When the Junta acceded to any application which was made for their aid, was it not customary to give to the other party, a copy of their resolutions, or final action on his application, taken from the book of the *Acta* to which you have referred?

A. 178.—It was not. The party might ask for a copy if he desired it, but it was not the custom.

Q. 179.—When the Junta entered into engagements with an applicant, did they not give him a writing of some sort, and if yea, what sort?

A. 179.—It sufficed that there was evidence of it in the office. If the party desired, he could obtain a copy.

Q. 180.—Did not the Junta always, when it entered into engagements with any applicant, and who might on his part bind himself in onerous conditions, execute and deliver to him a writing of some sort, as evidence of his right, and if so, what sort?

A. 180.—If the party interested required a copy, he could obtain it, but it was not given to him unless it was asked for. The party could obtain a copy of the record of the proceedings of the Junta, or of the approval of the government. The Junta could not make any expenditures without the sanction of the government.

Q. 181.—Was not the Junta necessarily compelled to execute its agreements and contracts with the same formalities prescribed by law for individuals, or for other corporations?

A. 181.—It was.

Q. 182.—How then have you just said that it was not necessary for the Junta to execute any writings to applicants with whom it made agreements, and that they might ask for copies of the acts of the Junta, if they thought proper to do so, but that it was not necessary?

A. 182.—I have been spoken to with reference to business in general. If the nature of the business between the individual, and the Junta required that an *escritura publica*, (public writing,) should be made between them, they had it made. It depended upon the character of the business to be done.

Q. 183.—I understand you now then to say, that where there were obligations formed between the Junta and the applicant, that it was necessary to execute writings in the same manner as between other parties?

A. 183.—I do not know that the Junta was bound to make its agreements in the manner in which other parties were bound to make theirs, but I have sometimes known it to make its agreements in the manner in which other parties make theirs.

Q. 184.—Do you know of any law by which the Junta was exempted from the necessity of executing its contracts in the same manner from that in which individuals or other corporations contracted?

A. 184.—I do not.

Examination adjourned until to-morrow at 10½ o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL., Oct. 28th, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 185.—From your answers I understand that there was neither law nor settled custom for the Junta to execute its agreements with applicants in writing, but that sometimes its obligations were put in writing which was delivered to the applicant, and sometimes they were not. Is this what you mean to say?

A. 185.—Sometimes the Junta made its contracts by a public writing, *escritura publica;* and sometimes the only evidence of the contract or obligation was the *Acta* of the Junta. This latter mode was resorted to in cases in which it was not necessary to have an *escritura publica*—cases in which it was sufficient for the parties to have a copy of the *Actas*, with the approval of the government.

Q. 186.—What sort of contracts were required to be executed by a public writing, and what sort in the other manner you have mentioned?

A. 186.—I can't classify them; I was only an Escribiente at that time; I cannot tell which it was necessary to make by a public writing, and which otherwise.

Q. 187.—Do you not know that the most important contracts would be executed with the greatest formality, such as those in which the Junta bound itself to advance public money, and the public property in their charge?

[Question objected to by Mr. Peachy, on the ground that it is asking the opinion of the witness on a matter of law, in which science he is not proved to be an expert.]

A. 187.—I do not know that it was necessary.

Q. 188.—Have you brought with you a copy of the *Actas* of the Junta in reference to the application of Andres Castillero?

A. 188.—I have not.

Q. 189.—Why did you not bring a copy of the *Acta* of the Junta upon his petition, that being, as you have said, a mode by which the Junta executed contracts and assumed obligations?

A. 189.—Because my business here was only to prove my own signatures, and to prove that the dates upon the documents in the expediente of which I have spoken, were the true dates of those papers, and to prove that they had been in my custody. I had nothing to do with any other matters.

Q. 190.—Who was it that told you to come here to prove precisely those things, and nothing more?

A. 190.—The agent of Mr. Barron, Mr. Emélio Pardo.

Q. 191.—Was it customary for applicants to have their petitions written out for them in the office of the Junta?

A. 191.—It was not; any person that wished to write it there could do so, or the person might take it there written.

Q. 192.—You have said that Andres Castillero brought a rough copy of his petition to the Junta, and that you wrote out a fair copy at his request. Was that the customary mode of making out the petitions to be presented to the Junta?

A. 192.—It was not the custom to have petitions drawn up in that way. Parties usually wrote them out themselves at the office or brought them there already prepared. If the party was a friend or acquaintance, an *Escribiente* would sometimes draw it up for him as an act of friendship.

Q. 193.—Was Andres Castillero one of your friends and acquaintances?

A. 193.—I first became acquainted with him about that time.

Q. 194.—What circumstances brought you into acquaintance with Andres Castillero about that time?

A. 194.—The only way I knew him was by his being there about that business, and by my having made a clean copy of that paper for him as directed by my superiors.

Q. 195.—How long had he been about there on this business at the time you made that copy?

A. 195.—Only a very few days; I don't remember how many.

Q. 196.—How many days?

A. 196.—I can only guess at the number of days. It may have been four or five days. I can't say exactly.

Q. 197.—Is there any circumstance by which you can recall the date of his arrival?

A. 197.—I do not know when he arrived there.

Q. 198.—Was that rough draft of the petition which you copied in the handwriting of Andres Castillero, and was his name signed to it by himself?

A. 198.—It was not signed; I don't know in whose handwriting it was.

Q. 199.—That rough draft is the original of the paper in Exhibit G. is it not; beginning on page, numbered in red ink, 19 and ending on page 22, in red ink, is a traced copy of the same rough draft which Andres Castillero brought to the Junta, and of which you made a fair copy for him, is it not?

A. 199.—This is a traced copy of the paper which he, Castillero, brought to the Junta, and of which I made a clean copy. The copy which I made was signed by Castillero and sent to the Ministry as the original for the government. The rough draft of which this is a traced copy was retained in the office of the Junta, and placed in the expediente as a copy certified by the *oficial primero*, Ysidro Rafael Gondra.

Q. 200.—Do you know why it was that Andres Castillero should present to the Junta a petition asking of the Junta most extraordinary favors, and yet the petition not in his own handwriting, and not signed by himself, though bearing his name?

[Mr. Peachy objects to the question upon the ground that it is assumed as a fact what is not proved, but the contrary of which is proved.]

[Counsel for the United States informs the witness that his reference is to the paper which the witness calls the rough draft, and says that Castillero brought to the Junta, and witness copied by direction of his superiors.]

[Mr. Peachy objects to the question on the same ground as he did before.]

A. 200.—The gentleman is mistaken in supposing that this rough copy is the original. The true original is that which I copied from the rough draft, which Castillero signed, and which was sent to the government.

Q. 201.—I call that the original which Castillero brought to the Junta, and which your superiors ordered you to copy. Why was it, if you know, that this paper is not in his handwriting, and not under his signature, though bearing his name?

A. 201.—I cannot say why this was done. All I know is that I was ordered to make a clean copy of it, which I did, and which copy he signed.

Q. 202.—The paper that you call the original and which he actually signed, you say was sent to the government. On its face it was addressed to the Junta. Was it not the invariable custom of the Junta, as well as of all the other branches or dependencies of the government, to retain the originals of papers addressed to them, and to transmit copies with their communications, so that in this manner they might always have in their own keeping the papers bearing the genuine signatures of the writers?

A. 202.—It very often happened that the original was sent to the government, and a copy kept by the Junta. This is one of those cases. At other times, the Junta kept the originals, and sent a copy to the government.

Q. 203.—In this most important business of Andres Castillero's petition, I understand you to say that the Junta sent away the original, and retained only a copy of the paper on which the whole transaction rests?

A. 203.—Yes.

Q. 204.—Do you know of any other instance in which the Junta sent away one of their original papers, and kept a copy?

A. 204.—I remember other instances of this kind; but I don't remember the particulars of them.

Q. 205.—Do you know of any other instance in a matter of great importance, where the applicant brought to the Junta his petition, not in his own handwriting, not signed by himself, though bearing his name, and got it copied in the office of the Junta?

A. 205.—I do not remember.

Q. 206.—Did you ever in any other case make a copy of a petition for an applicant, in the office of the Junta?

A. 206.—I don't remember of any other instance of the kind. I remember this because I examined the original expediente, and studied the matter before I came.

Q. 207.—Do you know of an instance where the Junta made a contract like this with Castillero with any other person? I mean a contract without any writings delivered, and to furnish large advances of money and materials on such terms as are set forth in the alleged contract with Castillero.

A. 207.—I do not remember.

Q. 208.—Do you know of any instance in the year 1846, where the Junta made any sort of a contract, or furnished any money or materials for the development and working of any other mine than this of Castillero.

A. 208.—I do not remember of any other.

Q. 209.—To Exhibit G. there is appended a certificate that the writings contained in the said Exhibit are a true, exact traced copy of their originals in your charge, which certificate bears date of 24th May, 1858. At whose request, in what manner, and for what purpose, did you make that copy at that date?

A. 209.—I did not make those copies myself. I delivered the expediente to the Administrador del Fondo, who is my surior, and I do not know by whom he had the copies made. These copies are pressed copies. They are made by moistening this transparent paper, spreading it over the original, then placing them in a press, and pressing them together.

Q. 210.—How did you know that it was a true and exact copy if it was not made by yourself. Did you afterward compare the copy with the expediente when you regained possession of it?

A. 210.—Because I did compare the copy with the original afterward. The proof that I did compare it is, that I made a rubric in red ink on each page of the copy.

Q. 211.—From the manner in which these copies are made, and from your own comparison, they are correct to the word and letter, are they not?

A. 211.—They are exact in every thing, even to the blots in the expediente.

Q. 212.—Were you afterward present at any other examination of the originals with these copies comprised in Exhibit G.? If so, when, where and by whom was the comparison made?

A. 212.—A few days before I left Mexico, which was on the 6th August, 1858. I was present when they were compared by Mr. Brodie, Mr. Pardo, the American Minister, and the English Consul. This was done in my office.

Q. 213.—Was this Mr. Brodie the person who was sent down from California for that purpose, by some of the persons interested in this claim; and this Mr. Pardo, the same agent of Eustaquio Barron, of whom you have before spoken?

A. 213.—They are the same persons.

Q. 214.—You have said that the first document in Exhibit H. is in your handwriting, and was written by you on the twenty-first day of April, 1846, which date it bears. Do you remember whether Andres Castillero was in the city of Mexico at that time? I refer to the communication signed by Vicente Segura, and addressed to General José Maria Tornel, relating to the mine which Castillero had discovered.

A. 214.—I don't remember whether he was in Mexico, or not, on the 21st of April, 1846; I know he was there in May when he signed the petition.

Q. 215.—Where has this paper, viz: the communication from Segura to Tornel, which you say is in your handwriting, been kept since it was written and transmitted?

A. 215.—In the *Direccion del Colegio de Mineria.*

Q. 216.—When did you next see it after the 21st of April, 1846?

A. 216.—The day we went to make the comparison.

Q. 217.—Then I understand that you had never seen it from the 21st April, 1846, until late in the month of July, 1858, when you saw it in the hands of Brodie and Pardo, both of whom were agents of Eustaquio Barron and others interested in this claim?

A. 217.—I did not see it from 21st April, 1846, until the time when the comparison was made. It was compared by those persons in the office of the *Direccion*, and in the presence of the *Directór* himself.

Q. 218.—Who was President of Mexico in December, 1845?

A. 218.—I do not remember.

Q. 219.—Who was President in January, 1846?

A. 219.—I don't know who was President then either. In Mexico we have so many changes, it is difficult to remember who was President at any particular time.

Q. 220.—Who was Director of the College of Mining in December, 1845?

A. 220.—Tornel. I don't remember whether he was in December, 1845, because he was expatriated for some time, and during that time Don Tomas Ramon de Moral was Director, *ad interim*.

Q. 221.—When, by whom, and for what was Tornel banished?

A. 221.—Don't know when he was banished, or by whom. The cause of his banishment, no doubt, was that he was a political opponent of the government.

Q. 222.—Have you any reason to think that Tornel was in exile, and was not Director of the College, in Dec. 1845?

A. 222.—I have not. I know that he was banished at one time; I don't know when.

Q. 223.—Have you any reason to think that he was in exile, and not Director of the College, at any time during the year 1845?

A. 223.—I only know that he was banished at one time; don't know the year. During his banishment, the Director was Don Tomas Ramon del Moral.

Q. 224.—Do you remember any revolution in the month of December, 1845?

A. 224.—I remember there was one in December, 1844, because they compelled me to be a soldier, but don't remember one in December, 1845.

Q. 225.—When revolutions occurred, was it customary to remove such officers as members of the Junta de Fomento, etc., and the Director of the National College of Mining?

A. 225.—It was not usual to do so.

Q. 226.—Who was Minister of Justice in December, 1845?

A. 226.—I don't remember.

Q. 227.—Who in January, 1846?

A. 227.—I don't remember.

Q. 228.—Who in February, March, April, 1846?

A. 228.—I do not remember. I do remember that Becerra was Minister of Justice when this business was transacted, because his signature is there.

Q. 229.—Is it possible that you had so much business with Becerra as to be able to swear to his signature, and yet do not know when he was in office at any time except at the date of this one signature, to which you have sworn?

A. 229.—The only reason why I remember he was Minister at that time is that he signed that paper.

Q. 230.—Who was President of Mexico in February, March and April, 1846?

A. 230.—I don't recollect.

Q. 231.—Who was President at the time the grant alleged in this case was made?

A. 231.—I don't remember.

Q. 232.—I mean, who was President in May, 1846, at the date of the several decrees signed Becerra?

A. 232.—I don't remember.

Q. 233.—In Exhibit I. you say that the body of the instrument, commencing at page 2, in red ink, and ending at page 5, in red ink, being communications signed Vicente Segura, and addressed to the Minister of Justice, dated May 5th, 1846, and the marginal notes on page 2, down to the word Mayo, are in your handwriting; and also that the instrument commencing on page 17, red ink, and ending on page 22, red ink, signed Andres Castillero, addressed to the Junta de Fomento, etc., dated May 12th, 1846, is in your handwriting. When and where did you next see said papers after their respective dates?

A. 233.—The first time I saw them after the day of their dates, was when we made the comparison at the Ministry of Relations, where the expediente is kept. The same Brodie and Pardo, the American Minister and English Consul, with myself, all went there together to make the comparison.

Q. 234.—At whose request, and for what purpose, did you go?

A. 234.—I went at the request of the same Pardo, with the object of witnessing the comparison and coming here to give my testimony.

Q. 235.—Where had these papers been kept from the time of their date until you saw them in the hands of Brodie and Pardo?

A. 235.—In the Ministry of Justice. This expediente began in the Ministry of Justice, and is now kept in the Ministry of Relations.

Q. 236.—Do you know how these papers came to be removed from the Ministry of Justice to the Ministry of Relations. Do you know whether all the business concerning the Junta, and the subject of mining generally, was at any time transferred from the Ministry of Justice to the Ministry of Relations; and if so, when, and for what cause?

A. 236.—I don't know why they were so transferred, or whether the business referred to was ever transferred from the Ministry of Justice to the Ministry of Relations.

Q. 237.—In the year 1847, through what ministry did the Junta communicate with the government on the subject of ad-

advancing money and materials to aid in the development of mines? I mean such business as this which you say was transacted with Castillero in 1846.

A. 237.—I don't remember.

Q. 238.—Through what ministry, in the years 1849, 1850, 1851 and 1852?

A. 238.—I don't remember.

Q. 239.—In what manner were these copies contained in Exhibit I. made. Are they pressed copies?

A. 239.—They are all made in the same manner. They are pressed copies, I did not see them made, but know how it was done.

Q. 240.—Are not the signatures of Castillero, Becerra, and of Vicente Segura, where they appear in these Exhibits "G." and "I." made with a pen, and not by pressing?

A. 240.—They are not made with a pen. They are pressed copies.

Q. 241.—How do you know that Exhibit "G." which you certified to in the month of May, 1858, and Exhibit "I." about which I have just questioned you, and both of which I have just shown you, are pressed copies, and not made with a pen?

A. 241.—The Chief of my office told me that that was the way they were made, and it would be impossible to make them with a pen.

Q. 242.—Do you remember copying those papers which are in your handwriting, simply because they are in your handwriting, and bear their respective dates, or do you remember other circumstances connected with them occurring at the time when you were writing them?

A. 242.—I remember perfectly well seeing Mr. Castillero, and that I was ordered to make the copy which I did, and I have the expediente in my charge, and I have seen it occasionally.

Q. 243.—Do you mean to say now that any of the papers in that expediente that you have in your charge are in your handwriting?

A. 243.—No, sir. We have already seen that there are none in my handwriting.

Q. 244.—Then you have not among the archives under your charge, in Mexico, a single paper relating to the claim of Castillero which is in your handwriting?

A. 244.—There may be in the *Acta* of the Junta, but I do not remember. No paper in the expediente in my charge is in my handwriting.

Q. 245.—Do you remember the circumstances connected with the writing of any other paper which you wrote in your office in the year 1846?

A. 245.—I cannot. This I recollect because I studied it, for my purpose in coming here was to testify about it.

Q. 246.—In the Ministry of Relaciones in Mexico, is there the office of Archivero, like that which existed in the Junta, as it appears?

A. 246.—There is an Archivero in each of the Ministries.

Q. 247.—In the Ministry of Relations, is that of the Archivero a separate and distinct office?

A. 247.—It is.

Q. 248.—Do the *oficiales*, or *escribientes*, or any of them, or any of the other employees, perform this duty of Archivero in connection with other duties, or do you mean, that the keeping of the archives is the sole and exclusive duty of the Archivero?

A. 248.—It is the exclusive duty of the Archivero.

Q. 249.—Is there also in the National College of Mining, a like separate and distinct office of Archivero?

A. 249.—There is not.

Q. 250.—Who keeps the archives of that Institution?

A. 250.—The Director keeps them.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 29, 1858.

By consent of parties, examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., October 30th, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 251.—Exhibit "K." at the comparison of which with its original by Brodie and Pardo you assisted, comes from the Ministry of *Gobernacion*. Is there in that Ministry a distinct office called the Archivo in the custody of an officer called an Archivero whose business it is, exclusive of all others, to keep the archives of that Ministry?

A. 251.—There is such an office in that Ministry, in charge of an Archivero, whose duty it is to keep the archives. He may have a Clerk.

Q. 252.—Do you know anything about the manner in which business was conducted in the Ministry of Justice, in 1846, or in any other of the ministries of that date, or at the present time?

A. 252.—The manner of doing business, I presume, is the same now as it was formerly. The petition is presented to the proper Minister, and when he has ascertained the will of the government in relation to the matter, he states it on the margin, and then hands it to the proper officers or clerks, to have it carried out. This statement on the margin is called the *acuerdo*, or resolution of the government in reference to the subject.

Q. 253.—Do you mean that the manner of conducting business in the Ministry of Justice in 1846, was just such as appears on the papers of Andres Castillero?

A. 253.—It is, and has always been the same.

Q. 254.—In what manner did you obtain your information on this subject. Did you ever have the opportunity of seeing how the business of the Ministry was conducted, in any other instance but this of Andres Castillero?

A. 254.—I have seen a multitude of other instances.

Q. 255.—Mention some one other instance.

A. 255.—I cannot remember any one.

Q. 256.—You have said that you studied this business of Castillero, in order to come here and testify about it, and therefore that you remember the circumstances connected with it, whilst you cannot remember other circumstances occuring about the same date. Please explain what sort of study it was, which refreshed your memory in this manner?

A. 256.—Having taken the expediente, and knowing of these occurrences, I recollected them at once.

Q. 257.—When was it that you took up this expediente, and had these circumstances recalled to your memory, and at whose request?

A. 257.—It was when Mr. Lafragua came and asked me for it to take some data from it, about two years ago and over, and also when Mr. Pardo came to get these copies. The time when Mr. Pardo came to get these copies was in May last.

Q. 258.—Had you at that time seen Mr. William E. Barron, or spoken to Mr. Eustace Barron about the claim of Andres Castillero to the New Almaden Mine?

A. 258.—When Mr. Pardo first went for these copies, Mr. William E. Barron was with him. They spoke to Don Vicente Segura, but not to me. Up to this time I had not seen either Mr. Eustace, or William E. Barron about the matter.

Q. 259.—Did you afterwards in the month of May last past, have any conversation with Mr. William E. Barron in the city of Mexico touching the title of Andres Castillero to the mine of New Almaden?

A. 259.—No, I had not.

Q. 260.—Did you not have a conversation with Wm. E. Barron in the city of Mexico, in the month of May last past, in which you told him personally that you were Clerk in the Junta de Fomento, etc. in 1846, and had been so since the year 1844, that you were well acquainted with Andres Castillero in May, 1846, that at the request of Andres Castillero you copied his original proposals to the Junta de Fomento, etc. which were signed by Castillero in your presence in the office of the Junta on the 12th May, 1846, that said original petition was inclosed in a letter of Vicente Segura to the Minister of Justice on the 14th May, 1846, etc. etc.?

A. 260.—There was a conversation which I had with Don Vicente Segura and Mr. Wm. E. Barron when he came for the copies. It was not addressed particularly to Mr. Barron.

Q. 261.—You have just said that Messrs. Pardo and Wm. E. Barron spoke to Mr. Segura about the claim of Castillero, but not to you, and now you say that you had a conversation with Mr. Wm. E. Barron and Segura at great length relating all you know about this title. Which of these statements am I to believe?

A. 261.—I never had any private or particular conversation with either of them. It is my duty as Secretary to be present at any interview which may occur between my Chief (Segura) and any person who may come to the office on official business, in order that I may give whatever information is required.

Q. 262.—Who do you mean by "either of them," in saying that you had no particular conversation with either of them?

A. 262.—Wm. E. Barron and Pardo.

Q. 263.—Do you mean that you never had any but this official sort of interview with Pardo, the agent of Eustace Barron, to whom you have so often referred to in this deposition, and with whom you traveled to California?

A. 263.—I had no other conversation with him except when he requested me to come here to give my testimony. This was about the last of July.

Q. 264.—Did you not tell Mr. Wm. E. Barron in the city of Mexico that you remembered to have seen the specimens of ore and quicksilver referred to in Castillero's document, about the time of their date, and when the matter was under consideration in 1846?

A. 264.—I stated this at the time that he had the interview with the Administrador, Mr. Segura, and when I showed him those specimens, which are still there.

Q. 265.—Are you certain that you showed Mr. Barron the specimens of the ore, and that you did not tell him that you had seen such specimens in 1846, but they had been then sent to the Mining College to be assayed?

A. 265.—I am sure that I did show him the samples. I do not remember whether or not I told him they had been sent to the College to be assayed, but I know that they were so sent.

Q. 266.—Then these are the same specimens which were sent to the College to be assayed, which were there assayed, and afterwards returned to the Junta. Are you sure of this?

[Mr. Peachy objects to the question upon the ground that it assumes the witness has said what he has not said.]

A. 266.—No; pieces of the same stones were sent to the College, and the remainder was kept at the Junta.

Q. 267.—Is there not in the National College of Mining a cabinet of Mineralogy, which would be the proper place to deposit the specimens of quicksilver and such of the ores as were not assayed. For what purpose should such things be kept among the archives of the Junta, and not among those of the Administracion del Fondo de Mineria?

[Question objected to by Mr. Peachy, because it assumes the witness has said what he has not said, to wit: These specimens of cinnabar were deposited in the archives of the Junta de Mineria.]

A. 267.—There is such a cabinet, in which I presume there are specimens of this ore, a part of the specimens sent to the College for assay. I do not know this, but suppose it to be so. Besides this, we have a collection of our own in the office of the Junta.

Q. 268.—Is this collection of your own a large one; by whom were the specimens collected, and by whom kept in 1846, and by whom now?

A. 268.—It is a small collection of about thirty or forty pieces. It is in my office, and is not and never was under the special care or charge of any particular person. It is kept in a case in my office. It was not selected by any particular person.

Q. 269.—Was it a part of your official duty, when you produced the expediente before your chief in May last, in the presence of Pardo and Wm. E. Barron, to relate such small particulars and private matters as your acquaintance with Castillero in May, 1846, your making a copy of a paper for him at his request, and your having seen the specimens above referred to; or were these communications drawn from you by questions, and if yea, were those questions put by Segura, by Pardo, or by Wm. E. Barron?

A. 269.—It is my duty to answer any inquiries put to me by my chief. When I presented the expediente, Mr. Segura inquired of me what I knew about these matters, and I then stated what I have since stated here.

Q. 270.—Do you know any thing more of the manner in which business is or was conducted in the office of the Ministry of Justice than what you have stated. Can you tell me what sort of writings or documents it was proper, in 1846, for the Minister to sign with his rubric alone; what with his half signature, and what with his whole signature?

A. 270.—I do not know what documents or writing it was necessary for him to sign in the three different manners named. I know nothing more of the mode of doing business in that ministry than what I have stated.

Q. 271.—Who was Minister of Relations of Mexico in the month of November, 1845?

A. 271.—I don't remember.

Q. 272.—Who was Minister of Relations in the month of February, 1846?

A. 272.—I don't remember.

Q. 273.—Who in June, 1846?

A. 273.—I don't remember.

Q. 274.—Who in March and April, 1846?

A. 274.—I don't remember.

Q. 275.—Who in the month of May, 1846?

A. 275.—I don't remember, but this matter makes me think it was Castillo Lanzas, but I am not sure.

Q. 276.—You mean that you suppose that Castillo Lanzas was Minister of Relations in May, 1846, only because you see his name on some of Castillero's papers. Is that it?

A. 276.—It is because I know he was Minister at other times before now, and because I see his name on these papers.

Q. 277.—Are your parents, or either of them alive, and if so, where do they live?

A. 277.—They are both dead.

Q. 278.—Is Bernardo Couto, who signed the treaty between Mexico and the United States, and who you say is your uncle, alive; if so, where does he live?

A. 278.—He is alive, and lives at Number 7, Calle de la Acequia, city of Mexico.

Q. 279.—Please refer me to some other of your relations or acquaintances living at the Capital, or elsewhere in Mexico.

A. 279.—General Miñon is my first cousin; Don Juan Couto is an uncle of mine; José Maria Couto is my brother; Gabriel Sagazeta is married to my wife's sister; Miguel Corral is my cousin; Agustin del Rio is my brother-in-law; General Partearrollo is my cousin.

### DIRECT EXAMINATION RESUMED.

Q. 62.—Do you know enough of the book called Guia de los Foresteros to say whether it is accurate?

A. 62.—It is not correct in reference to the *planta* of the Junta. It is also incorrect in reference to the *Tribunal Mercantil.* At the date of the book this *Tribunal* did not exist.

Q. 63.—Look at the reverse of the title page of this book, and read the note by the author, so that it may be incorporated in your answer.

A. 63.—[Here the witness reads the note, which is translated by the interpreter, to wit:] "This is the property of the author, who requests parties interested to inform him in whatever manner they please of the defects, errors or omissions which they may find in it, to have those corrected, and these filled up in the future.

Q. 64.—Did you see made any of the copies of the documents in Mexico, that you here testified about, being Exhibits G., H., I. and K?

A. 64.—I did not.

Q. 65.—Do you know the difference between a traced copy and a pressed copy?

A. 65.—I do not.

Q. 66.—Look at Exhibit O., and say whether you suppose it to be made in the same manner as the other Exhibits, G., H., etc.

A. 66.—I see no difference between this copy and the others.

[NOTE.—Exhibit O. is a certified copy from the office of the U. S. Surveyor-General for California, made on tracing paper.]

Q. 67.—Did you ever see a copy of a document made by placing over each page a sheet of transparent paper, and tracing with a pen on this paper the words to be copied?

A. 67.—I have never seen a copy made in that way.

Q. 68.—Look at Exhibits G., H., I. and K. and say whether they are pressed copies or traced copies, that is if you can determine by inspection, now that your attention has been drawn to the two modes of copying?

A. 68.—I am not sufficiently acquainted with such matters as to be able to tell the difference between a traced copy and a pressed copy.

Q. 69.—When a person desires to obtain a certified copy of any document in the archives of any department of the government of Mexico, state, if you know, how he proceeds to obtain such a copy, and by whom is the copy certified?

A. 69.—If the office from which the copy is desired is not a Ministry, say for instance my office, a party makes a petition to the Chief of the office, and he orders the Secretary to have a copy made. The Secretary orders some *Escribiente* to make the copy. The Secretary then certifies it, and delivers it to the Chief, who delivers it to the applicant. If the office from which the copy is desired is a Ministry, a petition is made to the Minister, and if he determines to allow the copy to be taken he signifies his approval upon the petition. This approval is called his *acuerdo.* The Minister then delivers this to the *oficial Mayor*, and he directs the Archivero to have the copy made, which is done accordingly. The copy is then delivered to the *oficial Mayor*, and if it is to be used within the Republic, it is certified to by him. It is then delivered to the applicant.

Q. 70.—Does the *Archivero* certify copies of papers in his charge?

A. 70.—He does not.

### CROSS-EXAMINATION RESUMED.

Q. 280.—Please, if you can, file with this deposition a copy of the law of 28th June, 1852, by which you have said the Junta del Fomento y Administrativa de Mineria was abolished. Will you do so?

A. 281.—I will produce the law and let you copy it.

Q. 281.—During the fourteen years that you have been connected with the Junta de Fomento, etc., and the present Mining Tribunal or establishment, or whatever it may be, have you ever seen a copy of an expediente made in the office of either of the said tribunals, or establishments by tracing in the manner which has just been explained to you?

A. 281.—I have not.

Q. 282.—During the same period, have you not occasionally seen copies of documents coming from some of the Ministries or other public offices in Mexico?

A. 282.—I have, very frequently.

Q. 283.—Do you remember to have been told, or that in any manner it came to your knowledge, that any of the last mentioned copies were made by the process of tracing before mentioned?

A. 283.—I did not hear of any such. What we call a copy there is merely a written one made by some *Escribiente.*

[NOTE.—The Interpreter here states that wherever he has represented the witness as having used the expression "traced copy," in this deposition, he was mistaken in attributing to the witness the use of those words. He did not translate to the witness literally the words "traced copy," but in lieu of those words he used the words "true and exact copy." The language of the witness in reference to these copies spoken of as "traced copies," was that they were "true and exact copies."]

Q. 284.—Why was it that the expediente among the archives in your keeping was not copied by yourself, or by your Escribiente or Clerk, in the manner you have described as the proper course of business?

A. 284.—Because the party interested chose to have them made as they are.

Q. 285.—Then these traced copies in these Exhibits are, so far as you know, the only traced copies that ever were made in Mexico?

A. 285.—I know of no other.

Q. 286.—How do you know they were made in Mexico at all, and were not brought there ready made?

A. 286.—Because they are exactly the same as the expediente.

Examination adjourned until Monday next, the 1st Nov. at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal. Monday, Nov. 1st, 1858.

### EXAMINATION RESUMED FROM SATURDAY LAST.

Q. 287.—Can you now furnish me with a copy of the law of the 28th June, 1852, by which the Junta de Fomento y Administrativa de Mineria was abolished?

A. 287.—I can. Here it is in my own handwriting.

### DIRECT EXAMINATION RESUMED.

Q. 71.—Will you please to furnish me with a copy in your own handwriting, of the two Mexican decrees, or laws, which regulate respectively the use of the great seal of the Republic of Mexico; prescribing the instruments on which it may be affixed, and regulating the mode in which instruments shall be authenticated to be used in foreign countries?

A. 71.—I will.

[The witness produces copy of the decree of 28th June, 1852, called for by counsel for the United States and also copy of the decree of 28th October, 1853, and also copy of the decree of 20th of June, 1853, the last two being called for by counsel for the claimant and are marked respectively Exhibits "A.," "B." and "C."]

MANUEL COUTO.

Sworn to and subscribed before me, this 2d day of November, A. D. 1858.

W. H. CHEVERS,
U. S. Commissioner.

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## EXHIBIT A.

El E. S. Presidente se ha servido dirijirme el decreto que sigue:

*Mariano Arista, General de Divicion y Presidente de los Estados Unidos Mejicanos:*

A los habitantes de la Republica, sabed:

Que con el fin de arreglar la administracion del Fondo de Mineria que á virtud de la Ley de 30 de Noviembre del año de 1850, quedó incorporada á las ventas de la federacion, he tenido á Cien, usando de la facultad que me concede la ley de 21 de Mayo ultimo, decretar lo siguiente:

Articulo 1°. El Fondo de Mineria será administrado por un empleado que nombre el Gobierno y bajo la inspeccion del Ministerio de Hacienda.

Articulo 2°. La planta y dotacion de los empleados de la administracion será la que sigue:

| | | |
|---|---|---|
| Un Admor. con el sueldo anual de | | 3,000 0 |
| Un Srio. á cuyo cargo estará el archivo | | 1,600 0 |
| Un Escribiente | | 600 0 |
| **Contaduria.** | | |
| Un Contador tenedor de libros | 1,600 0 | |
| Un Escribiente, cont. de moneda | 600 0 | |
| Un mozo de oficios | 360 0 | |
| Un velador | 180 0 | |
| Para gastos de oficina | 250 0 | |
| | | 2,990 0 |
| Suma | | 8,190 0 |

Articulo 3º. Los acreedores, en virtud del convenio que celebraron con el Gobierno el 19 de Febrero de 1851, continuaran nombrando su apoderado para que interoenga en la administracion del fondo, y cuide que sean pagados los reditos en los terminos estipulados en dicho convenio. Este apoderado será espeneado por los mismos acreedores.

Articulo 4º. Al Administrador del Fondo de Mineria, corresponde:

1. Colectar y administrar los fondos de que trata el presente decreto, nombrando al efecto, vajo su responsabilidad, á los colectores foraneos.
2. Pagar los gastos de su ramo, previo presupuesto aprovado mensualmente por el Gobierno; requisito que obserbará igualmente para caulquer gasto estraordinario que se ofresca.
3. Remitir su valance mensual al Ministerio de Hacienda y á la Tesoreria general, á la que embiara su cuenta anual un mes despues de concluido el año economico.
4. Causionar su manejo á satisfaccion del propio Ministerio de Hacienda.
5. Pagar mensualmente los gastos del Colegio de Mineria, previa orden del Ministerio respectivo á cuyo cargo está la instruccion publica, comunicada por el dé Hacienda.
6. Pagar por tercios vencidos y á virtud de orden de la Tesoreria general, los reditos á los acreedores de Mineria.
7. Promover con la mas eficas solicitud el fomento del importante ramo de mineria y sú Colegio.
8. Establecer en la oficina la cuenta vajo el sistema de partida doble.

Articulo 5º. El dia primero del inmediato Julio en que comienza el año economico, la actual junta de mineria entregará al Administrador que se nombre, conforme al presente decreto, las existencias que tubiere, los muebles, utiles y encores de oficina, y cuanto mas pertenesca al fondo; haciendose inventario ciscunstanciado de todo, el cual será intervenido por el gefe de la seccion directiva del Ministerio de Hacienda, á cuyo conocimiento corresponda.

Articulo 6º. Los empleados de la planta que señala este decreto, quedan sujetos á lo que dispone la ley de 21 de Mayo de este año.

Por tanto, mando se imprima, publique, circule y se le dè el devido cumplimiento.

Palacio del Gobierno Nacional en Mejico á 28 de Junio de 1852.

MARIANO ARISTA.

A Dᵒⁿ. MARCOS ESPARZA.

Y lo comunicó á V. para su inteligencia y efectos correspondientes.

Dios y Libertad. Mejico, Junio 28, de 1852.

ESPARZA.

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## TRANSLATION OF EXHIBIT A.

His Excellency, the President, has been pleased to address to me the following decree:

*Mariano Arista, General of Division and President of the United Mexican States:*

To the inhabitants of the Republic, be it known:

That for the purpose of regulating the administration of the mining fund, which in virtue of the law of 30th November, 1850, was incorporated with the federal revenues, in exercise of the powers conferred on me by the law of 21st May, ultimo, I have thought proper to decree as follows:

Article 1. The mining fund shall be administered by an officer appointed by the government and under the inspection of the Ministry of Finance.

Article 2. The number and salaries of the *employees* of the administration shall be as follows:

| | | |
|---|---|---|
| An Administrator with the yearly salary of | | $3,000 |
| A Secretary, to have charge of the archives | | 1,600 |
| A Clerk | | 600 |
| ACCOUNTANT'S OFFICE. | | |
| An accountant, book-keeper | $1,600 | |
| A clerk, teller | 600 | |
| A servant or messenger | 360 | |
| A watchman | 180 | |
| For office expenses | 250 | |
| | | 2,990 |
| Total | | $8,190 |

Article 3. The creditors, in virtue of the agreement entered into with the government of the 15th February, 1851, shall continue appointing their agent who is to intervene in the administration of the fund and see that the interest is paid in the terms stipulated in said agreement. The agent to be at the expense of the creditors.

Article 4. It shall be the duty of the Administrator of the mining fund:

1. To collect and manage the funds of which the present decree treats, and to this effect to appoint, under his responsibility, the exterior collectors.

2. To disburse the expenses of his branch, after the monthly approval by the government of the estimates; which requisite shall be observed, also, when any extraordinary expense is to be incurred.

3. To forward his monthly balance-sheet to the Ministry of Finance and to the general treasury, to which he shall also present his annual account one month after the end of the fiscal year.

4. To give bonds for his management, to the satisfaction of said Ministry of Finance.

5. To pay, monthly, the expenses of the College of Mining, subsequent to the order of the respective ministry in charge of the branch of public instruction, communicated by the Ministry of Finance.

6. To pay by thirds, as due, and by virtue of the order of the general treasury, the interest to the creditors of the mining fund.

7. To promote, with the greatest efficacious solicitude, the advancement of the important branch of mining and its college.

8. To establish the accounts of the office on the system by double entry.

Artiete 5. On the first day of July next, which commences the fiscal year, the existing Mining Junta will deliver over to the Administrator to be appointed in conformity to the present decree, the articles or stock in hand, furniture, utensils and effects of the office, and everything else belonging to the fund, causing to be made a minute inventory of the same, in the which shall intervene the chief officer of the directory section of the Ministry of Finance whose duty it may be to have cognizance of the same.

Article 6. The whole of the officers or employees established by this decree shall be subject to the provisions of the law of 21st May of the present year.

Therefore, I ordain that this decree be printed, published, promulgated, and due fulfillment be given to it.

Palace of the National Government in Mexico, the 28th of June, 1852.

MARIANO ARISTA.

To Don Marcos Esparza.

And I communicate the same to you for your information and corresponding effects.

God and Liberty. Mexico, June 28, 1852.

ESPARZA.

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## EXHIBIT B.

MINISTERIO DE RELACIONES EXTERIORES:

El E. S. Presidente de la Republica se ha servido dirijirme el decreto que sigue:

*Antonio Lopez de Santa Ana, Benemerito de la Patria, General de Divicion, Caballero gran Cruz de la Real y distinguida orden Española de Carlos 3°., y Presidente de la Republica Mejicana:*

A los habitantes de ella, sabed: Que en uso de las facultades que la nacion se ha servido conferirme, he tenido á bien decretar lo siguiente.

Articulo 1°. Los documentos otorgados en la Republica con el objeto de que hagan fe en el esterior, tendran la que les conceda el derecho, siempre que en ellos concurran las calidades que á continuacion se espresan, segun la clase á que pertenezcan.

Articulo 2°. Si los documentos fueran autorizados por algunos de los Secretarios del despacho, Ministeros de la Corte de Justicia ó Gobernadores de los departamentos, la firma será legalisada por el oficial mayor de la Secretaria de Relaciones.

Articulo 3°. Si el documento fuere autorizado por alguna de las Secretarias de la Corte por cualesquiera otros tribunales de la nacion, ó por alguno de los empleados del orden judicial del distrito su firma será comprovada por el Ministro semanero de la Corte Suprema. Pero si la espedicion del documento se hiciere por un funcionario, oficina ó empleado del orden gubernativo del mismo distrito, su firma será comprovada por el Gobernador del mismo, y tanto la de este como la del Ministro semanero, seràn legalizadas por el oficial mayor de la Secretaria de Relaciones.

Articulo 4°. Para que los documentos otorgados en los departamentos tengan fuera de la Republica y en el Distrito federal la fe que les concede el derecho vastará que la firma que los autoriza sea comprovado por el Gobernador y la de este legalizada por el oficial mayor de la Secretaria de Relaciones.

Articulo 5°. La firma del oficial mayor de dicha Secretaria será refrendada por el agente diplomatico ó consular de la Republica, residente en el lugar ó distrito de la nacion donde deva producirse el decumento; y si alli no lo hubiere, por el mas inmediato.

Articulo 6º. Los documentos de fuera de la Republica tendran en esta la fe que les concede el derecho, siendo otorgados en la forma prescrita por las leyes del pais en que se otorguen, y por las autoridades ó funcionarios á quienes ellas cometan tal encargo. Las firmas que los autorizan serán comprovadas por el agente diplomatico ó consular de la Republica residente en el lugar ó distrito de su otorgamiento quien dará fe de haber sido otorgado por persona legalmente autorizada para ello, con esprecion de su caracter publico, y que de notoriedad le consta hallarse espedita en el ejercicio de sus funciones. La firma del Ministro ó agente consular de la Republica, que haya hecho la comprobacion, será legalizada en Mejico por el oficial mayor de la Secretaria de Relaciones.

Articulo 7º. A los actos de registro y de notarios autorizados por los agentes diplomaticos y consulares de la Republica en el estrangero, se dará la fe y credito que les concede el derecho de las naciones; pero si ellos hubieren de tener su ejecucion en la Republica, solo será permitida siempre que se haga otro tanto con iguales actos de la misma en el pais de que aquellos procedan, bien por convenio espreso ó por conformidad del respectivo representante diplomatico que asi lo estipulare. Los actos de comprobacion que ejersan, solo tendrán plena fe cuando recaigan sobre la firma de funcionarios publicos en instrumentos de la misma clase ó en documentos oficiales.

Por tanto, mando se imprima, publique, circule y se le de el devido cumplimiento.

Palacio Nacional de Tacubaya, à 28 de Octubre de 1853.

ANTONIO LOPEZ DE SANTA ANA.

A D$^{on}$. MANUEL DIEZ DE BONILLA.

Y lo traslado à V. para su conocimiento, y fines consiguientes.

Dios y Libertad. Mejico, Octubre 28 de 1853.

BONILLA.

## TRANSLATION OF EXHIBIT B.

MINISTRY OF EXTERIOR RELATIONS:

His Excellency, the President of the Republic, has been pleased to send me the following decree:

*Antonio Lopez de Santa Anna, Well-deserving of his Country, General of Division, Knight Grand Cross of the Royal and distinguished Spanish Order of Charles the Third, and President of the Mexican Republic:*

To the inhabitants of the same, be it known: That, in exercise of the powers which the nation has been pleased to confer upon me, I have thought proper to decree as follows:

Article 1. Documents made or executed in the Republic, with the purpose of serving as evidence in foreign countries, shall receive the evidence conceded to them by the laws, when they have the conditions or qualifications hereinafter expressed, according to the class to which they may belong.

Article 2. Should the documents be authorized by any of the Secretaries of State (*del Despacho*), Ministers of the Court of Justice, or Governors of the departments, the signatures of these shall be legalized by the Chief Clerk of the Ministry of Relations.

Article 3. Should the documents be legalized by any of the offices of the Secretaries of the Court, by any other of the national tribunals, or by any of the judiciary officers of the district, their signatures shall be authenticated by the Weekly Minister of the Supreme Court. But should the document be issued by any governmental functionary, office, or officer of said district, their signatures shall be authenticated by the Governor of the same; and both the signature of said Governor and that of the Weekly Minister, shall be legalized by the Chief Clerk of the Ministry of Relations.

Article 4. That documents executed in the departments may have in foreign countries, and in the Federal district, the evidence which the laws concede to them, it will be sufficient that the signature by which they are authorized be authenticated by the Governor, and the signature of the Governor be legalized by the Chief Clerk of the Ministry of Relations.

Article 5. The signature of the Chief Clerk of said Ministry shall be countersigned by the diplomatic or consular agent of the Republic, residing in the place or district of the nation where the document is to be produced; and should there be no such agent residing there, then by the one nearest.

Article 6. Documents from foreign countries shall receive in the Republic the credence conceded to them by law, when executed in the form prescribed by the laws of the country in which they are made, or by the officers or functionaries appointed by said laws for such purpose. The signatures which authorize them shall be authenticated by the diplomatic or consular agent of the Republic residing in the place or district in which they are executed, who shall certify that they are made by persons legally empowered, explaining their public character, and the publicity of their being in the due exercise of their functions. The signature of the Minister, or Consular Agent of the Republic, which authenticated the previous signature, shall be legalized in Mexico by the Chief Clerk of the Ministry of Relations.

Article 7. Acts or certificates of registry, and notarial acts, authenticated by the diplomatic or consular agents of the Republic in foreign countries, shall receive the faith and credence conceded to them by the laws of nations; but should they have to be carried into effect in the Republic, this will be allowed only when the like is permitted with similar acts of the Republic in the country from which the former have proceeded, either by virtue of express agreement, or by consent of the respective diplomatic agents who may so stipulate. The certificates of authentication which they give, shall receive full credence only when appended to the signatures of public functionaries to instruments of the same class, or to official documents.

Therefore, I ordain that this decree be printed, published, promulgated and due fulfillment be given to the same.

National Palace in Tacubaya, October 28, 1853.

ANTONIO LOPEZ DE SANTA ANNA.

To Don MANUEL DIAZ DE BONILLA.

And I transmit the same to you for your information and consequent purposes.

God and Liberty. Mexico, October 28, 1853.

BONILLA.

## EXHIBIT C.

Ministerio de
Relaciones Exteriores.

El E. S. Presidente de la Republica Mejicana se ha servido dirijirme el decreto que sigue:

*Antonio Lopez de Santa Ana, Benemerito de la Patria, General de Divicion, Caballero Gran Cruz de Real y distinguida orden Española de Carlos 3°, Presidente de la Republica Mejicana :*

A los habitantes de ella sabed:—Que en uso de los facultades que la Nacion se ha servido conferir me he tenido á bien decretar lo siguiente:

Articulo 1°. A todo diploma, despacho ó nombramiento por el cual se persiba algun sueldo del tesoro publico ó emolumento de cualquiera clase, y lleve la firma del E. S. Presidente de la Republica, se le pondrá el gran sello de estado sin cuyo requisito no tendra ningun efecto, ni podran tomar razon de el las oficinas respectivas.

Articulo 2°. El sello se custodiara en la Secretaria de Estádo y del Despacho de Relaciones Esteriores, por la seccion de causilleria y registros, la que llevará uno exacto de los documentos á que ponga dicho sello, como la cuenta del corto derecho que por el deva pagarse, segun se prevendra en el reglamento respectivo, que dará oporternamente el Secretario de Relaciones.

Por tanto, mando se imprima publique, circule y se le de el devido cumplimiento.

Palacio del Gobierno Nacional en Mejico á 20 de Junio de 1853.

ANTONIO LOPEZ DE SANTA ANA.

A D. Manuel Diez de Bonilla.

Y lo comunico á V. para su obzerbancia. Mejico Junio 20 de 1853.

BONILLA.

## TRANSLATION OF EXHIBIT C.

Ministry of
Exterior Relations.

His Excellency, the President of the Mexican Republic, has been pleased to transmit to me the following decree:

*Antonio Lopez de Santa Anna, Well-deserving of his country, General of Division, Knight Grand Cross of the royal and distinguished Spanish order of Charles the Third, and President of the Mexican Republic:*

To the inhabitants thereof, be it known:—That in the exercise of the powers which the nation has been pleased to confer upon me, I have thought proper to decree as follows:

Article 1. To every diploma, commission or appointment, from which any salary shall be received from the public treasury or any emolument of whatever kind, and which shall be signed by his Excellency the President of the Republic, there shall be affixed the great seal of State; without which requisite it shall be of no effect, neither shall note of the same be taken in the respective offices.

Article 2. The seal shall be kept in the office of the Secretary of State for Exterior Relations by the section of chancery and registries, which shall keep an exact register of the documents to which said seal is affixed, as also of the account of the corresponding dues paid for the same, as will be provided in the respective regulations which shall be made opportunely by the Secretary of Relations.

Therefore, I order that this decree be printed, published, promulgated, and due fulfillment be given to it.

Palace of the National Government in Mexico, June 20, 1853.

ANTONIO LOPEZ DE SANTA ANNA.

To Don Manuel Diaz de Bonilla.

And I transmit the same to you for its observance. Mexico, June 20, 1853.

BONILLA.

## COPY OF COMMISSION OF MANUEL COUTO.

Años de Mil ochocientos cincuenta
y dos y cincuenta y tres.

SELLO QUINTO. SEIS PESOS.

*Mariano Arista, General de Division, y Presidente Constitucional de los Estados U. Mexicanos:*

En atencion al merito y servicios del Ciudadano Manuel Couto, hé tenido á bien nombrarlo, con arreglo al Articulo 2º. del decreto de 28 de Junio del año presente para el empleo de Secretario, encargado del archivo del Fondo de Mineria que se halla vacante por ser de nueva creacion, con el sueldo de mil seiscientos pesos anuales y con sugecion á lo que previene el Articulo 6º. del mismo decreto.

Por tanto, mando á quienes corresponde tengan por tal Secretario, encargado del archivo del Fondo de Mineria al espresado Ciudadano Manuel Couto, y que tomada razon de este despacho en las oficinas respectivas y prévios los demas requisitos correspondientes se ponga en posesion del mencionado empleo al interesado, y se le aboue el sueldo referido.

Dado en el Palacio del Gobierno gral en Mexico á treinta de Junio de mil ochocientos cincuenta y dos.

Gran
Sello de la
Nacion.

MARº. ARISTA.

MARCOS DE ESPARZA.

Pagó.
Martinez del
Campo.

Nombramiento de Secretario, encargado del archivo del Fondo de Mineria á favor del Ciudadano Manuel Couto.

Contaduria
Mayor.

Seccion de Hacienda de la Contaduria mor
México Julio 13 de 1852.

F.
Sin dros.

Tómese razon,
MANUEL RIGUELME.

En la misma fhá se tomó razon á fª. 48 del libro respectivo.

PABLO DE LA BARRERA.

Tesoreria general de la Nacion. Mejico, Julio 15 de 1852.
Tómese razon,
P. VELEZ.

En la misma se tomó razon fojas 1 del libro respectivo.
JOSE MANUEL PARDO.

## ORDER REFUSING MOTION TO CLOSE PROOFS.

U. S. District Court,
Northern District of Cal.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the court-room in the city of San Francisco, on Friday the fifth day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: Hon. M. H. McAllister, Circuit Judge; and the Hon. Ogden Hoffman, District Judge.

The United States,
*v.*
Andres Castillero.
No. 420.

And now at this day comes the U. S. District Attorney, and on notice moves the Court to fix a time for the closing of the proofs in this case, and for the submission of the cause, and the said motion having been argued on the part of the United States by the District Attorney and Mr. Randolph, and on the part of the claimant, by Messrs. Peachy and Yale, and due deliberation being had in the premises, and it appearing to the Court that the claimant herein is proceeding diligently in the taking of testimony, and that the same is not yet closed, it is ordered by the Court that the said motion be, and the same is hereby overruled.

Filed November 5, 1858.

W. H. Chevers, Clerk.

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## ORDER REFUSING MOTION TO CLOSE PROOFS.

United States District Court,
Northern District of California.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the court-room in the city of San Francisco, on Saturday the fourth day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: Hon. M. Hall McAllister, Circuit Judge; and the Hon. Ogden Hoffman, District Judge.

UNITED STATES,
*v.*
ANDRES CASTILLERO. } No. 420.

And now at this day comes the U. S. Attorney, and on notice, moves the Court to fix a time for the closing of the proofs in this cause, and for the submission of the said cause; and the said motion having been argued by the respective parties, and due deliberation being had in the premises, it is ordered by the Court that the said motion be, and hereby is, denied.

Filed December 4, 1858.

W. H. CHEVERS, Clerk.

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## DEPOSITION OF JOHN P. BRODIE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Dec. 14, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came John P. Brodie, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; P. Della Torre, U. S. District Attorney and E. Randolph, for the United States.

### QUESTIONS BY A. C. PEACHY, FOR CLAIMANT.

QUESTION 1.—Your name, age, occupation and place of residence?

ANSWER 1.—John P. Brodie; 51 years of age. I reside in San Francisco; am a land-agent.

Q. 2.—Examine the paper marked Exhibit "G." attached to defendant's answer in the case of the United States *v.* John Parrott et al., on file on the equity side of the United States Circuit Court for the Districts of California, and say if you have compared it with its original, where the original exists, and who produced it; when and how the comparison was made, and who was present when you made it; and is the said copy a true, accurate and full copy of the said original?

A. 2.—I have examined said Exhibit. I have compared it with its original; the original exists in the archives of the "*Administracion del Fonda de Mineria*," in the city of Mexico. The original was produced by Manuel Couto, Secretary of the institution or office. The comparison was made by me on the 30th day of July of the present year; I held this copy in my hand and looked at it closely while the original was read to me, then I held the original in the same way while the copy was read to me; I then laid both original and copy before me and compared them together and found them to be exactly alike. Mr. John Forsyth, the American Minister in Mexico; Mr. Frederick Glennie, British Consul at Mexico; Don Emilio Pardo, who read the documents; Couto, the Secretary aforesaid; Don Teodoro Soto-Mayor, a Clerk in the office of the Minister of Justice in Mexico; and Don Vicente Segura, who is President of this Mining Fund, who came into the room once or twice when we were engaged in making this comparison, were present. I never saw a more correct copy made of a document even to blots, etc.; it is a full, accurate and exact copy, with the exception of the certificates of the Secretary, Manuel Couto, of Segura, of P. Almasan, of J. Miguel Arroyo, two certificates of John Forsyth and one of Frederick Glennie, which certificates are not part of the original.

Q. 3.—Answer the same question as to Exhibit "H." attached to the same answer.

A. 3.—I have examined the document, have compared it with its original; the original exists in the College of Mines, in the city of Mexico. The original was produced by Don Joaquin Velasquez de Leon, Director or President of said College. I held this copy in my hand, looked over and read while the original was read to me; I then held the original in the same manner while this copy was read to me; I then laid both original and copy before me, compared them closely and carefully, and found that they were alike in every respect, with the exception of the certificates of Joaquin Velasquez de Leon, of P. Almasan, of J. Miguel Arroyo, two certificates of John Forsyth, and the certificate of F. Glennie, which are not in the original. I compared them on the 30th day of July, at the city of Mexico, in the presence of Mr. Forsyth, American Minister at Mexico; Mr. Glennie, British Consul; Don Joaquin Velasquez de Leon, Director of the College; Emilio Pardo, who read the copy and original to me; Manuel Couto, Secretary of the Administration of the Mining Fund; and Teodoro Sotomayor, Clerk as aforesaid. Said copy is a true, accurate and exact copy of the original.

Q. 4.—Answer the same question in reference to Exhibit "I." attached to the same answer.

A. 4.—I have examined said Exhibit; I have compared it with its original. The original exists in the office of the Ministry of Exterior Relations in the city of Mexico. The original was produced by Manuel Lavañaga, Chief Clerk of a Section in said Ministry. The comparison was made on the 29th of July last in one of the offices of said Ministry. I held the copy and made the comparison in the same manner as in the cases of Exhibits "G." and "H." The same parties were present, Mr. Forsyth and Mr. Glennie, and the others. This is a true, accurate and exact copy of the original, with the exception again of the certificate of J. Miguel Arroyo, two certificates of John Forsyth, and one of Frederick Glennie, which certificates are not in the original.

Q. 5.—Answer the same question in reference to Exhibit "K." attached to the same answer.

A. 5.—I have examined the said Exhibit. I have compared it with its original, which exists in the city of Mexico in the Ministry of Government and Police. The examination was made on the 29th day of July last. It was produced by Ignacio Anievas, Chief Clerk of said Ministry. The comparison was made in the same way as in Exhibits "G." and "H." Mr. Forsyth, Mr. Glennie, Ignacio Anievas, Pardo, Couto, and Sotomayor were present. The said copy is a true, accurate and exact copy of the said original, with the exceptions of the certificates; one of Felipe Raigosa, Chief Clerk, at that time, of the Minister of Government; one of J. Miguel Arroyo, First Chief Clerk of the Ministry of Foreign Relations; two certificates of John Forsyth, and one of Frederick Glennie, which certificates are not in the original.

Q. 6.—Answer the same question with reference to Exhibit "L." attached to the same answer.

A. 6.—I have examined said Exhibit; I have compared it with its original. The original exists in the city of Mexico, in the office of the Notary Public, Juan Navarro, being a portion of a book in said office. Juan Navarro himself produced it. The comparison was made on the 30th day of July last in the same manner as in Exhibits "G." and "H." Mr. Forsyth, Mr. Glennie, Pardo and Navarro were present when I made it. It is a true and correct copy of the original, not a fac-simile as the other exhibits aforesaid, with the exception of two slight mistakes, which are mentioned in the certificates, at the end of said exhibit, of Mr. Forsyth and Mr. Glennie. The mistakes are two omissions, one on the seventh leaf, eleventh line. After the words "*Panfilo Solis*," the following words are wanting, "*Sacose de su registro hoy-dia de su otorgamiento en cuatro foxas del papel correspondiente doy fe. Un Signo Panfilo Solis.*" One on the second page of thirteenth leaf, twenty-first line; after the word "*adende*," the following words are wanting, "*Los cosas de esta escritura seran de cuenta de ambos contrayentes por mitad.*" These words are in the original, but are omitted in the copy.

Q. 7.—Please describe the book in which the original of Exhibit "L." is found, and what memoranda are noted on the book.

A. 7.—It is a book of leaves of stamped paper for the years 1846 and 1847, stitched together, with a cover and fly-leaves of common paper. It contains one hundred and twenty leaves exclusive of the fly-leaf and the index at the end. On the fly-leaf is the title, "*Año de* 1846. *Protocolo de Instrumentos Publicos del Escribano Don Narzario Fuentes.*" The first page commences with a certificate to the following effect: "*Protocolo de instrumentos publicos para el año* 1846, *perteneciente al Escribano publico que signa y firma! doy fe, que comienza hoy dia de la fecha!*"; Notary sign of cross, and signed "Narzario Fuentes;" the signature and certificate are in the same handwriting. There is another certificate at the end of the book, copied in Exhibit "L." on the last page, exclusive of the certificates, beginning with the words "*Certifico y doy fe;*" it is the certificate of Narzario Fuentes, signed by him, that the book is finished—to the effect that there were no more public instruments executed that year before him. The first instrument in the book commences immediately under the certificate on the first page and is dated January 8th, 1846; there are seventy-two instruments in all, in the book, and which are mentioned in the index. There are sixty-four executed instruments in the book, and the number in the index, seventy-two, is made up by counting the certificate at the commencement of the book; four instruments not executed; one certificate relating to "*Alcabales*" or duties; one petition of Andres Castillero, asking for second copies; and one certificate at the end of the book; making in all seventy-two instruments, as mentioned in the index. The original instrument, a copy of which is contained in Exhibit "L." on the second page and marked on the margin "*Escritura*," commences in the book of Protocols, in the lower corner of the first page of the one hundredth leaf, on which page is written only the first word, it is continued on the second page of said leaf and on to the first page of leaf one hundred and six, where it ends, and where are the signatures. The second instrument, a copy of which is contained in said Exhibit, and commences on the first page of the eleventh leaf of said Exhibit, marked in the margin "*Escritura de Venta,*" commences in said book in the lower right hand corner of the first page of leaf one hundred and six, where is written only the first word, and is continued to its end on the first page of leaf one hundred and nine. There are some remarks upon the margin in the book; on the margin of the first instrument, on contract of "*Avio*" are the following words: "*Se dio copia para la parte de la compania remitiendosela a Tepic a Don Alexandro Forbes al segundo dia de su otorgamiento;*" this is followed by the rubric of the Notary; then again, "8 *de Agosto, de* 1848. *Se dio copia certificada al Sor. Don Andres Castillero en diez fojas utiles en lugar del testimonio que no habia pedido.*" Then again on the margin of the second instrument or "*Escritura de Venta*" are these words: "*Se dio copia de esta escritura al segundo dia de su otorgamiento a la parte de Don Alexander Forbes;*" here follows the rubric of the Notary; also, following the above: "*Mexico, Agosto* 9, 1848. *En esta fecha se dio al Señor Castillero copia certificada en lugar del testimonio que debio darsele, doy fe,*" and the rubric of the Notary.

Immediately preceding the original of the first instrument or contract, and ending on the first page of the one hundredth leaf of the book, is a power of attorney, of date December 16, 1846, from Camilo Sanches to José Maria Gallego. Immediately following the second instrument or "*Escritura de Venta,*" and commencing on the lower right hand corner of the first page of leaf one hundred and nine of the book, is an instrument dated December 21, 1846, relative to a loan made by Antonio Torrens to his brother Juan Torrens. The leaves in this book are numbered regularly from one to one hundred and twenty, and on the one hundred and twentieth leaf there is a certificate already referred to, in which he says that there is one hundred and twenty-one leaves.

Q. 8.—Do you know in whose handwriting is the original letter dated Angeles, February 12, 1846, signed Pio Pico, and addressed to the Minister of Exterior Relations, a copy of which appears on pages two and three of Exhibit "K.?"

A. 8.—I should say it was in the handwriting of Don José Maria Covarrubias.

Q. 9.—Are you acquainted with the signature of Pio Pico, and is his signature to the original of the said letter his genuine signature?

A. 9.—I know the signature of Pio Pico intimately from having seen him write it often, receiving letters from him, and the signature to the said original letter which I saw in Mexico is his signature?

Q. 10.—In making the comparisons of the foregoing copies with their originals, did Mr. Forsyth and Mr. Glennie also compare and assist you?

A. 10.—They did; Mr. Forsyth sat during all the reading by the side of Pardo, while he was reading the copies and the originals, looking over him on the papers, and Mr. Glennie sat by my side doing the same; both these gentlemen took the copies and originals in their own hands and examined them themselves, not like myself, but cursorily.

[The witness here states that he knows in whose handwriting the marginal decree on the margin of the letter the signature to which he has just testified to, is; and wishes to know if Mr. Peachy wants any information on the subject.]

Q. 11.—Please state, if you know, in whose handwriting are any of the instruments which are copied in the Exhibits concerning which you have testified?

A. 11.—I have said I know the handwriting of Covarrubias and the signature of Pio Pico; I think I know them of my own knowledge. This writing and signature occur on the second and third pages of Exhibit K. I do not think they occur any where else in these Exhibits. Of my own knowledge I do not know of the handwriting of any other person.

Q. 12.—State what you know about the marginal note mentioned at the end of the tenth answer?

A. 12.—One of the officers—I do not know in what office he is now; I knew him in Mexico thirty odd years ago, named José Maria Ortiz Monasterio—informed me in the city of Mexico about the end of last July, that that marginal note was written by him on the day of its date. This is what I know about it.

[Objected to, as hearsay.]

Q. 13.—What office does J. Miguel Arroyo hold?

A. 13.—He is the first Chief Clerk, "*Oficial Mayor Primero*," of the Minister of Exterior Relations; he was so when I was last in Mexico, in July and August of this year.

Q. 14.—At whose request did you go to Mexico to make these examinations and comparisons?

A. 14.—At the request of Mr. William Barron, of this city.

Q. 15.—At whose expense did you go, what were you paid for going, and have you been paid?

A. 15.—Mr. William Barron gave me the money for my expenses and paid me; he gave me $2,500 besides expenses.

Q. 16.—When did you leave San Francisco; at what Mexican port did you land; what was the distance from that port to the city of Mexico, and how long were you in going from that port to the said city?

A. 16.—I left San Francisco in the steamer Golden Gate, and landed in Acapulco in Mexico. The distance between Acapulco and Mexico is said to be 110 leagues; by my account of days' travel I made it 120 leagues going and 115 leagues returning. I got sick on the road and made a long journey. I left Acapulco in the afternoon of the 14th July, and arrived in Mexico 27th July. I remained in Cuernavaca from the 24th to the 27th waiting for the stage; on my return I was ten days exactly on the road.

Q. 17.—What time is usually occupied in going from Acapulco to Mexico, and from your knowledge of the distance between the two places and the nature of the road, in what time could the trip be conveniently made?

A. 17.—The road is a very bad road. The mail goes through in four days, and couriers go through in about that time. Travelers take about ten days. It takes as long as this because you have to take pack mules along with you to carry provisions, bedding, etc.

CROSS-EXAMINATION. QUESTIONS BY THE U. S. ATTORNEY.

QUESTION 1.—Where were you born?

ANSWER 1.—I was born in Scotland.

Q. 2.—How long have you lived in Mexico, and in what years?

A. 2.—I lived in Mexico from 1824 to 1854; I went there seventeen years old.

Q. 3.—Then you are not a citizen of the United States?

A. 3.—I am not. I have made a declaration to become one.

Q. 4.—What do you mean when you say you are a land agent; who are your employers, and where is the land?

A. 4.—I mean that I am attorney-in-fact of Andres Pico for the disposal of the lands which he claims in San Joaquin, Amador and Alameda counties.

Q. 5.—Is not the claim in Alameda County to the orchard or other lands belonging to the San José Mission?

A. 5.—It is. The original claim was an undivided half of all the Mission lands.

Q. 6.—How large is the tract to which you refer as the Mission lands?

A. 6.—About 24,000 acres.

Q. 7.—How large are the tracts in San Joaquin and Amador counties?

A. 7.—They are eleven leagues each, or about 96,000 acres.

Q. 8.—Do not the tracts in San Joaquin or Amador run considerably into the hills, and include much mining land?

A. 8.—The tract in Amador does, the other does not.

Q. 9.—Is not Andres Pico a brother of Pio Pico?

A. 9.—He is.

Q. 10.—Were not these three grants made by Pio to Andres Pico, in the year 1846, and not long before the American conquest, and about what dates respectively?

A. 10.—The tract in San Joaquin County was granted by Pio Pico to Andres Pico, made in May, 1846. The Mission lands in Alameda County, I understand were purchased from the government by Juan B. Alvarado and Andres Pico; don't recollect at what time. The lands in Amador County were granted in 1840 to Teodosia Yorba and the claim purchased by Pico.

Q. 11.—When was the first time that you saw these copies which are marked here as Exhibit G.?

A. 11.—I think it was in the month of June, 1858.

Q. 12.—Where did you see them?

A. 12.—In the office of Bolton, Barron & Co. of this city.

Q. 13.—Who showed them to you?

A. 13.—Mr. William E. Barron. When he showed them to me they had not the last certificate of Mr. Forsyth nor the certificate of F. Glennie.

Q. 14.—Did you carry Exhibit G. with you to Mexico?

A. 14.—I did.

Q. 15.—Did Mr. William E. Barron instruct you to go to the office of the "Administracion del Fonda de Mineria," and compare Exhibit G. with an original that you would find there?

A. 15.—He asked me if I would go to Mexico to compare all these papers with the originals; Mr. Peachy instructed as to the manner in which I should make the comparison.

Q. 16.—Do you know by whom Exhibit G. was traced or made?

A. 16.—I do not. I was told the man's name, but I forget it.

Q. 17.—When you carried Exhibit G. to Mexico, were the papers of which it is composed put up in the same order as they appear now?

A. 17.—I should say they were.

Q. 18.—Did you first see the other Exhibits H., I. and K. in the office of Bolton & Barron in this city; were they too shown to you by Wm. E. Barron; did you also carry them with you to Mexico with the same instructions that you had as to Exhibit G.?

A. 18.—I did.

Q. 19.—Did you carry other papers with you to Mexico?

A. 19.—I carried no papers of that size. I carried a number of letters and one small package.

Q. 20.—Did you carry the letters and package from Bolton & Barron and Wm. E. Barron to persons in the city of Mexico?

A. 20.—I forwarded the package and some of the letters by courier from Acapulco to Mexico the day after my arrival in Acapulco.

Q. 21.—To whom did you forward them?

A. 21.—To Mr. Eustace Barron.

Q. 22.—What day did you arrive in Acapulco?

A. 22.—I arrived there on 12th July.

Q. 23.—Who introduced you to Manuel Couto and Emilio Pardo in the city of Mexico?

A. 23.—Pardo was waiting for me at the stage office when I arrived there and introduced himself to me, and he afterwards introduced me to Couto.

Q. 24.—Did you go to see Mr. Eustace Barron immediately?

A. 24.—I got to the city at 12½ P. M. and went to see Mr. Barron at 7 P. M. In the meantime he had called upon me.

Q. 25.—What did you do next day?

A. 25.—I went to the different Ministers to see them about having these papers ready for me; I went to Mr. Forsyth, to College of Mines, and to Mining Administration also.

Q. 26.—And the next day you went and found everything ready?

A. 26.—I engaged with Mr. Forsyth to go with him the next morning. The next morning he was engaged and could not go until afternoon. In the afternoon went with him to the two Ministries in the Palace. We went the day after to the two Ministries de Mineria and to the Notary's.

Q. 27.—Did you explain to Mr. Forsyth that the papers that you wanted were to be used in a certain case in California in which Eustace Barron, Escandon, and other foreigners, were claiming the New Almaden Quicksilver Mine against the United States?

A. 37.—I did not explain to him any thing at all. I did not know that Escandon had any interest in the matter; do not know it yet. In conversation with Mr. Forsyth after the papers had been examined, we talked about the purpose to which these copies were to be put, and he understood perfectly well that they were to be used in the U. S. Courts in California.

Q. 28.—Were not those traced copies, Exhibits G., H., I. and K., all traced in California?

A. 28.—I say no, impossible, unless they had the originals to trace them from here.

Q. 29.—Whilst you lived in Mexico these thirty years, had you ever seen there a traced copy made in Mexico?

A. 29.—I never saw a traced copy of any paper till I came to California.

Q. 30.—Did you carry Exhibit L. with you to Mexico at the same time as the others?

A. 30.—I did.

Q. 31.—Where is the office of Administracion de Mineria, where is the College of Mining, where situated in the city of Mexico?

A. 31.—The Administracion de Mineria is in the same building as the College; I think the building is situated three blocks from the Cáthedral, the street called Calle de Mineria, one block before you get to Alameda.

Q. 32.—After you had finished all the comparisons of the various writings, how long did you remain in Mexico?

A. 32.—I think I left there on the 6th of August.

JOHN P. BRODIE.

Subscribed and sworn to before me, this 14th day of December, 1858.

CUTLER McALLISTER,
U. S. Commissioner.

Filed, February 21, 1859.

W. H. CHEVERS, Clerk.

## DEPOSITION OF WILLIAM G. CHARD.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Dec. 15, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came William G. Chard, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and P. Della Torre, U. S. District Attorney and E. Randolph, for the United States.

## QUESTIONS BY ATTORNEY FOR CLAIMANT.

QUESTION 1.—Your name, age, place of residence and occupation?

ANSWER 1.—William G. Chard; I am 58 years of age; I reside in Tehama County, State of California; I am a farmer.

Q. 2.—Do you know the Almaden Mine?

A. 2.—I do.

Q. 3.—When did you first know it?

A. 3.—In 1845.

Q. 4.—Were you ever employed in or about the mine; state when, by whom, and in what capacity?

A. 4.—I have been so employed; it was in 1845; I was employed first by Mr. Castillero and the priest Don José Maria Real. I went up there to open the mine. I forget exactly what time of the year it was. I hardly know whether it was in November or December, 1845; I think it was in one of those months.

Q. 5.—Do you remember when the possession of the mine was given to Andres Castillero?

[Question objected to as leading.]

A. 5.—I do.

Q. 6.—State if you can, about what time the possession was given, by whom, who was present, whether you were there?

A. 6.—I think it must have been in December, 1845, or January, 1846, I could not state positively which. Pico was there, his name is Antonio I think, I forget whether he was the Alcalde or not. Suñol was there and Noriega; I know them all, but cannot think of their names. Berreyesa was there, the old man Berreyesa, who got killed in the time of the war over in Sonoma. Do not remember the names of the others.

Q. 7.—Do you remember whether José Fernandez was there?

A. 7.—Yes he was; he used to live on the creek on the road to Santa Cruz.

Q. 8.—Do you know whether Padre Real and a man named Gutierrez were there?

A. 8.—I don't recollect. I should judge there were some fourteen or fifteen there, but I do not recollect their names.

Q. 9.—How long did you remain at the mine after possession was given to Castillero?

A. 9.—I remained there, I think, until August, 1846.

Q. 10.—What did you do there; what was your business?

A. 10.—I was building houses. I built a furnace and smelted the ore, got out some quicksilver, I should judge three or four tuns of quicksilver in the pot—it was one of a whaler's try-pots—we burnt it out under try-pots, that is, we first made a well and put at the bottom of it a trough full of water, then we had part of a copper still which went down into the water in the trough and there were bars of iron laid across the mouth of the well and the ore piled on top of them, made the pile the size of the pot and covered it with the pot turned upside down, we then piled the wood on top of and around the pot, set fire to the wood and in that way we got out from three to four tuns. The top of the copper still was attached and came up to the iron bars over the top of the well and the vapor was forced through the pipe into the water by heat.

Q. 11.—How many men were engaged at the mine and reducing establishment while you were there; I mean, what would be about the average number of laborers there about that time?

A. 11.—To the best of my recollection, about ten or twelve, Indians, principally, only one white man besides myself; I do not recollect his name; they used to call him Old Billy, he was a blacksmith.

Q. 12.—Who was Superintendent of the mine when you had charge of it?

A. 12.—I was Superintendent.

Q. 13.—Under whose direction did you work?

A. 13.—First under Castillero's, and after he went away, under Padre Real's; under his direction I built the furnace.

Q. 14.—Describe that furnace?

A. 14.—It was made out ot adobe, about eight feet in diameter measured on the outside, about ten feet high and circular; it had two chambers one over the other, the top of the under one was full of holes so that the fire could draw up into the other; the upper we charged with ore from the top; there were six or eight pipes from this upper oven that conducted the vapor into water; the hole at the top of the upper chamber was closed with an iron door and cemented.

Q. 15.—How did the furnace succeed?

A. 15.—It did not succeed very well, it got hot and burst.

Q. 16.—Did you make any quicksilver from it?

A. 16.—We made some, I do not recollect how much, we never charged it but once.

Q. 17.—Who attended the furnace, and was anybody injured by the vapors?

A. 17.—It was attended by no one but myself and the Indians. I got badly hurt with it, salivated, and it came very near killing me.

CROSS-EXAMINATION. QUESTION BY U. S. ATTORNEY.

QUESTION 1.—About what time did you finally leave the mine or reducing establishment?

ANSWER 1.—I think August 1846.

Q. 2.—Can't you recall some circumstance by which you could fix the time of the year?

A. 2.—No nearer than this. The mine changed hands while I was there; at least Mr. Forbes employed me previous to my leaving—James Alexander Forbes.

Q. 3.—You say the mine had passed into the hands of James Alex. Forbes before you left?

A. 3.—Yes.

Q. 4.—Who put it into the hands of James Alexander Forbes?

A. 4.—I presume I knew at that time, but have forgotten now, he employed me previous to my leaving.

Q. 5.—In whose hands was it up to the time that Mr. Forbes took it?

A. 5.—First Mr. Castillero employed me, after him Padre Real, and after him, James Alexander Forbes.

Q. 6.—Then Father Real put it into the hands of James Alexander Forbes.

A. 6.—He employed me. I was there all the time while the changes were being brought about; I suppose Father Real put it into Forbes' hands, I do not know.

Q. 7.—Do you remember any more exactly what time the change took place and Forbes came into possession, than you do who the person was that gave him the possession?

A. 7.—I do not.

Q. 8.—How long did you remain at the mine under Mr. Forbes' orders?

A. 8.—I do not recollect.

Q. 9.—Was it as much as two months?

A. 9.—I think it was. Somewhere near that time.

Q. 10.—Are you certain that it was more than one month?

A. 10.—No. I am not certain about it at all.

Q. 11.—In what month was it that Mr. Forbes employed you?

A. 11.—That I do not recollect.

Q. 12.—About what month?

A. 12.—I could not state positively what time it was. I recollect it was during warm weather.

Q. 13.—Then it might have been in August or September, or possibly in October, might it not?

A. 13.—I think not as late as October.

Q. 14.—But it might have been in September?

A. 14.—I think not. It might have been in June or July, but I think not as late as September or October.

Q. 15.—What circumstance have you in your mind by which you could fix it in any one of those months, June, July, August or September, more than another?

A. 15.—Because I think I quitted the mine sometime in August.

Q. 16.—Where did you go from the mine?

A. 16.—To Santa Clara.

Q. 17.—How long did you stay there?

A. 17.—I stayed there till 1847; I do not recollect what month of 1847.

Q. 18.—Are you a Catholic?

A. 18.—I am.

Q. 19.—Are you married to a native of the country?

A. 19.—Yes, sir.

Q. 20.—Do you know what time a feast of Santa Clara occurs which is always celebrated at that Mission?

A. 20.—I do; on 12th August.

Q. 21.—Can you remember now whether you had left the mine and come down to the Mission of Santa Clara at the time of the feast of Santa Clara in the year 1846?

A. 21.—I can recollect very distinctly; I staid at the mine and sent all the Indians down.

Q. 22.—Then you were still at the mine as late as 12th August, 1846. Was Father Real then in charge still, or Mr. Forbes; under whose orders were you?

A. 22.—I was there as late as 12th August, but could not say positively who was in charge.

Q. 23.—About how long after the feast of Santa Clara did you remain at the mine?

A. 23.—Some time afterwards, I am not positive; I think I went down to Santa Clara before the first of September, but am not positive.

Q. 24.—About how long before Christmas did you go down?

A. 24.—I do not recollect. I could not state.

Q. 25.—Are you a born citizen of the United States?

A. 25.—I am. I was born in Columbia County, State of New York.

Q. 26.—Then you remember very distinctly the conquest of California by the Americans, do you not?

A. 26.—I do.

Q. 27.—About how long after that event did you abandon the mine?

A. 27.—I was sick at that time. I came down from the mine when the weather was warm, and the battle of Santa Clara was when it was cold and rainy.

Q. 28.—About how long had you been in Santa Clara when the battle took place?

A. 28.—From about sometime in August till October or November. I do not remember when the battle was fought, probably later than that.

Q. 29.—Had you not been down only a few weeks when that battle was fought?

A. 29.—I could not say how long I had been down, some two or three months, I suppose.

Q. 30.—Can you remember whether it was after or before the Americans conquered the country that you first began to receive orders from James Alexander Forbes?

A. 30.—It was before.

Q. 31.—Then it was before the Americans conquered the country that Father Real or somebody else, you don't remember who, passed the mine over to Mr. Forbes?

A. 31.—It was. It was before the conquest that he hired me to stop at the mines.

Q. 32.—In what month was it that the Americans raised their flag in this country?

A. 32.—I do not recollect.

Q. 33.—Do you not consider that you have a very bad memory?

Q. 33.—In my own business affairs I think I have got as good a memory as most people. What I recollect I am willing to state, and nothing more. I have not charged my mind with this matter because I had no idea of being called upon to testify about them.

Q. 34.—Were you not a married man at the time that you lived at the mine?

A. 34.—Yes, sir. I had my family at the mine part of the time.

Adjourned until 12 M. Dec. 16, 1858.

December 16, 1858.

### CROSS-EXAMINATION OF WILLIAM G. CHARD, A WITNESS PRODUCED ON BEHALF OF CLAIMANT, THIS DAY CONTINUED.

Present: Mr. Peachy for claimant; and the U. S. District Attorney and Mr. Randolph, for the United States.

Q. 35.—Do you remember this morning any better than you did yesterday, the day, or even the month, when you finally left the mine?

A. 35.—I do not.

Q. 36.—When you left did you have a settlement with Mr. Forbes; did he pay you what was due you, did you give him a receipt in full up to that time?

A. 36.—He paid me. I do not recollect whether I gave him a receipt or not.

Q. 37.—Did you ever have more than one settlement with Mr. Forbes?

A. 37.—I think not.

Q. 38.—When you said he paid you, do you mean to say he paid you up to that time?

A. 38.—He paid me in full up to the time of my leaving, but I do not remember whether he paid me all at once or at different times. He might have let me have some things.

Q. 39.—How did you sign your name at that time?

A. 39.—In Spanish, Guillermo G. Chard.

Q. 40.—Look at the paper now shown you marked Exhibit X. attached to this deposition, this paper is your receipt in full of your services one month in the mine of Almaden of Santa Clara, dated 16th October, 1846. Does it not appear now by that receipt that you were mistaken in supposing that you were not at the mine so late as October, or even September, 1846, as you have testified?

A. 40.—I do not think I was as late at the mine as this paper bears date; don't recollect the time; I think I gave this receipt to Mr. Forbes in Santa Clara sometime after I left; he did not pay me for some time if I recollect aright.

Q. 41.—Have you any recollection that a whole month had passed after you left the mine, before Mr. Forbes paid you?

A. 41.—I do not recollect that.

Q. 42.—Have you any distinct recollection that any time elapsed after you left the mine before he paid you?

A. 42.—Yes, I recollect going to his house several times?

Q. 43.—Did not Mr. Forbes at that time live in Santa Clara, where you were staying, and might you not have gone to his house several times within a day or two?

A. 43.—Yes.

Q. 44.—What is the month called for in that receipt; is it not the month ending on the 16th day of October?

A. 44.—I should suppose it was.

Q. 45.—Do you suppose that in a receipt made on that day, it is at all probable that it would have been stated that you served at the mine up to the 16th day of October, 1846, if you had left before that day?

A. 45.—I do not know. It appears to me that I did not get the money until some time after I left. The receipt might have been drawn for one month's work, and dated on the day on which I got the money. I guess that must have been the way of it.

Q. 46.—As you never had but one settlement with Mr. Forbes that you remember, and that calls for one month's services only, don't you think now that one month must have been all the time that you were under Mr. Forbes' orders?

A. 46.—I should think it was.

Q. 47.—Had Andres Castillero left the country before you built the furnace with the two chambers, which you described yesterday on your direct examination?

A. 47.—I think he had.

Q. 48.—Before Andres Castillero left the country was there any furnace at all, or did you get out the quicksilver by making a fire over the iron pot, as you explained yesterday on your direct examination?

A. 48.—I think he went away before we smelted the metal under the pot or in the furnace; I am not certain of that; I don't remember of seeing him after trying experiments with gun-barrels, at the mine.

Q. 49.—That quicksilver which you got out and left there in the pot, did you weigh it?

A. 49.—I don't remember.

Q. 50.—Did you ever weigh any quicksilver at that time?

A. 50.—I think I weighed a glass junk-bottle full.

Q. 51.—When you said yesterday that you supposed the quicksilver in the pot might have been three or four tuns, was it merely a guess on your part?

A. 51.—Yes, it might.

Q. 52.—Might it not have been as little as 2,000, 1,800 or even 1,500 pounds, for all that you can swear to now?

A. 52.—I do not know; I stated that yesterday. I have no idea, there was about half a kettlefull.

Q. 53.—After your adobe furnace burst, what did you do then?

A. 53.—Pulled it down, gathered all the quicksilver we could get between the adobes.

Q. 54.—Then what?

A. 54.—We continued burning under the pot afterward?

Q. 55.—You carried on this smelting somewhere about where the hacienda is now, did you not?

A. 55.—Somewhere about the same place.

Q. 56.—Who had charge at that time of the mine, which was about a mile from the place where you were employed?

A. 56.—A Mexican; I don't recollect his name.

Q. 57.—Had you anything at all to do with the operations inside the mine, during the period to which you refer?

A. 57.—Nothing.

Q. 58.—About how often did you smelt or reduce ore?

A. 58.—About every day under the pots; I think we had two pots sometimes.

Q. 59.—From what time?

A. 59.—I don't recollect.

Q. 60.—In what month?

A. 60.—I don't recollect.

Q. 61.—When was the last time?

A. 62.—A few days before I left. I was there a few days after the majority of the people left; they left before I did. We had nothing to eat; we went to Santa Clara; they were principally Indians belonging to the Mission.

Q. 62.—What became of the house where you had been living, near the hacienda?

A. 62.—I locked it up and took the key down to Mr. Forbes.

Q. 63.—You say you were present when possession was given of this mine; was Castillero there?

A. 63.—I don't recollect whether he was there or not. I don't recollect seeing him there.

Q. 64.—You have said that this possession was given about the last of December or about the first of January; do you think your memory is any more to be trusted about that date than it was about the date of your leaving the mine, and of your settlement with Mr. Forbes?

A. 64.—It was shortly after I first went there.

Q. 65.—Your memory seems to be bad about dates; how can you fix the time when you first went there?

A. 65.—Because it was a short time after I came down from Sacramento. I came down late in the fall, I think it was in November.

Q. 66.—If it was a short time after that, it ought to be about the first of December instead of the first of January, ought it not?

A. 66.—I was home some time before I went out to the mines.

Q. 67.—Have you any means of fixing that date with any certainty to yourself, within ten or even twenty days?

A. 67.—I don't think I have.

Q. 68.—Since you have been in town have you not been talking with some one about that date; if so, with whom?

A. 68.—I think not.

Q. 69.—At whose request did you come down from Tehama to give testimony?

A. 69.—At no one's.

Q. 70.—At whose request did you come to this court-house to give testimony?

A. 70.—At Mr. Peachy's.

Q. 71.—Do you recollect seeing Antonio Maria Pico at the mine on that day?

A. 71.—I think I do.

Q. 72.—What was Pico doing that day at the mine?

A. 72.—I do not recollect what they did do myself, I was there at the mine at my work.

Q. 73.—If you don't recollect what they did do, how can you recollect that they had given possession?

A. 73.—That was the conversation; that they had come up to give possession.

Q. 74.—Did you see any body surveying or measuring off any thing?

A. 74.—No.

Q. 75.—Did you see anybody driving any stakes?

A. 75.—No.

Q. 76.—Did you see anybody writing?

A. 76.—I think not.

Q. 77.—What did you see them doing?

A. 77.—They came up on horseback, they were sitting around there laughing; they all looked at the mine, then got on their horses and rode around.

Q. 78.—Well, what was the thing that they gave possession of?

A. 78.—They said that they had come to give possession of the mine; they got on their horses, rode around a piece, and came back.

Q. 79.—Did you understand the mine to be all they rode around, or how much did you understand they included with it?

A. 79.—I had no understanding on the subject.

Q. 80.—After you saw Castillero up at the mine making experiments with a gun-barrel, where did you understand that he went to and made his place of residence—Santa Clara, Pueblo of San José, Monterey, or where?

A. 80.—I do not know where he did make his residence; I heard he went to Monterey.

Q. 81.—When was it that you and Castillero were making experiments with a gun-barrel at the mine; before, or after they came up there to give possession?

A. 81.—This was the first thing we did after we went up there, before the giving of possession of the mine.

Q. 82.—As you don't remember seeing Castillero at the mine, at the time of giving possession, might it not have been given to somebody else, and not to Castillero at all; how was that?

A. 82.—I understood it was to a company.

Q. 83.—Were the company there?

A. 83.—I do not recollect whether they were all there or not.

Q. 84.—Then you did not understand that possession was given to Castillero alone, in his own name, did you?

A. 84.—No.

Q. 85.—But to a company of which Castillero was only one of the members; was that it?

A. 85.—Yes.

Q. 86.—Is not your wife a sister of Secundino and Teodoro Robles?

A. 86.—She is.

Q. 87.—Were not those two Robles', your brothers-in-law, members of the company to whom you understood that possession was given?

A. 87.—They were. They offered to give me one-half of it. I would not accept of it.

Q. 88.—Answer in the same connection why you would not accept of it.

A. 88.—They were poorer than I was, and I wanted them to do something for themselves, and would not accept the half of their shares; did not think it was worth much anyhow.

Q. 89.—Under these circumstances, if there had not been any possession given to them at all, but to another man, without any mention of their names, don't you think you would have heard of that fact?

A. 89.—Yes, I think I should.

Q. 90.—Were not one or both of the Robles' out there at the mine at the time the possession was given that you have spoken of?

A. 90.—I think they were.

Q. 91.—At what time was it that you first found yourself salivated at the mine?

A. 91.—I did not feel any effects of it until the cold weather and rain came.

Q. 92.—In your last answer upon direct examination you appear to say that you got salivated whilst you were at the mine attending to the pots; now you say that you did not feel the effects till the rains commenced; was it not very soon after leaving the mine that you felt the effects, or even before you left?

A. 92.—I did not feel it all before I left. I did not feel it until after the rain and cold weather commenced.

Q. 93.—Do you suppose it could have been as much as a month or six weeks after you left the mine before you found out you were salivated?

A. 93.—I think it was as much as that.

Q. 94.—What did you do with the quicksilver that you got out?

A. 94.—I did nothing but put it in the pot; that is the last I saw of it.

Q. 95.—Did you leave it there in the pot when you came away, finally?

A. 95.—Yes; I locked it up and left it there.

## DIRECT EXAMINATION RESUMED.

QUESTION 1.—It has been a long time since the facts occurred about which you have been examined, and therefore I wish you to state in answer to my questions only such things as you distinctly remember. Please say whether you remember while you were living at the mine or at the reducing establishment, that possession of the mine was given on more than one occasion?

ANSWER 1.—Only on one; that was before we quit the mine on the mountain and went below to live at the reducing establishment.

Q. 2.—While you were living on the mountain at the mine, do you remember whether it was the dry or the rainy season; and what protection from the weather had you?

A. 2.—We had a shanty-house built of brush; it was the wet season before we got away from there, and I believe it rained some before I went there?

Q. 3.—Please give the names of such persons as you distinctly remember to have been present at the time of giving possession.

A. 3.—Don Suñol, Don Noriega, old man Berreyesa, Pico. I believe Teodoro and Secundino Robles were there, but cannot remember distinctly.

Q. 4.—Can you distinctly remember whether or not José Fernandez was there?

A. 4.—Yes; he was there.

Q. 5.—Answer the same about Padre Real and Castillero?

A. 5.—I can't recollect whether they were there.

Q. 6.—Where were you while the party was there?

A. 6.—I was on the knoll where the mine is.

Q. 7.—Were you present when Pico used the words by which he gave the possession of the mine?

[Objected to as leading, inasmuch as witness has not said that Pico used any words.]

A. 7.—I don't recollect.

Q. 8.—How long did you stay at the mine after the occasion on which possession was given?

A. 8.—I suppose I staid there some three or four weeks.

Q. 9.—Where did you go when you came down from the mine?

A. 9.—Went down on the creek.

Q. 10.—What improvements, if any, did you make at that establishment on the creek?

A. 10.—Built a log-house, a blacksmith's shop, and that furnace.

Q. 11.—Did you build the house before you moved from the mountain?

A. 11.—I commenced it before, think I moved into it before it was finished.

Q. 12.—How long after you removed to the reducing establishment, before you used the iron pots to extract the quicksilver?

A. 12.—I could not tell; just as quick as we could get it up. I do not know how many days; a very short time.

Q. 13.—After you came to live at the reducing establishment did you still continue the process of extraction by means of a gun-barrel?

A. 13.—I think not.

Q. 14.—How was the ore brought from the mine to the reducing establishment?

A. 14.—On mules.

Q. 15.—Can you remember the name of the Mexican who you said was in charge of the force at the mine after you moved to the reducing establishment?

A. 15.—I cannot.

Q. 16.—Was it not Pedro?

A. 16.—I don't think that was the name. I do not recollect his name.

Q. 17.—Who suggested the use of the iron pot for the extraction of quicksilver?

A. 17.—I do not know; it was sent up, I believe, by the Padre.

Q. 18.—Who assisted you in making the well you have spoken of, with the trough at the bottom, and the iron bars over the top of it, and contriving the iron pot furnace?

A. 18.—I think Padre Real was there something like a week; there was myself and Billy, the blacksmith, with the Indians. Padre Real was there when we first commenced making the furnace. Padre Real and Secundino Robles were there when we first started the fire around the pot-furnace. Robles sat up with me all night to keep up the fire around the pot.

Q. 19.—How far was the pot-furnace from the log cabin in which you dwelt?

A. 19.—About fifty yards.

Q. 20.—How long after you removed into the log cabin before your family came to live with you?

A. 20.—I think about eight or ten days.

Q. 21.—Have you any papers containing memoranda, receipts, contracts, or a note of anything else by reference to which you can remember the dates of any of these occurrences more distinctly than you have stated them?

A. 21.—No; I had all my documents, papers and memoranda burnt up, otherwise I could have dates for almost anything. They were burnt up on my ranch in Tehama, with my house, a year ago last August.

Q. 22.—After you left the mine, finally, where did you go to reside?

A. 22.—In Santa Clara; at the Mission.

Q. 23.—How long did you live there? Where did you next go to live?

A. 23.—My family stayed there until 1855. I went into the mines, and went up to my ranch in 1847. Before I took my family up I staid up there three or four months and came down to see my family. As business increased I staid up there longer.

The house on my ranch is about three and a half miles from the town of Tehama. My ranch comes within a mile of the town. My ranch is three square leagues. I am a merchant in Tehama. I farm very little; I rent my land out.

Q. 24.—Please to state how you happen to be in San Francisco at the present time.

A. 24.—I came down to buy goods.

## Cross-Examination Resumed.

Question 1.—Who asked you to come here and testify?

Answer 1.—Mr. Barron sent a young man down to Goodwin's and requested me to go up to his office. I went up; some gentleman told me Mr. Barron was not in; asked me if I was in a hurry? I told him I would like to see him. They went out to look for him, could not find him. He then told me the business Mr. Barron had with me was connected with Mr. Peachy. I went up to Mr. Peachy's office; he was not there. I have never seen him yet. Mr. Peachy asked me when I was going to leave town? I told him Tuesday evening; he said he wanted me to stop to take my testimony in the Almaden case; I said I would tell all that I knew about it. I told him I would stop.

Q. 2.—Whilst you were up at the mine and before you went down to the creek, to the reducing place, how did you extract quicksilver?

A. 2.—In gun-barrels. We formed a little furnace in the bank and charged the gun-barrels with ore and put them over the furnace, stopped the touchhole, the muzzle dipped into water in a pan, or bucket, or something else; there were three or four gun-barrels; made a fire under and over the gun-barrels.

Q. 3.—Did you continue to do this after the possession, or were you occupied in building the log-house at the reducing establishment for a few weeks?

A. 3.—I think we were working with the gun-barrels at the time they gave the possession. I think we continued working with the gun-barrels after the possession for a little, but not much. It was a slow process, could not use the gun-barrels after they would get corroded; would get from one-half to one ounce of quicksilver out of each barrel.

Q. 4.—Was that all you got out prior to the possession you have spoken of?

A. 4.—I think that was all we got out except a little gotten out at the Mission in the same way.

Q. 5.—Where did you get the ore from that was used for these experiments?

A. 5.—Got it out of that cave. Don't recollect from what part of the cave; the Indians got it out.

Q. 6.—Was the ore visible in the sides of the cave?

A. 6.—Yes, the cave was red with it.

Q. 7.—Did you not always direct the Indians in taking the ore out?

A. 8.—I did when Castillero was not there; he stopped there when I first went up there.

Q. 9.—Don't you remember whether you adopted a particular plan with the Indians in digging?

A. 9.—After we commenced digging the well, they piled up the ore outside; I think the well was made a little outside the cave. I never was at the mine more than three or four times after I went down on the creek. I don't recollect whether we made the well before I went down to the creek or afterward. I went prospecting around to see if I could find the ore in any other place.

Q. 10.—Do you not recollect when you were experimenting with the gun-barrels, whether you got the ore out of the well or out of the cave?

A. 10.—I think it was out of the cave.

Q. 11.—Did this well open into the cave?

A. 11.—Yes, I think it did. There was only one way of getting into the cave; I won't be positive about it.

Q. 12.—Did you stay continuously at the mine during the time that you were there?

A. 12.—I went over to Santa Clara two or three times, but did not stay away any length of time.

### DIRECT EXAMINATION RESUMED.

QUESTION 1.—How much time did Castillero stay with you when you were on the hill?

ANSWER 1.—He was coming and going; the longest time he stayed there at one time, was six or eight days.

WM. G. CHARD.

Subscribed and sworn to before me, this 16th day of Dec., A. D. 1858.

CUTLER McALLISTER,
U. S. Commissioner.

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## EXHIBIT X.

Received from Jas. Alex. Forbes the sum of fifty dollars in cash, for full value of my services one month in the mine of Almaden of Sta. Clara.

Oct. 16, 1846.
50 dollars. GUILLERMO G. CHARD.

Filed February 21, 1859.

W. H. CHEVERS, Clerk.

## DEPOSITION OF PETER DAVIDSON.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Jan. 22, 1859.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Peter Davidson, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: The U. S. Attorney and Edmund Randolph; and A. C. Peachy, for claimant.

### QUESTIONS BY ATTORNEY FOR CLAIMANT.

QUESTION 1.—Your name, age, place of residence and occupation?

ANSWER 1.—Peter Davidson; I am about 43 years of age; I reside in San José, county of Santa Clara; I am living on my income.

Q. 2.—Were you acquainted with Andres Castillero; state when?

A. 2.—I was acquainted with him; first in 1845, in the spring, May or June.

Q. 3.—Do you remember to have heard anything ot the discovery of a mine by Andres Castillero? But just state how long you have lived in California and how long in the pueblo of San José.

A. 3.—I came to California in 1841. Since 1842 I have been residing in San José and reside there now. I remember to have heard of the discovery of a mine by Castillero.

Q. 4.—About what time did you hear of it?

A. 4.—I saw the denouncements of it in 1845.

Q. 5.—What do you mean by seeing the denouncements of it; what did you see?

A. 5.—I saw the denouncement, the papers stuck up in the old Court-House, Jusgado Court, the mine of Santa Clara they used to call it then.

Q. 6.—About what time of 1845 did you see that denouncement?

A. 6.—Late in the fall of 1845.

Q. 7.—How far was your house from the Jusgado?

A. 7.—One hundred yards—it might be a little more; I live in the same place to this day.

Q. 8.—Do you remember to have heard of the possession of this mine having been given to Castillero?

[Objected to as leading.]

A. 8.—Yes.

Q. 9.—State about what time of the year you heard this.

A. 9.—It was the last of the year 1845, November or December, directly after the denouncement.

Q. 10.—State whether it was generally known in or about San José, that the mine had been discovered, denounced by, and possesion given to Castillero.

A. 10.—It was; almost by everybody in that vicinity.

Q. 11.—Did you ever visit the mine with Castillero? and state about what time; whether it was before or after possession was given.

A. 11.—I have visited the mine with Castillero and Padre Real; it was before possession was given, about October or November, 1845.

Q. 12.—Was any one at the mine when you visited it?

A. 12.—There was a gentleman by the name of Chard, a couple of Mexicans and three or four Indians. I believe Father Real or Castillero, or between the two, they put Chard there as an overseer.

Q. 13.—What was done while you was at the mine?

A. 13.—Old man Robles was there too, besides Chard, the Mexicans and the Indians; old man Robles died about three years ago; we tried to get some quicksilver; they were working with crowbar and picks getting ore out.

Q. 14.—How did you get the quicksilver out?

A. 14.—Took a gun-barrel, run it through a cask which he filled with water—the muzzle running into a basin—put some of the ore inside of the gun-barrel first, put fire around the breech of the barrel; the quicksilver dropped into the basin.

## CROSS-EXAMINATION.

QUESTION 1.—Where were you born?

ANSWER 1.—I was born in Italy or Austria—on the frontier—about forty miles from Trieste.

Q. 2.—Did you come direct from Italy to California?

A. 2.—No; I went from Italy to England, from England back there again to Mecena, from there back to Liverpool, from Liverpool to Valparaiso, arrived at Valparaiso in 1838, from Valparaiso to Callao, from Callao to Mazatlan, Mexico; from Mazatlan to Callao, from there to California; arrived here in 1841.

Q. 3.—What was your business in 1845?

A. 3.—I was a merchant in San José.

Q. 4.—How and when did you get acquainted with Castillero?

A. 4.—I was introduced to him by Padre Real in May or June, 1845.

Q. 5.—Did you know him pretty well during that summer?

A. 5.—Yes; I got pretty well acquainted with him.

Q. 6.—How do you know that it was in October or November, 1845, that you went to the mine with Castillero, as you have spoken of?

A. 6.—I remember it very well, I used to supply them with goods and provisions. It was in one of those two months, October or November?

Q. 7.—See if you can recollect which of these two months it was?

A. 7.—That is too close. That I can't say.

Q. 8.—How do you know that it was before the possession was given?

A. 8.—Because I believe there was no possession given before that.

Q. 9.—Was it before you saw the denouncement paper stuck up in the old Court-House, or after?

A. 9.—It was before.

Q. 10.—Do you mean you had seen no denouncement paper stuck up before you went?

A. 10.—I had not; it might have been about the same time. When I came back I saw it stuck up; if it was, it was directly after.

Q. 11.—Have you any recollection at all that it was after you saw the paper stuck up, that you went out with Castillero, or is your only clear recollection that you went out with him before you saw the paper stuck up?

A. 11.—I can't state but what I have stated before; it is so long ago that I cannot positively say; thirteen years ago requires a good memory.

Q. 12.—Did anybody go with Castillero and yourself at the time you refer to?

A. 12.—Yes; José Maria Real, Padre Real; we three, no more.

Q. 13.—What was on the papers that you saw stuck up at the Jusgado? Give the substance.

A. 13.—It was the denouncement of the Santa Clara Mine; mentioning first Castillero and then the others; we the undersigned denounce the mine of Santa Clara, containing three metals—quicksilver, silver, gold. This was the substance of the paper; it was a long document.

Q. 14.—How long was the document?

A. 14.—About a sheet and a half of legal cap.

Q. 15.—Did you ever see more than one paper of denouncement of that mine by Castillero? I don't mean copies of the same paper.

A. 15.—I believe I did see the next denouncement which mentioned quicksilver; I believe I did, I am not certain; it was about December or January, about the last of 1845.

Q. 16.—Then both the denouncements that you saw stuck up spoke of quicksilver?

A. 16.—I believe they did, but the first spoke of those metals, the second of quicksilver only, and then, I believe, gave it the name of New Almaden. I am not certain.

Q. 17.—Is your recollection clear of what either of these denouncement papers contained?

A. 17.—I have stated it before; I can't state any more; three metals, then one.

Q. 18.—Do you remember any reason why quicksilver was denounced twice by Castillero?

A. 18.—Because the first rock they took out looked as if it contained the three metals, then they found it was quicksilver alone. I believe it to be so.

Q. 19.—But before the first papers of denouncement were stuck up, or just about that time, you had been to the mine with Castillero and seen them getting out quicksilver with a gun-barrel, had you not?

A. 19.—I had.

Q. 20.—And still before that time, they had found out that the mine contained quicksilver by making use of a gun-barrel in that way, had they not?

A. 20.—Yes.

Q. 21.—How long before that had you heard of Father Real or Castillero getting any quicksilver out the mine?

A. 21.—I heard of it a few days before; it could not have been longer than a week.

Q. 22.—What was the first metal you ever heard of as being in that mine?

A. 22.—First principally quicksilver, then there was supposed to be silver and gold besides quicksilver.

Q. 23.—Do you know where Castillero resided when he was in California?

A. 23.—When he was in our neighborhood, with Padre Real at the Mission, and sometimes at my house.

Q. 24.—Do you know where he was in the beginning, middle and end of December, 1845?

A. 24.—I believe he was in the neighborhood of San José.

Q. 25.—Was he not at Monterey in that month?

A. 25.—He may have been there, may have made a trip there; I don't recollect exactly.

Q. 26.—Did he not make Monterey his residence after the middle of December, 1845?

A. 26.—I do not recollect anything of that.

PETER DAVIDSON.

Subscribed and sworn to before me this 22d day of January, A. D. 1859.

CUTLER McALLISTER,
U. S. Commissioner.

Filed March 26, 1859.
W. H. CHEVERS, Clerk.

## NOTICE OF MOTION FOR A COMMISSION TO TAKE DEPOSITIONS IN THE CITY OF MEXICO, AND AFFIDAVIT OF JOHN PARROTT.

DISTRICT COURT OF THE UNITED STATES,
For the Northern District of Caliornia.

THE UNITED STATES
v.
ANDRES CASTILLERO.
No. 440.

SIR:

Please to take notice that on
next the we shall move this Court to take the depositions in the city of Mexico in the Republic of Mexico, of the following persons, viz: *Vicente Segura, Castillo Lanzas, José Maria Duran, José Maria Ortez Monasterio, Francisco Villalon, Romulo de Zevallos, Andres Villio Mejia, Manuel Cabeza de Vaca, Miguel Aristigui, Francisco Martinez Negrete, Mariano Miranda, Teodoro Sotomayor, J. Miguel Arroyo, Luis Cuevas* and *Ysidro Rafael Gondra*,—on behalf of the claimant; the said depositions to be offered in evidence on the trial

of this cause or for other purpose in said cause to which such evidence shall be applicable; and we shall at the same time, move the Court to issue a Commission to such person or persons as the Court shall name, for the aforesaid purpose, granting him or them full power and authority in the premises.

What the claimant expects to prove by the said witnesses, is set forth in the statement, verified by affidavit, a copy whereof is hereto annexed; so far as such statement is necessary for the purposes of this motion.

And you are further notified, that the claimant's interrogatories to the said witnesses, to be proposed under said commission, are the same as are on file in the Circuit Court of the United States for the Districts of California, in and for the Northern District, in the case of the United States *v.* John Parrott, et al., and which, for the purposes of this motion, you have agreed shall be considered as on file in this case.

The claimant here sets forth some of the facts which he expects to prove by the witnesses whose names are mentioned in the annexed motion for a commission.

He expects to prove by Vicente Segura, that he knew Andres Castillero in the months of April and May, A. D. 1846. That the said Vicente Segura was at that time President of the Junta de Fomento y Administracion de Mineria; that some time in the month of April, 1846, D. Tomas Ramon del Moral deposited with the said Junta certain specimens of cinnabar and quicksilver, which had been sent to the city of Mexico by the said Castillero, from a mine which he had recently discovered in Upper California. That some of the said specimens of cinnabar were sent to the National College of Mining for assay, in April, 1846; that an assay of them was made and reported to the said Junta in May, 1846.

That the said Segura, as President of the said Junta, signed and dispatched all the letters which appear in the defendant's Exhibits "G." "H." and "I." filed with their answer, in the said case of the United States *v.* John Parrott, et al., purporting to be signed by him; and that such letters were signed by him at the time they purport to bear date and are in every respect true and genuine.

That the said Junta received in the due course of official correspondence, all the letters, copies of which appear in said "Exhibit G." purporting to have been sent to the said Junta from the Ministry of Justice and Public Instruction, and to be signed by Becerra; and further, that said *Becerra*, at the date of said letter, was Minister of Justice and Public Instruction.

The claimant also expects to prove by the said Segura, that the said Exhibits "G.," "H.," "I." and "K.," are faithful and accurate copies of certain original expedientes existing in the archives of the Administracion del Fonda de Mineria, in those of the National College of Mining, and in those of the Ministries of Exterior Relations and Government; and he further expects to prove by the said Segura, in whose handwriting are several of the documents in the said expedientes; and also the signatures and rubrics to the same.

He further expects to prove by the said Segura, that in the month of May, 1846, the said Castillero presented to the said Junta certain proposals for a contract, setting forth the aid he required from the government for the development of the mine of cinnabar which he had discovered in Upper California; and the advantages he would grant the government in consideration of receiving such aid; that said proposals were in writing and were agreed to by the Junta; and that the original document, signed by the said Castillero, and containing said proposals, was transmitted to the Minister of Justice by the said Junta in the letter of the 14th May, 1846, addressed to said Minister; and that said original letter and said original proposals are now in existence, and are identified by the said Segura, as such originals.

He further expects to prove by said Segura, that all the matters and things which are set forth in said Exhibits "G.," "H." and "I.," did really occur as they therein appear.

And he expects to prove by the said Segura, other things, not necessary to be specified in this motion.

And the claimant expects to prove by Castillo Lanzas, that he was Minister of Exterior Relations, Government and Police, in March, April and May, 1846; that during that time, he received from Pio Pico, Governor of the Department of California, the letter dated Angeles, February 13, 1846, a copy of which appears in said "Exhibit K.," and inclosed in it, the letter of Andres Castillero to the said Governor Pico, dated Mission of Santa Clara, 10th December, 1845, a copy of which also appears in said "Exhibit K."

And he further expects to prove that on or about the 20th May, 1846, the said Lanzas, while such Minister, received from the Minister of Justice and Public Instruction, an official communication, dated the 20th May, 1846, signed Becerra, and addressed to the Minister of Foreign Relations and Government, a copy of which appears in said "Exhibit K.," that on the 23d of May, 1846, the said Lanzas, as such Minister, wrote or caused to be written, on the margin of said communication, from the said Minister of Justice, the words: "*Espidon e las ordenes a que se contrae esta comunicacion*," and signed his rubric thereto; that on the same 23d day of May, 1846, the said Lanzas, as such minister, signed an official communication to the Governor of the Department of California, containing a copy of the said letter from the Minister of Justice to the said Minister of Relations, directing the said Governor to put the said Castillero in possession of the two square leagues of land mentioned; and delivered the said letter to the said Castillero, a copy whereof is found in said defendant's "Exhibit M."

And he further expects to prove by the said Castillo Lanzas, that the said "Exhibit K." is a faithful and accurate copy of the expediente, consisting in the foregoing documents, which accumulated in the archives of the Ministry of Exterior Relations, Government and Police, while the said Lanzas was at the head of that department; and that all such documents in said expediente as were addressed to the said ministry, were received in the due course of official correspondence; and that the said official communication from the said Lanzas to the Governor of the Department of California, dated 23d May, 1846, directing the latter to put Castillero in possession of said two square leagues of land, was signed by the said Lanzas on the day it purports to bear date, and delivered to the said Andres Castillero on the same day.

And the claimant expects to prove other things by the said Lanzas, which they do not deem it necessary to set forth, for the purposes of this motion.

And that claimant expects to prove by José Maria Duran, among other things, that he was Chief Clerk of the Ministry of Justice and Public Instruction, in May, 1846; that Becerra was the Minister of Justice; that in the month of May, 1846, there were received in the Ministry of Justice, the several official communications addressed by the said *Junta de Mineria* to the said ministry, and signed by Vicente Segura, President of said junta; copies of which appear in said "Exhibit I.;" and that the said several communications were received by the said ministry in the due course of official correspondence; and that the signatures thereto, are the genuine signatures of the said Vicente Segura.

That to the said several communications from the said junta to the said ministry, replies were written and signed by the said Becerra and dispatched to the Junta; that according to the usual course of business in said ministry, office copies of said replies were preserved and now exist; that the original letters written in reply, as aforesaid, by Becerra, Minister of Justice, etc., now exist in the archives of *El Fondo de Mineria;* that they bear the genuine signatures of the said Becerra, and were signed by him on the days on which they respectively bear date, and are in all respects true and genuine; and that the said Exhibits "G." and "I." are faithful and accurate copies of the expedientes relating to this business of the said Castillero, which accumulated in the archives of the said *Junta de Mineria* and of the Ministry of Justice and Public Instruction.

And the claimants expect to prove, among other things, by José Maria Ortez Monasterio, that he was Chief Clerk of the Ministry of Exterior Relations, Government and Police, in the month of May, 1846; that he wrote the marginal note which appears on the aforesaid letter from Pio Pico to the Minister of Foreign Relations; that said note was written by him and signed by Castillo Lanzas, Minister as aforesaid, on the day it purports to bear date; and that the rubric of the said Lanzas to the said marginal note, is his genuine rubric.

That the original expediente, a copy of which appears in said "Exhibit K." is a collection of papers relating to the said mine, and to the business of the said Castillero therewith, which accumulated in the archives of the Ministry of Exterior Relations, Government and Police, in the months of April and May, 1846; that the said expediente is now found in the Ministry of Government; and that said "Exhibit K." is a faithful and accurate copy of the said expediente.

And he further expects to prove by the said Monasterio, that a letter was received by the Ministry of Foreign Relations, etc., from Becerra, who was then Minister of Justice, etc., dated the 20th May, 1846; that said letter was received in the due course of official correspondence, and that it bears the genuine signature of the said Becerra, Minister of Justice; and that a copy of the said letter appears in said "Exhibit K."

And the claimant further expects to prove, among other things, by Mariano Miranda, that he was a Clerk in the Ministry of Justice and Public Instruction in May, 1846; that he wrote the official communication from the Minister of that department of the government to the Minister of Exterior Relations, Government and Police, dated May the 20th, 1846, signed Becerra, a copy of which appears in said "Exhibit K;" that the said letter was written by him on the day it purports to bear date; that the said letter bears the genuine signature and rubric of the said Becerra, who was then Minister of Justice, etc., and is in all respects true and genuine.

And the claimant further expects to prove, among other things, by Teodoro Sotomayor, that he was a Clerk in the Ministry of Justice and Public Instruction in May, 1846; and that he wrote the original letter a copy of which appears in said "Exhibit G." dated the 20th May, 1846, addressed to the *Junta de Mineria, etc.*, and signed Becerra; and that said letter was written on the day it purports to bear date, and is in all respects true and genuine.

And the claimant further expects to prove, by J. Miguel Arroyo and by D. Luis Cuevas, that the said J. Miguel Arroyo was *Oficial Mayor Primero* of the Ministry of Exterior Relations of the Republic of Mexico, in the months of April and May, 1858.

And the claimant further expects to prove, among other things, by Francisco Martinez Negrete, that in the month of December, 1846, he was in the city of Mexico, acting as the agent of Alexander Forbes of Tepic, who was then in said Tepic in the Republic of Mexico, in and about the business of purchasing from Andres Castillero some proprietory shares in the Mine of New Almaden, and obtaining from said Castillero the ratification of a certain contract of *avio* which had been made in Tepic between said Alexander Forbes and the Priest Eugene Macnamara, who claimed to act as the agent of the owners, and that as such agent the said Negrete did purchase for the said Forbes a proprietory interest in said mine, and obtain from said Castillero a ratification of the said contract of *Avio*.

And that the said Francisco Martinez Negrete was present before the Notary Public, Nazario Fuentes, before whom passed the act of sale by said Castillero to said Alexander Forbes on the 17th day of December, 1846, and as the agent of the said Alexander Forbes signed the instrument of sale; that on the said 17th December, 1846, the said Negrete was present before the said Notary before whom passed the act of ratification by said Castillero of the aforesaid contract of *avio*, and as the agent of the said Alexander Forbes signed said act of ratification.

And the claimant further expects to prove, by the said Negrete, that the original instruments thus signed by him, now exist in the office of Juan Navarro, a Notary Public and National, in the city of Mexico, in a book bearing the superscription or title, "*Año de* 1846. *Protocolo de instrumentos Publicos del Escribanos Nazario Fuentes;*" that the said Negrete at the time of signing said act of sale and of said ratification of the contract of *avio*, saw either the original document making the concession referred to by the said Castillero, in the said instrument of ratification as a concession of to him of two square leagues by the Supreme Government; or the copy of the said concession which was annexed to the said instrument of ratification of *avio*, as therein expressed, or both.

And the claimant further expects to prove, by the said Negrete, that "Exhibit L." filed with said defendant's said answer, is a true, faithful and accurate copy of the said act of sale and of said act of ratification as they appear in the instruments of sale and ratification in said Book of Protocols; and that the said concession by the Supreme Government of two leagues of land to the said Castillero, was copied in the said instrument of ratification before it was signed by either of the parties thereto.

And the claimant further expects to prove, among other things, by Romulo de Zevallos, Francisco Villalon and Andres Villio Mejia, if they or any of them be living, that on the 19th day of December, 1846, they were Notaries Public in the city of Mexico, and in that capacity certified to the signature of Nazario Fuentes, which was affixed to a *testimonio* of the said public act of ratification of the said contract of *avio* by Castillero, and also certified to the office of said Nazario Fuentes; that the said certificate was written and signed by the said three Notaries Public on the 19th day of December, 1846, who affixed thereto on that day, the seal of the National College of Notaries of Mexico in authentication of the same. The abovementioned *testimonio* was issued in favor of Mr. Alexander Forbes, one of the parties to the said act of ratification, and delivered to his said agent, D. Francisco Martinez Negrete, as the claimant expects to prove by said Negrete, and contains a copy of the concession of two leagues of land in colonization by the Supreme Government to the said Castillero, of which the usufruct was granted by the latter in the said act of ratification to Alexander Forbes and Company during the term of the said *avio,* being an exact copy of the defendant's title in colonization offered by them in evidence, as will appear in the *testimonio* itself, which goes annexed to the interrogatories to be propounded to the said Negrete.

And the claimant further expects to prove, by Manuel Cabeza de Vaca, Miguel Aristigui and Francisco Villalon, or by such of them as may be living, that on the 6th day of February, 1847, in the city of Mexico, they being Notaries Public, did certify to the office and signature of Nazario Fuentes, which certificate was written on a copy of the said instrument of ratification, which issued from the office of said Nazario Fuentes, signed by him as a *copy;* and that the said certificate was signed by the said De Vaca, Aristigui and Villalon on the 6th of February, 1847, and was authenticated by the seal of the National College of Notaries of Mexico, affixed thereto on the same day. This copy will go annexed to the interrogatories to be propounded to Francisco Villalon.

And the claimant further expects to prove, among other things, by Ysidro Rafael Gondra, that he was a Clerk in the said Junta de Mineria, in the months of April and May, 1846, and that he wrote several of the documents, copies of which appear in said "Exhibit G." and that the same are genuine, and were written at the time they purport to bear date.

PEACHY & BILLINGS,
Attorneys for Castillero.

STATE OF CALIFORNIA, }
Northern District of California. } *ss.*

John Parrott, on oath says, that he has read the foregoing statement and knows the contents thereof, and that he is informed and believes that the claimant will be able to prove by the witnesses named therein, all the matters and things which in said statement they say they expect to prove.

And the affiant says, further, that many of the most important and material facts which the claimant expected to prove, to wit: those resting in the personal knowledge of the said witnesses and relating to Castillero's transactions with the Mexican Government, and to his presence in the city of Mexico, in May, 1846, and to the official acts of the witnesses themselves in connection therewith, the claimant cannot prove by any person in California, or by any other process except those named. Deponent further says that he has an interest in the lands involved in this case, and described in the papers therein, that he derived said interest from and under Andres Castillero the claimant in said case, that said Castillero is absent from the State of California, and that this deponent makes this affidavit on that account, said claimant not being able to make said affidavit by reason of his said absence, and further deponent says not.

JOHN PARROTT.

Subscribed and sworn to before me, this 17th day of March, A. D. 1859.
SAMUEL HERMANN,
Notary Public.

Filed March 17, 1859.

W. H. CHEVERS, Clerk.

## DEPOSITION OF SHERMAN DAY.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, April 26, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Sherman Day, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, of counsel for the claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

### QUESTIONS BY MR. PEACHY.

QUESTION 1.—What is your name, age, place of residence, and occupation?

ANSWER.—Sherman Day; 53 years of age; San José, Cal.; am Civil Engineer and Surveyor.

Q. 2.—Have you been in the employ of the New Almaden Company; if yea, when, and in what capacity?

A.—I have; was employed by them as civil engineer at the mine, in the month September, 1856, to the time the mine closed, about the 1st of November, 1858.

Q. 3.—Have you made a survey of the mine and the lands surrounding? If yea, state the character of the survey, and for what purpose it was made.

[Question objected to by Mr. Randolph, on the ground that private surveys by an engineer of the company, or any other person, are not admissible in evidence in this case.]

A.—I have made a survey of the mine, and such of the lands surrounding it as was immediately contiguous to the mine and the hacienda, for the purpose of opening tunnels, drifts, shafts, excavations, the ordinary workings of the mine, and roads.

[Answer objected to for the same reason as to the question.]

Q. 4.—Have you made a map, or maps, of your survey, or surveys; if yea, will you produce them for the purpose of having them annexed to this deposition?

[District Attorney objects to the introduction of the maps called for on the ground that they are inadmissible in evidence, being private surveys.]

A.—I have made and caused to be made maps of my surveys, and have three of them here. I now produce them.

[Answer objected to on the same ground as to question.]

The three maps are now produced, marked respectively:

No. 1, annexed to deposition of Sherman Day, taken April 26, 1849. No. 2, annexed to deposition of Sherman Day, taken April 26, 1859. No. 3, annexed to deposition of Sherman Day, taken April 26, 1859.

No. 1—is a general map showing the old tunnel, the new tunnel, the mine, the planilla or dressing floor, and a portion of the roads leading to the mine and the contour of the hills immediately contiguous to the mine. It is on the scale of 100 feet to the inch.

No. 2—is a map of the mine on a scale of twenty feet to the inch. Not including the new tunnel; showing the old tunnel, the yard and the ground plan of the working of the mine.

No. 3—is a profile of the vertical section along the center line of the new tunnel, including also a section of a portion of the mine near the line of the new tunnel.

Q. 5.—Please identify on Map No. 2, the original mouth of the mine.

A.—The place marked "Old adit opened" is the place which has been pointed out to me as the original mouth of the mine.

Q. 6.—Please state the dimensions of the tunnel, marked on Map No. 2, "Tunnel opened in 1851."

[Same objection as to previous question.]

A.—From the mouth of the main tunnel referred to, to the center of the deep shaft, the length is 769 feet. The diamater of the whimround is 38 feet, to be added to the length of the tunnel—making 807 feet from the mouth of the tunnel to the inner side of the whimround. The tunnel is ten feet wide, and generally ten feet high or more.

Q. 7.—Do you know the elevation above tide water of the peak of the hill in which the mine is?

[Objected to as irrelevant.]

A.—Don't know from any observation made by me.

Q. 8.—How far below the peak of the hill is the mouth of place marked, "Old adit opened," on Map No. 2?

A.—One hundred and sixty and three-tenths feet.

Q. 9.—How far below that point is the mouth of the tunnel of which you have spoken?

A.—One hundred and seventy and eight-tenths feet.

Q. 10.—Are the levels of the different points in the mine indicated in Map No. 2; if yea, with reference to what point?

A.—They are indicated by figures on each particular portion of the mine, showing a depression of such portion below the plane of reference, which is the peak of the mine hill immediately over the whim.

Q. 11.—What is the lowest point of depression in the mine?

A.—The bottom of the deep shaft, which is 573 76-100 feet below the plane of reference or 242⅜ feet below the mouth of the main tunnel.

Q. 12.—You will please describe the new tunnel.

A.—The mouth of the new tunnel is situated at a point 789 63-100 feet below the peak of the mine hill, and at a distance of 2,283 feet from the intersection of the center line of the main tunnel with the center line of the new tunnel. Said intersection is 55 feet north-westerly from the center of the main shaft and the center line of the new tunnel bears from said point of intersection N. 41° 40′ E. true course. The tunnel is six feet wide by seven feet high inside of the timbers, as near as I remember, and will be when finished 1,839 feet to its probable intersection with the vein, as nearly as can be determined from the average dip of the vein as far as opened. At 159⅝ feet from the mouth of the new tunnel is a small shaft 180 feet deep, already opened for ventilation; it is about three feet in diameter. At the distance of 577½ feet, and 1,160½ feet respectively, from the mouth of the new tunnel, two shafts are projected, to be in size four feet by six feet. The depth of the shaft nearest to the mouth will be 236 6-10 feet to the roof of the new tunnel; of this depth 150 3-10 has been excavated. The depth of the shaft furthest from the mouth will be 447½ feet to the roof of the new tunnel, of which 108 8-10 feet have been excavated. From the mouth of the new tunnel there has been excavated 508 2-10 feet of tunnel itself. The new tunnel will drain the mine about 215 feet lower than the lowest part of vein now opened.

Q. 13.—What are the dimensions of a rectangular parallelogram which would contain all of the excavations in the mine, which have been worked as mineral ground?

A.—Six hundred feet by four hundred and fifty feet. This includes ground strictly productive of cinnabar, but does not include all the mouths of tunnels and adits leading to the cinnabar.

[Question and answer objected to as not relevant to the issue.]

Q. 14.—Explain the seven squares drawn in the red lines, on Map No. 1, through which runs the red line marked on that map, "General course of the river, North 2° West (magnetic,) dipping to the north at an average inclination of 48 degrees."

A.—Those squares are intended to represent seven mining *pertenencias*, each of 200 varas square, or 550 feet square. The first of those *pertenencias* commences at a point 275 feet nearly magnetic south, from that point in the mine at the inner end of the old adit where the first deep pit is said to have been sunk for mineral, according to the map of my predecessor, Mr. N. S. Bestor. The eastern side of the first *pertenencia* is 175 feet easterly from the said point.

[Question and answer objected to on the same ground as foregoing.]

### CROSS-EXAMINATION.

Q. 15.—What in English measure is the area of the square of 6,000 varas?

A.—About nine and three-fourths square miles.

Q. 16.—What in English measure is the area of a circle with a radius of 3,000 varas?

A.—Seven and two-thirds square miles.

Q. 17.—What in English measure is the area of two square Spanish leagues—*Sitios de ganado mayor?*

A.—A little more than thirteen and one-half square miles.

Q. 18.—In these calculations what have you assumed to be the measure of a vara?

A.—Thirty-three English inches.

SHERMAN DAY.

Sworn to and subscribed, April 26th, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

[Here follow exhibits Nos. 1, 2, and 3, being three maps referred to in the foregoing deposition.]

Filed April 26th, 1859.

W. H. CHEVERS, Clerk.

## NOTICE OF MOTION FOR ORDER TO TAKE DEPOSITIONS OF BASSOCO AND OTHERS IN OPEN COURT.

United States District Court,
Northern District of California.

The United States,
*v.*
Andres Castillero.

Sir:—Please take notice that on Monday next, the 23d inst., at the opening of the court, or as soon thereafter as counsel can be heard, we shall move the court for an order to take in open court on some day or days to be fixed by the court, the depositions of the following witnesses on behalf of the claimant in the above entitled cause, to be read in evidence on the trial thereof, that is to say, the depositions of

Sres. D$^{n}$. J. M. de Castillo y Lanzas,
D$^{n}$. José Maria de Bassoco,
D$^{n}$. Francisco Martinez Negrete,
D$^{n}$. Blas Balcarcel,
D$^{n}$. Antonio del Castillo,
D$^{n}$. J. M. Yrisarri,
D$^{n}$. A. J. de Velasco,
D$^{n}$. Mariano Miranda,
D$^{n}$. Francisco Villalon.

Respectfully, etc., etc.

PEACHY & BILLINGS,
Attorneys for Claimant.

21 May, 1859.

To P. Della Torre, Esq. U. S. District Attorney.

Filed May 23, 1859.

W. H. Chevers, Clerk.

## MOTION TO TAKE THE DEPOSITIONS OF WITNESSES.

United States District Court,
Northern District of California.

The United States,
v.
Andres Castillero.

Andres Castillero, the claimant in the above entitled cause, by A. C. Peachy, his attorney, moves the court for an order to take the depositions of Sres. D$^{n}$. J. M. Castillo y Lanzas, D$^{n}$. José Maria de Bassoco, D$^{n}$. Francisco Martinez Negrete, D$^{n}$. Blas Balcarcel, D$^{n}$. Antonio del Castillo, D$^{n}$. J. M. Yrissari, D$^{n}$. A. J. de Velasco, D$^{n}$. Mariano Miranda, and D$^{n}$. Francisco Villalon, witnesses on behalf of the claimant in said cause, in open court, on some day or days to be fixed by the court.

A. C. PEACHY,
Attorney for Castillero.

23 May, 1859.

Filed May 23, 1859.

W. H. Chevers, Clerk.

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## ORDER OF REFERENCE TO W. H. CHEVERS, U. S. COM'R., TO TAKE TESTIMONY OF CERTAIN WITNESSES.

United States District Court,
Northern District of California.

The United States,
v
Andres Castillero.

On motion of A. C. Peachy, Esq., attorney for the claimant, it is ordered that the depositions of Sres. D$^{n}$. J. M. Castillo y Lanzas, D$^{n}$. José Maria de Bassoco, D$^{n}$. Francisco Martinez Negrete, D$^{n}$. Blas Balcarcel, D$^{n}$. Antonio del Castillo, D$^{n}$. J. M. Yrisarri, D$^{n}$. A. J. de Velasco, D$^{n}$. Mariano Miranda, D$^{n}$. Francisco Villalon, may be taken in this cause.

And it is further ordered, but without prejudice to the motion this day made by claimant's counsel for taking the depositions of said witnesses in open court, that said depositions may be taken before W. H. Chevers, Esq., Commissioner, after due notice to the U. S. District Attorney.

OGDEN HOFFMAN,
District Judge.

May 23, 1859.

Filed May 23, 1859.
W. H. Chevers, Clerk.

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## DEPOSITION OF JACOB P. LEESE.

United States District Court,
Northern District of California.

The United States,
v.
Andres Castillero.

San Francisco, May 30, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Jacob P. Leese, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, of counsel for claimant, and the U. S. Attorney and Edmund Randolph, Esq., for the U. S.

### Questions by Claimant's Counsel.

Question 1.—What is your name and place of residence?

Answer.—Jacob P. Leese; place of residence, Monterey.

Q. 2.—Were you acquainted with Andres Castillero? state during what time.

A. 2.—I was; I first became acquainted with him about the month of May, 1836, when he first came to California with Gov. Chico, Governor of the department.

Q. 3.—Were you acquainted with Castillero in 1845?

A.—I was.

Q. 4.—Do you know anything about the discovery, by Castillero, of metal in the ore taken from the place now called the Almaden Mine? if yea, please state what you remember about it.

A.—About the latter part of November, or first of December, 1845, I went into the mission of Santa Clara to dine with Padre Real of the mission; Mr. Castillero was there. Our general conversation through dinner was about this mine, and of experiments which Castillero had been trying, to find out what the mineral was. He made a remark, and said he thought he knew what it was; if it was what he supposed it was, he had made his fortune. We were anxious to know what it was. He got up from the table and ordered the servant to pulverize a portion of this ore; after it was pulverized he ordered the servant to bring in a hollow tile full of lighted coals; he took some of the powdered ore and threw it on the coals; after it got perfectly hot he took a tumbler of water and sprinkled it on the coals with his fingers; he then emptied the tumbler and put it over the coal upside down; then took the tumbler off and went to the light to look at it; then made the remark that it was what he supposed it was, "quicksilver." He showed all who were there the tumbler and we found that it was frosted with minute globules of the metal, which Castillero collected with his finger and said it was quicksilver. He then said: to-morrow he would test it thoroughly and find out what it was worth, he considered it very rich on account of the weight of the ore, and if it proved as rich as the quicksilver mines in Spain, that the Mexican Government had offered to any one for the discovery of such a mine in the republic of Mexico, one hundred thousand dollars.

Q. 5.—Was there any experiments made the next day?

A.—I did not remain to see. I went early the next morning to the pueblo of San José. The next following evening, at San José, it was rumored about that this ore produced quicksilver. I don't remember the person, but it was some person explained the process who had seen it; he told me they had succeeded in obtaining a small vial of quicksilver by using a gun-barrel. I left the pueblo and went by way of Contra Costa to my home in Sonoma, and a few days afterwards Mr. Castillero sent Gen. Vallejo, at Sonoma, a vial of quicksilver, with a letter informing him of the discovery. Castillero had been previously, that is sometime in the month of November, over in Sonoma, and had conversed with Gen. Vallejo about this mineral, the nature of which he had not then ascertained.

Q. 6.—Had you been with Castillero, at any time previous to the night of the discovery of which you have spoken, on a visit to any person in California? if yea, state to whom, and what was the purpose of the visit.

A.—Yes, I had been on a visit with Mr. Castillero and Gen. Castro, to Captain Sutter. I left at Sonoma with them to visit Capt. Sutter's establishment, which was called New Helvetia. Mr. Castillero informed me that the Mexican Government having become jealous of Sutter's establishment on the frontier, had directed him, Castillero, to endeavor to purchase out Sutter's establishment for the Mexican Government. The object of Gen. Castro on that visit, was to induce the foreigners to come down nearer the settlements, offering them lands if they would do so. I acted as interpreter between Capt. Sutter, Gen. Castro, and Castillero. The negotiations failed because Castillero insisted as a condition of the purchase by the Mexican government that Capt. Sutter should leave the country, to which he would not consent, though he was willing to sell. Another difficulty in the way was that Castillero offered to pay in drafts on Mazatlan and Mexico, having no cash, while Sutter insisted on receiving the price in cash. I understood from Castillero that the Mexican Government was desirous of breaking up Sutter's establishment in the north on account of its consisting almost entirely of foreigners. Castro's object was to disperse these foreigners among the native Californians and to identify them in interest with Californians and against the Mexican Government. This arose from the recent difficulties between Governor Micheltorena, who represented the Central Government, and the native population of California, in which Sutter and the foreigners in his settlement took sides with Micheltorena, while the foreigners who lived further south among the natives took sides against him, or rather against the soldiers of Micheltorena, who had been quartered on Californians by the Mexican Government, and were for the most part outcasts, vagabonds, and criminals, whom the Central Government desired to send to a distance. We had only one interview with Sutter, and that was on the evening of our arrival. On the next morning, after Gen. Castro had made a speech to the foreigners, explaining the object of his visit as I have stated it, he and Castillero left the fort on their return to Santa Clara by way of the Cosumnes River. I remained at the fort all of that day and left the next morning for Sonoma by the route we had taken to the fort. By arrangement I left Sonoma shortly after I reached there and crossed from Saucelito to San Francisco, from which place I went to Santa Clara to meet Castillero. It was on the evening of my arrival in Santa Clara that Castillero made the discovery of quicksilver in the mode I have described.

## CROSS-EXAMINATION.

QUESTION 1.—Have you had any conversation lately with Gen. Vallejo about the bottle of quicksilver and letter from Castillero of which you have spoken?

ANSWER.—I have not. I have not seen him since last February. Before that time I never spoke to him about it, except that I asked Gen. Vallejo if he could give me the dates of the visit to Capt. Sutter above described. The letter which I went to inquire about was a letter written before we went to Sutter's Fort, and not the letter explanatory of the discovery.

Q. 2.—When you saw Gen. Vallejo in February, did you have any conversation with him about the letter and vial or bottle of quicksilver he had received from Castillero announcing the discovery of quicksilver in the ore of the mine?

A.—I had not.

Q. 3.—Has nothing occurred to recall to your memory the vial of quicksilver and Castillero's letter to Gen. Vallejo, from the day that they were received by Gen. Vallejo at Sonoma down to the present day?

A.—Nothing more than thinking over the circumstances since I knew I was to give testimony in this case.

Q. 4.—At what time did the recollection of this vial and letter come to your mind?

A.—I think about a month ago.

Q. 5.—What brought it to your mind at that time?

A.—Talking of the circumstance of the discovery of this mine with Salvador Vallejo, at the same time talking of this suit.

Q. 6.—During the long time that this suit has been pending have you not often had conversations with your old acquaintances in California about this suit and about the discovery of quicksilver in the mine?

A.—I have.

Q. 7.—But the letter and the vial had escaped your recollection until your conversation with Salvador Vallejo about a month ago; is that what you say?

A.—Yes, sir.

Q. 8.—Is Salvador Vallejo a brother of Gen. Vallejo?

A.—Yes.

Q. 9.—Where was Gen. Castro when Castillero made the experiment with the glass?

A.—He was present, at least I think he was. There were several persons present that I recollect; Padre Real was there, old Mr. Galindo was there, old Mr. Robles, father of Secundino and Teodoro, was there; I remember it from the fact of his bringing a bag of ore there, which as I heard from him he had done the day before.

Q. 10.—Did Gen'l Castro, Father Real, or any of the rest of them, except Castillero, know at that time that the metal was quicksilver?

A.—Not until after Castillero pronounced it quicksilver.

Q. 11.—I suppose you all watched Castillero's operations with interest, and considered it a very pretty experiment, did you not?

A.—We were all surprised at the experiment.

Q. 12.—Did you hear Father Real or Gen'l Castro express their surprise, or say any thing about the discovery and experiment at the time?

A.—I think I heard them all express their surprise at the discovery, as it was something they had never seen before.

Q. 13.—How long after you parted company with Castillero and Castro at Capt. Sutter's Fort was it before you met them again at dinner with Father Real at the Mission of Santa Clara, and saw the experiment performed?

A.—I think it was about a week after; seven or eight days.

Q. 14.—What time was it that you went to Capt. Sutter's Fort?

A.—From the middle to the last of November, 1845.

Q. 15.—Might it not have been from the middle to the last of October?

A.—No, sir; I think not. I know it was in November.

Q. 16.—Can you be certain now in the year 1859, to the very month of your visit to Capt. Sutter?

A.—Yes, sir. I am certain of it.

Q. 17.—Have you got any writings to show the time you made that visit?

A.—I have writings which were made before I went to Sutter's Fort, and these writings are dated in that month of November.

Q. 18.—Are the writings you speak of in your hand writing, and have they been in your keeping since that time?

A.—They are in my hand writing; they are copies made by myself at that time, and I have them now, but not here.

Q. 19.—Of what nature are these writings you speak of?

A.—A memorial to establish a colony somewhere in California. It was written by Victor Prudon, and copied by myself; the original, which was sent, was signed by myself, and on my copy appears the date, copied on by myself; I don't remember the day, but it was in November.

[Witness is asked to produce the paper he refers to, and says that he will do so when he comes again; it is now at his house in Monterey.]

[Counsel for claimant consents that witness may be recalled for further examination on this point if desired.]

## Direct, Resumed.

Question 1.—Did you keep a journal in those days in which you would have made a note of your visit to Sutter's Fort?

Answer.—No.

Q. 2.—Whom did you see at Sutter's Fort that you remember, on the occasion of that visit?

A.—There were very few people at the fort at the time, and they were all strangers to me except Capt. Sutter.

Q. 3.—In those days were you acquainted with Major Redding, Major Hensley, and Major Snyder?

A.—I was not acquainted with Majors Redding and Hensley, but I was acquainted with Major Snyder.

Q. 4.—Did you see Major Hensley on the occasion of that visit?

A.—I do not remember; I may have seen him, but I did not know him.

Q. 5.—Have you any memoranda, made at the time, by which you can ascertain how many days you spent in Sonoma on your return from Sutter's Fort before you started for Santa Clara?

A.—I don't think I have. I was in mercantile business at that time, from which I might possibly make a calculation of the time referred to in the question; but they are at present at Santa Rosa, where I understand they now await my order, although they have been hitherto detained from me by the person in whose possession they are.

Q. 6.—Have you any means of ascertaining the exact date of your arrival at Santa Clara?

A.—I have none. The only means I have was that I heard of the denouncement of the mine a few days after I returned to Sonoma, and how they divided out the capital stock among themselves.

Q. 7.—Did you transact no business on that visit to Santa Clara, and of which you would have made note in your account books?

A.—Yes, I think I did. I collected some accounts there.

Q. 8.—Do you think that your account book containing a memorandum of those collections is in your private papers in Santa Rosa?

A.—Yes, sir.

Q. 9.—Can you produce that book to-day?

A.—No, sir.

Q. 10.—Where did you live all the year 1845?

A.—At Sonoma.

Q. 11.—How often in that year were you in Santa Clara or San José?

A.—I can recollect twice, in October and November.

Q. 12.—You have said that after your return to Sonoma you had heard of the discovery of this mine; had you not heard of that before?

A.—I don't think I had. Before that it was spoken of in Santa Clara, that it was going to be divided between Father Real, Castillero, Robles, and Alvarado. I myself made a proposition to take an interest.

Q. 13.—When Castillero spoke of the premium the Mexican Government had offered for the discovery of a great quicksilver, mine did he say any thing about that premium or bounty belonging to him exclusively and not to his partners?

A.—To him exclusively, for I knew nothing then of his having any partners.

Q. 14.—Do you not remember that in conversation with me upon this subject you told me that as soon as Castillero had made that discovery of quicksilver, he immediately spoke of the bounty that had been offered by the Mexican Government for such discovery, and said that it belonged exclusively to him, and not to his partners in the mine, and that that bounty would alone make his fortune; he estimating it at one hundred thousand dollars?

A.—I recollect that very well, except that I don't recollect saying anything about his having any partners, but was given to understand that the bounty was exclusively his own.

Q. 15.—When can you procure your books and private papers from Santa Rosa?

A.—I can't say when, unless I should go after them, and also it has escaped my momory that some of my papers are divided and Mrs. Fitch has some of them.

Q. 16.—Will you please collect your papers or produce such of them as will enable you to fix the exact day of your visit to Sutter's Fort; the number of days you remained in Sonoma after your return, and before going to Santa Clara; and the day of your arrival in Santa Clara, when you come to San Francisco in July next?

A.—I will do all that is in my power.

## CROSS-EXAMINATION, RESUMED.

Q. 1.—Had you heard much talk about quicksilver in California before the time of Castillero's experiment?

A.—Never heard anything. The first any of us ever heard of quicksilver was then.

Q. 2.—Was it by the same conveyance which brought the letter of Castillero to Gen'l Vallejo, and the vial or bottle of quicksilver, that you first heard that Castillero had made up a partnership and how they had divided the capital stock between them?

A.—It was about that time.

Q. 3.—Is your memory of the dates you have mentioned so clear that you would be surprised if after all it should turn out that you went to Sutter's Fort in October and not November, and that Castillero made his experiments in October and not in November, 1845?

A.—I might be mistaken.

J. P. LEESE.

Sworn to and subscribed, May 30th, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed May 30th, 1859.

W. H. CHEVERS, Clerk.

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## ORDER TO TAKE TESTIMONY IN OPEN COURT, ETC.

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court House, in the City of San Francisco, on Monday the 30th day of May in the year of our Lord one thousand eight hundred and fifty-nine.

Present: Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
No. 420.

On motion heretofore made, it is ordered that the deposition of José Maria de Bassoco, on behalf of the claimants in this case, be taken in open court on Wednesday next, June 1st.

Filed May 30th, 1859.

W. H. CHEVERS, Clerk.

## ORDER TO PUBLISH THE DEPOSITION OF JOHN FORSYTH.

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court-House, in the city of San Francisco, on Friday the 17th day of June in the year of our Lord one thousand eight hnndred and fifty-nine.

Present: Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } No. 420.

On motion of Messrs. Peachy and Yale, of counsel for claimants, and by consent of parties, it is ordered by the court that the deposition of the Hon. John Forsyth, remaining under the the seal of R. B. Owen, United States Commissioner, be, and the same is hereby published.

Filed June 17th, 1859.

W. H. CHEVERS, Clerk.

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UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

*To A. J. Requier, Esq., District Attorney for the United States for the Southern District of Alabama:*

SIR—You will please take notice that on Monday the 2d day of May, A. D. 1859, between the hours of 10 o'clock A. M. and 5 o'clock P. M., at my office in the city of Mobile, I shall, as Commissioner for the Circuit Court of the United States for the Southern District of Alabama, proceed to take the deposition of John Forsyth, to be read in evidence on behalf of the defendant, in the above entitled case of the United States of America against Andres Castillero, now pending in the District Court of the United States for the Northern District of California, and that the taking of said deposition will be continued from time to time until it is completed; and you are hereby notified to be present at the taking of said deposition, and to put interrogatories to the witness, if you think fit.

MOBILE, April 28th, 1859.

R. B. OWEN,
U. S. Commissioner.

SOUTHERN DISTRICT OF ALABAMA.

Received and executed April 29th, 1859, by delivering to A. J. Requier, Esq., U. S. District Attorney, Southern District of Alabama, a true copy of the within notice.

C. M. GODBOLD,
U. S. Marshal.
BY GEO. W. MILLER,
Deputy Marshal.

[Fees $2.]

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UNITED STATES OF AMERICA,
Southern District of Alabama.

Be it remembered, that on this second day of May, 1859, before me, Richard B. Owen, a Commissioner of bail and affidavit, appointed by the Circuit Court of the United States for the Fifth Judicial Circuit and Southern District of Alabama, not being of counsel or attorney for either of the parties, in a certain civil cause pending in the District Court of the United States for the Northern District of California, wherein the United States are plaintiffs, and Andres Castillero is defendant, nor interested in the event of said cause, personally appeared the Hon. John Forsyth, living in the city of Mobile and State of Alabama, a witness of sound mind and lawful age, for the said defendant, who being by me first carefully examined, cautioned, and sworn to testify the whole truth, did depose and say:

"In the months of July and August, 1858, I was Minister of the United States of America to the Republic of Mexico, and residing as such in the city of Mexico. In the months of July and August, 1858, at the instance of Mr. Eustace Barron, of Mexico, who was one of the parties claiming an interest in certain quicksilver mines in California, known as the New Almaden Quicksilver Mines, I went in company with the British Consul in Mexico, Frederick Glennie, Esq., Mr. John P. Brodie of California, who had come as agent for the claimant of the mines, and the Licentiate Emilio Pardo, first to the office of the Junta de Mineria, when and where was produced from the archives of said office an expediente which being carefully compared with a copy in the hands of the said Pardo and Brodie, proved to be absolutely alike and correct in every respect, and to that copy I made a certificate dated the 4th of August, 1858.

On the 30th of July, I was present in the college of mines with the same parties, where Don Joaquin Valasquez de Leon, produced an expediente before the same parties, which was compared with a copy in the hands of Brodie and Pardo, and found to be alike and correct in every respect, and was certified by me on the 4th of August, 1858. On the 29th of July, 1858, I was present at the office of Ministry of Foreign Relations, when and where the Chief Clerk of the section of Europe, Don Manuel Larrañaga, produced from the archives of said office an expediente, which being compared before the same parties with a copy, proved to be in every respect alike and correct; and to that copy I certified on the 4th of August, 1858. On the same day I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anieras, in the presence of the said parties produced from the archives of said office an expediente, which on being compared with a copy proved to be absolutely alike and correct in every respect. I certified to that copy on the 4th day of August, 1858. On the 30th of July, 1858, I was present at the office of the Escribano, or Notary Public, Don Juan Navarro, when and where said Navarro produced from the archives of his office a book, formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly leaves in the beginning, and the index at the end,) of one hundred and twenty leaves, and titled '*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes.' In the presence of the same persons, certain original instruments, contained in said book, were examined, and being compared unto a copy found to be correct and similar, with the exception of two slight omissions; which were certified to by the said Notary on the same day. And to that copy I certified on the 4th of August, 1858.

These original documents were found in the several offices where they appropriately belonged, and were produced by the officers having the custody of them; and I saw nothing whatever to cause me to doubt their being genuine originals. I, as Minister, certified each of the copies herein before mentioned, and the facts set forth in those certificates are true, and the certificates are in accordance with the laws of Mexico.

The government of Mexico will not allow the great seal of Mexico to be attached to copies of such documents, nor will they allow the originals to be withdrawn. And the manner in which the copies herein mentioned have been authenticated is the only way in which such copies can be authenticated. The copies, so as above mentioned certified by me, are not now before me, but the printed volume hereto attached as a part of my deposition, and marked exhibit A, and purporting to contain printed copies of those copies, I believe to be correct."

JOHN FORSYTH.

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And I, Richard B. Owen, the Commissioner as aforesaid, do hereby certify that the reason for taking the foregoing deposition, is that the said witness, John Forsyth, lives at a greater distance than one hundred miles from San Francisco, California, the place of trial of said cause; and that a notification of the time and place of taking the said deposition was made out by me, which I caused to be served by the Marshal of the United States for the Southern District of Alabama, upon A. J. Requier, Esq., the District Attorney of the United States for said district that he might attend and put interrogatories to the said witness, if he saw fit. And that the said United States District Attorney, though so notified, did not attend the examination of said witness. And I further certify that the said deposition was reduced to writing by me, and by said witness subscribed in my presence. I have retained the said deposition in my possession for the purpose of sealing, of directing, and forwarding it to the court for which it was taken. In testimony thereof I have hereunto set my hand and seal this 2d of May, 1859.

RICHARD B. OWEN, [L. S.]
U. S. Commissioner.

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UNITED STATES OF AMERICA, }
Northern District of Alabama. }

I, Richard B. Owen, clerk of the Circuit Court of the United States for said District, certify that Richard B. Owen, whose name and genuine signature appear to the foregoing certificate was at the time of signing the same a Commissioner of bail and affidavit for said district, duly appointed by the said court, and that his acts as such are entitled to full faith and credit.

[L. S.] Witness my hand and the seal of said Circuit Court, this the 2d day of May, 1859.

R. B. OWEN, Clerk.

## EXHIBIT "A" TO THE DEPOSITION OF HON. JOHN FORSYTH.

SECRETARIA DE LA JUNTA DE MINERIA. } 1846.

No. 168.

*Don Andres Castillero solicita auxilios para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara, en la Alta California.*

MESA DE FOMENTO AZOGUE:—

Exmo Señor:—Habiendo presentado el Señor Don Tomas Ramon del Moral á la Junta unas muestras de Cinabrio de la Mision de Santa Clara en Californias, que remite el Señor Don Andres Castillero con las adjuntas copias para excitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del Cinabrio en el laboratorio de ese colegio sirviéndose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios, &c., Abril 21, 1846.

Exmo. Señor General Don José Maria Tornel,
Director del Colegio Nacional de Mineria.

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SECRETARIA DE LA JUNTA DE FOMENTO DE MINERIA.

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno, el año próximo pasado, para pasar á Californias á desempeñar objeto del servicio publico, me dice en cartas escritas de la Mision de Santa Clara en diez y nueve, y veinte y dos de Febrero del presente año, lo que sigue:

"A distancia de cinco leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de Azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta: tambien va un poco de Azogue del que sacamos con la mayor facilidad. El Señor Director del Colegio de Mineria, Don Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden. Segun lo ancho de la veta y abundancia de saca de metales, dentro de un año mediante la proteccion del Gobierno Supremo, no necesitará la República azogue de afuera. Remito á V. algunas frioleras hechas por los Indios del Norueste y producidas de aquí: el carbon de piedra es abundantisimo, y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor, hechando sus embarcaciones menores, pueden cargar todo el que necesiten: este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado: el cristal de roca es un cerro muy grande."

"Es copia. México, Abril trece, de mil ochocientos cuarenta y seis.

J. J. DE HERRERA."

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*Señor Director del Colegio de Mineria, Don Ramon del Moral:*

MISION DE SANTA CLARA,
Febrero diez y nueve, de mil ochocientos cuarenta y seis.

Mi muy Estimado Amigo y Señor que Aprecio:—V. sabe lo aficionado que soy al ramo de mineria, y empeñado en encontrar una mina buena de Azogue; he dado aqui con un criadero abundantisimo; al Exmo. Señor Presidente remito junto con esta unas piedras de Cinabrio y un poco de Azogue: estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta, tapado el oido con barro y metido la boca en agua, asi nos ha dado el treinta por ciento.

Yo estimaria á V. que se tomase el trabajo, en obsequio del bien publico, que se ensayase este metal, por depender de su trabajo esta operacion.

Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectisimo S. S. Q. B. S. M.

ANDRES CASTILLERO.

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DIRECCION DEL
COLEGIO NACIONAL DE MINERIA.

Recibido el dia 3 del presente Mayo.
V. SEGURA.

El Señor Don Tomas Ramon del Moral, Presidente de la Junta de Fomento del Colegio Nacional de Mineria, en oficio de 24 del pasado me dijo lo que sigue:

Mayo 4, 1846.
Que se inserte al Gobierno manifestando haber recibido la nota hasta ayer.

Exmo. Señor:—Habiendose enterado la Junta Facultiva de los documentos que V. E. le pasó el veinte y uno del presente mes relativos á un criadero de Cinabrios descubierto en California por el Señor Don Andres Castillero, y á otro de carbon de piedra de la Bahia de San Francisco, tiene el honor de informar á V. E. que las muestras remitidas por dicho Señor Castillero estaban ya depositadas en el Gabinete de Mineralogia unas, y otras ensayadas por el profesor de Quimica, Don Manuel Herrera. El ensaye dió una ley de trienta y cinco y medio por ciento, tomando para hacerlo una mezcla de las diferentes muestras, porque hay algunas tan ricas que son de Cinabrio puro. La Junta cree que el Señor Castillero se ha hecho digno, por tan importante descubrimiento, de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Mineria, y está persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distinguir y premiar á los ciudadanos que contribuyen á la prosperidad de la Patria.

" Reproduzco á V. E. con este motivo, las consideraciones de mi estimacion y respeto. Y tengo el honor de traslardarlo á V. S. S. como resultado de su oficio relativo."

Dios y Libertad. México, Abril 29, de 1846.

JOSE MARIA TORNEL.

**Señores Presidente y Vocales de la Junta de Fomento Administrativa del Colegio Nacional de Mineria.**

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Exmo. Señor:—Habiendo presentado á esta Junta el Señor Profesor Don Tomas Ramon del Moral unas muestras de Cinabrio de la Mision de Santa Clara en la Alta California que le remite Don Andres Castillero asi como las adjuntas copias con el objeto de excitar al Supremo Gobierno para que se sirva auxiliar tan importante empresa, inmediatamente remitió dichas muestras al Exmo. Señor Director del Colegio para que se hiciesen los debidos en sayes. S. E. con Oficio de 29 del pasado recibido ayer le dice lo que sigue:

"El Señor &c., hasta relativo."

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle que ha preguntado ya al Señor Castillero la clase de auxilios ó de proteccion de que necesita para el fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que si encuentra en un principio toda la proteccion que se merece puede cambíar completamente el aspecto de nuestra mineria libertándola de la necesidad en que ha estado hasta ahora del Azogue estrangero.

La Junta con este motivo aprovecha la oportunidad de participar á V. E. que como el 24 del presente mes termina la gracia que concedió la ley de cinco pesos de premio á cada quintal de Azogue estraido de las Minas Nacionales han acreditado hasta la fecha los Mineros de Guadalcazar haber esplotado 1575 quintales de Diciembre de 1844 á fin de Marzo proximo pasado cuyo resultado excede del calculo que hasta ahora se habia hecho de que la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios, &c. Mayo 5, 1846.

Exmo. Señor Ministro de Justicia.

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No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el Presidio de Santa Clara en la Alta California, cuyos ensayes han producido una ley la mas alta que se ha visto y con este motivo communica el resultado de la Cantidad de Azogue esplotada hasta fines de Marzo en Guadalcazar.

MINISTERIO DE JUSTICIA
E INSTRUCCION PUBLICA.

Exmo. Señor:—Por la nota de V. E. de cinco del actual y copias que se sirvió acompañar, queda enterado con satisfaccion el E. S. Presidente interino de la Republica, de que en la Mision de Santa Clara de la Baja California há descubierto el Señor Don Andres Castillero, un criadero de Cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio, y de que se ha preguntado ya por esa Junta al referido Señor Castillero, la clase de auxilios que necesita para fomento de su brillante empresa. Asimismo se há impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de azogue estraido de las minas de Guadalcazar, cuyo resultado ha excedido al cálculo que se habia formado.

Lo que tengo el honor de decir á V. E. en contestacion, reiterándole con este motivo las protestas de mi consideracion y aprecio.

Dios y Libertad. México, Mayo nueve, de mil ochocientos cuarenta y seis.

BECERRA.

E. S. Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

JUNTA DE FOMENTO Y ADMINISTRACION DE MINERIA.

No. 575.

Acompaña con recomendacion la solicitud del Señor Don Andres Castillero para el Fomento de la Mina de Azogue que ha des cubierto en la Mision de Santa Clara en la Alta California.

Exmo. Senor:—Como tuvo el honor esta Junta de anunciar á V. E. en cinco del corriente, bajo el numero quinientos setenta y tres, el Señor Don Andres Castillero le ha dirigido la solicitud, que original tiene el gusto de acompañar á V. E.; sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la Mision de Santa Clara del Departamento de Californias. La Junta no duda recomendar á V. E. dicha solicitud, porque persuadida de la grande importancia de la empresa, la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel Departamento, y el justo empeño que ha manifestado el Exmo. Señor Presidente para conservar la integridad del territorio nacional, lo hacen digno de la mayor consideracion. Por consiguiente, la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorize para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podran emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion, para dicha mina.

Aunque la ley que autoriza á la Junta para hacer préstamos en fomento de los criaderos de azogue, exige el premio de un cinco por ciento anual al capital que se preste, es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de cien pesos cada uno, y en el término de seis meses, presta sin duda mucho mayores ventajas al fondo que el indicado interés.

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel Departamento y lo que ella pueda contribuir, en las circunstancias presentes, para la conservacion del territorio nacional, es en concepto de la Junta, mas que suficiente motivo para dejar á época mas oportuna la formacion de un contrato de compañia ó de avio para el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posesion dada al Señor Castillero por las autoridades locales de Californias, no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estension de tres mil varas que equivalen á quince pertenencias conforme al articulo segundo del titulo octavo, es preciso considerar que reune en su favor la calidad de descubridor de *un cerro absolutamente nuevo en que no habia ninguna mina abierta*, á quienes se conceden, en el articulo primero del titulo sesto, *tres pertenencias continuas ó interrumpidas, y si hubiesen descubierto mas vetas, una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compañia á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean, el que puedan denunciar cuatro pertenencias nuevas aun cuando esten contiguas y por un mismo rumbo; pero lo mas digno de consideracion es, que siendo Californias un Departamento Fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte, y por los nuevos colonos del Oregon, parece conveniente conceder á la primera mina descubierta en un Departamento tan vasto, mayor numero de pertenencias, lo que corrobora la razon que se encuentra al fin del articulo 1°. del titulo octavo que dice: "Considerando que los limites establecidos en las minas de estos Reynos á que se han arreglado hasta ahora los de Nueva España, son muy estrechos a proporcion de la multitud, abundancia, y felicidad de las venas metálicas á la suma bondad del criador ha querido conceder á aquellas regiones, ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas. 2°. Por el hilo, direccion ó rumbo de la veta, sea de oro, de plata, ó de cualquiera otro metal, concedo a todo minero sin distincion de los descubridores (que ya tienen asignado su premio,) doscientas varas castellanas que llaman de medir, tiradas a nivel." Por ultimo, en el artículo primero titulo once se espresa en estos terminos. "Y porque no siendo suficiente el caudal de uno solo para grandes empresas, puede serlo el de todos los compañeros quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los terminos convenientes, concediendo mi virey á los que las formaren todas las gracias, auxilios, exenciones que fueren de conceder a juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del público y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera, con el objeto de proporcionarse la leña necesaria para el beneficio, la junta no teniendo los conocimientos necesarios en la materia, en que abunda el Supremo Gobierno, siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente. En tal concepto, al elevar á V. E. esta junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital de la empresa, y su increible trascendencia en el bien general y la prosperidad de la republica. La junta tiene el honor, con tal motivo, de reiterar á V. E. las protestas de su distinguido aprecio y consideracion.

Dios y Libertad, México, catorce de Mayo de mil ocho cientos cuarenta y seis.

**Exmo. Señor Ministro de Justicia**
**é Ynstruccion Publica.**

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Andres Castillero, vecino y minero en el Departamento de la Alta California ante V. E. y V. S. S. como mejor proceda, digo; que habiendo descubierto en la Mision de Santa Clara una mina de Azogue de leyes tan altas como seguramente no se han visto, no solo en la Republica sino acaso en el mundo entero, como lo acreditan los ensayes hechos de orden de la junta facultativa del Colegio de Mineria, que reuniendo de todas las muestras que traje, desde la mejor hasta la ínfima, han dado por resultado un treinta y cinco y medio por ciento, mientras que ha habido muestra de las superiores que deben producir leyes mucho mayores; me veo en el caso, para satisfacer mis deseos en favor del progreso de mi patria, de aprovechar esclusivamente en favor de los Méxicanos, las lisonjeras y muy fundadas esperanzas que proporciona semejanta descubrimiento. En tal virtud, he denunciado y tomado posesion no solo de dicha mina denominada Santa Clara, sino de una estension hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laboreo, he construido el tiro y cumplido todas las condiciones que previene la ordenanza, quedando la mina en frutos, con la notable circunstancia de que las muestras que traje y que se han ensayado, han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estranjeras de Californias, pero la empresa no necesita de semejantes auxilios que resultarian en ventaja estraña, cuando todo puede ser nacional, y no he dudado por lo mismo ocurrir ante V. E. y V. S. S. para conseguir los únicos y pequeños recursos de que necesito: elle se reducen á una corta anticipacion de cinco mil pesos en dinero, atendida la escesiva escasez de numerario que hay en aquel Departamento, y á la pronta remision á el de retortas, cilindros, y otros aparatos pequeños de destilacion, asi como de frascos de fierro para el envase del azogue.

Yo habria propuesto un contrato de compañia á la junta un avio, ó cualquiera otro convenio, si tuviese tiempo para poder proporcionar los datos y circunstancias que se requieren para dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta capital dentro de algunos dias, me veo en el caso de limitarme á lo que parece no presenta dificultad, y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello que esté en sus facultades, y que elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

*Primera.*—La Junta, en el acto de aprobar el convenio, me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

*Segunda.*—Por mí parte me comprometo á situar en dicho puerto á los seis meses de haber salido de el, cincuenta quintales de azogue, a razon de cien pesos cada uno, que remitiré de las primeras estracciones con absoluta preferencia á todo otro compromiso.

*Tercera.*—La Junta mandará poner á mi disposicion antes de mi salida de la capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco, en estado de uso, y por último entregará al Señor Don Tomas Ramon del Moral, mi apoderado, las cantidades que importen las retortas, cilindros, y otra clase de aparatos pequeños que se mande hacer para la negociacion, hasta la cantidad de mil pesos.

*Cuarta.*—Las retortas de la Junta las recibiré por el precio de su costo, y los frascos que escoja, á dos pesos cada uno conforme á su avaluo.

*Quinta.*—El importe liquido de dichas retortas y frascos y él de las cantidades que se hayen entregado al Señor Moral lo devolveré en el término de un año de este convenio, asi como el premio de la libranza contra Mazatlan, en azogue puesto en dicho puerto al precio de cien pesos quintal: pero si la Junta quiere tomar una ó mas acciones en la mina, quedan en parte de la cantidad correspondiente á una ó mas barras.

*Sexta.*—Entretanto que se arregla la compañia, durante un año contado desde la fecha en que se aprube este convenio, y satisfechos ya los cinco mil pesos de que habla la proposicion primera, preferiré á la Junta en la venta de azogue puesto en Mazatlan, á razon de cien pesos quintal.

*Septima.*—La Junta representará al Supremo Gobierno la necesidad de que apruebe la posesion que se me ha dado de la mina por las autoridades locales de Californias, en los mismos terminos en que hoy la tengo.

*Octava.*—Ygualmente le representará las las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posesion minera, con el objeto de poderme aprovechar de las maderas, para mis quemas.

*Novena.*—Al cumplimiento de este contrato hipoteco la misma mina y todas sus pertenencias.

El que subscribe sugeta á la deliberacion de la Junta esta solicitud, la que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios, &c., doce de Mayo de mil ochocientos cuarenta y seis.

ANDRES CASTILLERO.

Es copia. México, Mayo 12, de 1846.

YSIDRO R. GONDRA.

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MINISTERIO DE JUSTICIA,
E YNSTRUCCION PUBLICA.

Exmo. Señor:—Habiendo dado cuenta al Exmo. Señor Presidente interino con la nota de V. E. de catorce del presente, á que se sirvió acompañar con recomendacion la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Esteriores y Gobernacion, para que libre las órdenes oportunas por lo respectivo á lo que contiene la octava proposicion relativa á la concesion de terrenos en aquel Departamento.

Reitero á V. E. las consideraciones de mi aprecio.

Dios y Libertad, México, Mayo veinte, de mil ochocientos cuarenta y seis.

BECERRA.

Exmo. Señor Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

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SECRETARIA DE LA ADMINISTRACION
DEL FONDO DE MINERIA.

[Sello.] Yo, Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852. Certifico que las precedentes veinte y cuatro paginas numeradas por mi del uno al veinte y cuatro inclusive de papel transparente son una verdadera y exacta copia ó calco de un Espediente que existe y forma parte de los archivos de esta Oficina titulado "Secretaria de la Junta de Mineria.═1846.═Numero 168.═Don Andres Castillero solicita auxilios para el fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.═Mesa de Fomento Azogue."

En testimonio de lo cual doy el presente bajo mi firma, hoy 24 de Mayo, de 1858.

MANUEL COUTO, Secretario.

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Yo, Vicente Segura, Administrador del Fondo de Mineria, certifica que Don Manuel Couto, cuyo nombre aparece en el precedente certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria, á cuyo Archivo pertenece el espediente referido, que dicho Couto ejerce el empleo de Secretario en la fecha de su certificado, que su firma es verdadera y que merece toda fe y crédido.

En testimonio de lo cual doy el presente bajo mi firma y sello de esta Oficina en la ciudad de México á 24 de Mayo de 1858.

VICENTE SEGURA.

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[Sello.] El que subscribe Oficial Mayor en el Ministerio de Fomento Colonizacion Yndustria y Comercio certífica que Don Vicente Segura y Don Manuel Couto, son Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria perteneciente al Colegio Nacional de Minas, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de aquel Colegio están al cargo del Secretario, y por ultima que las firmas constántes al fin de los dos certificados anteriores son las que aquellos Señores usan asi como el sello puesto en sus atestados es el verdadero de la oficina en que se hallan empleados.

Para testimonio de lo espuesto doy el presente firmado por mi y sellado con el sello del Ministerio en México á (30 de Abril) de mil ochocientos cincuenta y ocho. Lease 24 de Mayo.

P. ALMAZAN. [Sello.]

J. Miguel Arroyo, Yntendente honorario de Ejercito y oficial Mayor primero del Ministerio de Relaciones Esteriores de la Republica Méxicana.

No. 72.

[Sello.] Certifico que Don Pascual Almazan es actualmente oficial Mayor del Ministerio de Fomento, Colonizacion Yndustria y Comercio en la propia Republica y la anterior firma es la suya que usa en los documentos que autoriza.

México, Mayo 26, de 1858.
[Derechos 4 pesos.]
[Sello.] J. MIGUEL ARROYO.

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LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above-mentioned.

[L. S.] JOHN FORSYTH.

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I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July past, I was present at the office of the Junta de Mineria, when and where there was produced from the archives of said office, an "expediente," with which, on being carefully compared by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy proved to be absolutely alike, and correct in every respect, and without any difference whatever. The undersigned, in like manner, certifies that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said expediente, acknowledged, in the presence of the undersigned, that the communication of the Minister of Justice, dated 20th May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day it bears date.

MEXICO, 4th August, 1858. JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul, at Mexico, do hereby certify, that on the forenoon of the thirtieth day of July now last past, I was present at the office of the "Junta de Mineria," in this city, when and where there was produced from the archives of said office an "expediente" with which, on being carefully examined by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy was found and proved to be absolutely alike, and correct in every respect, and without any difference whatever; and I do further certify, that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said "expediente," declared in my presence that the communication of the Ministry of Justice, dated 2d May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day of the date thereof.

In testimony thereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight, having put my pen through "d" in the fifth line of this attestation before affixing my signature hereunto.

[L. S.]

F. GLENNIE,
H. B. M. Consul.

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JUNTA DE FOMENTO Y
ADMINISTRATIVA DE MINERIA.

Abril 23, 1846.
Pasa de preferencia á la Junta facultativa del colegio.
TORNEL.

Exmo. Señor: — Habiendo presentado el Señor Don Tomas Ramon del Moral á la Junta unas muestras de cinabrio de la Mision de Santa Clara en Californias que remite el Señor Don Andres Castillero con las adjuntas copias para excitar al Gobierno Supremo á

fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del cinabrio en el laboratorio de ese colegio, sirviéndose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios y Libertad. México, Abril 21, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario.

YSIDRO R. GONDRA, Oficial Primero.

Exmo. Señor General Don José M. Tornel,
Director del Colegio Nacional de Mineria.

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SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno el año próximo pasado para pasar á Californias á desempeñar objeto del servicio publico, me dice en cartas escritas en la Mision de Santa Clara, en 19 y 22 de Febrero del presente año lo que sigue:

"A distancia de 5 leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta, tambien vá un poco de azogue del que sacamos con la mayor facilidad, el Señor Director del Colegio de Mineria, D. Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gobierno Supremo no necesitará la Republica azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aquí, el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor hechando sus embarcaciones menores, pueden cargar todo el que necesiten; este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado; el cristal de roca es un cerro muy grande."

Es copia. México, Abril 13, de 846.

J. J. DE HERRERA.

Es copia. México, Abril 21, de 846.

YSIDRO R. GONDRA, Oficial Primero.

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

*Señor Director del Colegio de Mineria, Don Ramon del Moral:*

MISION DE SANTA CLARA,
Febrero 19, de 846.

Mi muy Estimado Amigo y Señor que Aprecio:—V. sabe lo aficionado que soy al ramo de mineria, y empeñado en encontrar una mina buena de azogue he dado aqui con un criadero abundantisimo; al E. S. Presidente remito junto con esta unas piedras de cinabrio y un poco de azogue; estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua, asi nos ha dado el 30 por ciento.

Yo estimare á V. que se tomase la molestia en obsequio del bien público que se ensayase este metal, por depender de su trabajo esta operacion.

Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectisimo. S. S. q B. S. M.

ANDRES CASTILLERO.

Es copia. México, Abril 21, de 1846.

YSIDRO GONDRA, Oficial Primero.

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Joaquin Velazquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico que en los archivos de este colegio actualmente bajo mi cargo y custodia ecsiste una comunicacion original del Señor Don Vicente Segura, Presidente de la Junta de Fomento y Administrativa de Mineria y las copias de dos cartas que acompaña referentes al descubrimiento de una mina de azogue en California por Don Andres Castillero. Certifico además que las precedentes y anecsas seis paginas numeradas por mi con tinta encarnada del numera 1 al 6 inclusive, son una verdadera y esacta copia ó calco de dichos documentos que existen y constituyen parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma sin el sello de oficio por no tenerlo esta oficina.

México, Mayo 24 de 1858.

JOAQUIN VELAZQUEZ DE LEON.

[Sello.] El que suscribe, Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio de la Republica Méxicana.

Certifico que Don Joaquin Velazquez de Leon, es Director del Colegio Nacional de Mineria que se halla bajo la inspeccion de este Ministerio. Atesto igualmente, que los archivos del colegio estan en la actualidad al cargo de dicho Director, que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.=Para testimonio de lo expuesto, doy el presente firmado por mi y sellado con el sello de este Ministerio hoy veinticinco de Mayo de mil ochocientos cincuenta y ocho.

P. ALMAZAN. [Sello.]

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José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial Mayor Primero del Ministerio de Relaciones esteriores de la Republica Méxicana.

No. 71.

[Sello.] Certifico que Don Pascual Almazan es actualmente Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio en la propia Republica, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Mayo 26 de 1858.

[Sello.] J. MIGUEL ARROYO.

[Derechos, 4 pesos.]

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LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27th, 1858.

The undersigned, Minister for the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized, by law, to certify to documents to be used in foreign countries, and that the seal at-

tached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have herewith set my hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last, I was present at the College of Mines (Colegio de Mineria) where Don Joaquin Valazquez de Leon, principal or director of said College, produced an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisting at said comparison, Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Don Francisco Valazquez de Leon, and the undersigned, the foregoing copy of said expediente proved to be exact and correct in every respect.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the thirtieth day of last July, I was present at the College of Mines in this City, (Coleigo de Mineria) where Don Joaquin Valazquez de Leon, director of said College, produced an "expediente," with which, on being carefully examined and compared by John P. Brodie and the Licentiate Emilio Pardo, in the presence of John Forsyth, Esq., Minister of the United States of America, (who assisted at said comparison,) the aforesaid Don Francisco Valazquez de Leon, and the undersigned, the foregoing copy of said "expediente," proved to be exact and true in every respect.

[L. S.] In testimony thereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M. Consul.

# MINISTERIO DE JUSTICIA E YNSTRUCCION PUBLICA.

## AÑO DE 1846.

*La Junta de Fomento de Mineria participa que Don Andres Castillero ha descubierto en la Mision de Santa Clara, de la Alta California, un criadero de Cinabrio, de excelente calidad y acompaña la representacion de este Señor en que pide avio para la explotacion de dicha Mina.*

JUNTA DE FOMENTO Y
ADMINISTRATIVA DE MINERIA.

N. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el presidio de Santa Clara de la Baja California, cuyos ensayes han producido una ley la mas alta que se ha visto y con este motivo comunica el resultado de la cantidad de Azogue esplotada hasta fines de Marzo en Guadalcazar.

Mayo, 9, 1846.

Enterado con satisfacion del descubrimiento y de que se ha preguntado ya al Señor Castillero la clase de auxilios que necesita.

Enterado además de la noticia que da del Azogue estraido por los Mineros de Guadalcazar.

Fecha.

Exmo. Señor:—Habiendo presentado á esta Junta el Señor Profesor Don Tomas Ramon del Moral, unas muestras de Cinabrio de la Mision de Santa Clara en la Baja California, que le remite Don Andres Castillero asi como las adjuntas copias con el objeto de excitar al Supremo Gobierno para que se sirva auxiliar tan importante empresa, inmediatamente remitió dichas muestras al E. S. Director del Colegio para que se hiciesen los debidos ensayes, S. E. con oficio de 29 del pasado recibido ayer le dice lo que sigue:

"El Señor Don Tomas Ramon del Moral, Presidente de la Junta, facultativa del Colegio Nacional de Mineria, en oficio de 24 del pasado me dice lo que sigue:

"E. S. Habiéndose enterado la Junta, facultativa de los documentos que V. E., le pasó el 21 del presente mes relativos á un criadero de Cinabrio descubierto en Californias por el Señor Don Andres Castillero y á otro de carbon de piedra de la Bahia de San Francisco, tiene el honor de informar á V. E., que las muestras remitidas por dicho Señor Castillero estaban ya depositadas en el Gabinete de Mineralogia unas, y otras ensayadas por el Profesor de Quimica, Don Manuel Herrera. El ensaye dió una ley de 35½ por ciento, tomando para hacerlo una mezcla de las diferentes muestras, porque hay algunas tan ricas que son de cinabrio puro. La Junta cree que el Señor Castillero se ha hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Mineria; y está persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distínguir y premiar á los ciudadanos que contribuyen á la prosperidad de la Patria.═Reproduzco á V. E. con este motivo, las consideraciones de mi estimacion y respeto.

"Y tengo el honor de trasladarlo á V. S. S. como resultado de su oficio relativo."

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle que ha preguntado ya al Señor Castillero la clase de auxilios ó de proteccion de que necesita para el fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que si encuentra en un principio toda la proteccion que se merece puede cambiar completamente el aspecto de nuestra mineria libertándola de la necesidad en que ha estado hasta ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad participar á V. E. que como el 24 del presente mes termina la gracia que concedió la ley de cinco pesos de premio á cada quintal de azogue estraido de las Minas Nacionales han acreditado hasta la fecha los Mineros de Guadalcazar haber esplotado 1575 quintales de Diciembre de 1844 á fin de Marzo proximo pasado cuyo resultado excede del cálculo que hasta ahora se habia hecho de que la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios y Libertad. México, Mayo 5, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario.

YSIDRO R. GONDRA, Oficial Primero.

Exmo. Señor Ministro de Justicia.

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SECRETARIA DE LA JUNTA DE
FOMENTO ADMINISTRATIVA DE MINERIA.

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno, el año próximo pasado, para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas de la Mision de Santa Clara, en 19 y 22 Febrero del presente año, lo que sigue:

"A distancia de cinco leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta. Tambien va un poco de azogue del que sacamos con la mayor facilidad. El Señor

Director del Colegio de Mineria, Don Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden. Segun lo ancho de la veta y abundancia de saca de metales, dentro de un año mediante la proteccion del Gobierno Supremo, no necesitará la República azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste, y producidas de aqui; el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor hechando sus embarcaciones menores pueden cargar todo el que necesitén; este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado, el cristal de roca es un cerro muy grande.

Es copia. México, Abril 13, de 1846.

J. J. DE HERRERA.

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Señor Director del Colegio de Mineria, Don Ramon del Moral.=Mision de Santa Clara, Febrero 19 de 846.=Mi estimado amigo y Señor que aprecio.=V. sabe lo aficionado que soy al ramo de Mineria y empeñado en encontrar una mina buena de azogue, he dado aqui con un criadero abundantisimo. Al E. S. Presidente remito Junta con esta unas piedras de cinabrio y un poco de azogue, estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua asi nos ha dado el 30 por ciento. Yo estimária á V. que se tomase el trabajo en obsequio del bien publico que se ensayase este metal por depender de su trabajo esta operacion. Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectesimo S. S. Q. B. S. M.

ANDRES CASTILLERO.

Son copias. México, Mayo 5, de 1846.

YSIDRO R. GONDRA, Oficial Primero.

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Exmo. Señor:—Por la nota de V. E. de cinco del actual y copias que se sirvió acompañar, queda enterado con satisfaccion el E. S. Presidente interino de la Republica, de que en la Mision de Santa Clara de la Baja California ha descubierto el Señor Don Andres Castillero, un criadero de cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio, y de que se ha preguntado ya por esa Junta al referido Señor Castillero, la clase de ausilios que necesita para fomento de su brillante empresa. Asi mismo se há impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de azogue estraida de las minas de Guadalcazar cuyo resultado ha excedido al cálculo que se habia formado. Lo que tengo el honor de decir á V. E. en contestacion, reiterándole con este motivo las protestas de mi consideracion y aprecio.

Dios, &c. México, Mayo 9, de 1846.

Exmo. Señor. Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

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JUNTA DE FOMENTO Y
ADMINISTRACION DE MINERIA.

No. 575.

Acompaña con recomendacion la solicitud del Señor Don Andres Castillero para el Fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.

Mayo 20, 46.
Se concede en los términos que se propone, y por lo tocante al terreno, librese al ordén correspondiente al Ministerio de Relaciones para las providencias de su resorte, en el concepto de que el Gobierno Supremo esta anuente á la solicitud.

Exmo. Señor:—Como tuvo el honor esta Junta de anunciar á V. E. en cinco del corriente, bajo el numero quinientos setenta y tres, el Señor Don Andres Castilleró le ha dirigido la solicitud, que original tiene el gusto de acompañar á V. E.; sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la Mision de Santa Clara del Departamento de Californias. La Junta no duda recomendar á V. E. dicha solicitud, porque persuadida de la grande importancia de la empresa, la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel Departamento, y el justo empeño que ha manifestado el Exmo. Señor Presidente por conservar la integridad del territorio nacional, lo hacen digno de la mayor consideracion. Por consiguiente, la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los términos que propone: que la autorice para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion, para dicha mina.

Aunque la ley que autoriza á la Junta para hacer préstamos en fomento de los criaderos de azogue, exige el premio de un cinco por ciento anual al capital que se preste, es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de cien pesos cada uno, y en el término de seis meses, presta sin duda mayores ventajas al fondo que el indicado interés.

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel Departamento y lo que á ella puede contribuir, en las circunstancias presentes, para la conservacion del territorio nacional, es en concepto de la Junta, mas que suficiente motivo para dejar á época mas oportuna la formacion de un contrato de compañia ó de avio para el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posesion dada al Señor Castillero por las autoridades locales de Californias, no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estension de tres mil varas que equivalen á quince pertenencias conforme al articulo segundo del titulo octavo, es preciso considerar que reune en su favor la calidad de descubridor de *un cerro absolutamente nuevo en que no habia ninguna mina abierta*, á quienes se conceden, en el articulo primero del titulo sesto, *tres pertenencias continuas ó interrumpidas, y si hubiesen descubierto mas vetas, una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compañia, á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean, el que puedan denunciar cuatro pertenencias nuevas aun cuando estén contiguas y por un mismo rumbo; pero lo mas digno de consideracion es, que siendo Californias un Departamento Fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte, y por los nuevos colonos del Oregon, parece conveniente conceder á la primera mina descubierta en un Departamento tan vasto, mayor numero de pertenencias, lo que corrobora la razon que se encuentra al fin del articulo 1°. del titulo octavo que dice: "Considerando que los limites establecidos en las minas de estos Reynos que se han arreglado hasta ahora los de Nueva España, son muy estrechos a proporcion de la multitud, abundancia, y felicidad de las venas metálicas que la suma bondad eld criador ha querido conceder á aquellas regiones, ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas. 2°. Por el hilo, direccion ó rumbo de la veta, sea de oro, de plata, ó de cualquiera otro metal, concedo a todo minero sin distincion de los descubridores (que ya tienen asignado su premio,) doscientas varas castellanas que llaman de medir, tiradas a nivel." Por último, en el articulo primero titulo once se espresa en estos terminos. "Y porque no siendo suficiente el caudal de uno solo para grandes empresas, puede serlo el de todos los compañeros quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los términos convenientes, concediendo mi virey á los que las formaren todas las gracias, auxilios, exenciones que fueren de conceder a juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del publico y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera, con el objeto de proporcionarse la leña necesaria para el beneficio, la junta no teniendo los conocimientos necesarios en la materia, en que abunda el Supremo Gobierno, siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente. En tal concepto, al elevar á V. E. esta junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital de la empresa, y su increible trascendencia en el bien general y la prosperidad de la republica. La junta tiene el honor, con tal motivo, de reiterar á V. E. las protestas de su aprecio y consideracion.'

Dios y Libertad. México, catorce de Mayo de mil ocho cientos cuarenta y seis.

Exmo. Señor Ministro de Justicia
é Ynstruccion Publica.

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Sello tercero.—Cuatro reales.—Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.

Andres Castillero, vecino y minero en el Departamento de la Alta California ante V. E. y V. S. S. como mejor proceda, digo; que habiendo descubierto en la Mision de Santa Clara una mina de Azogue de leyes tan altas como seguramente no se han visto, no solo en la República sino acaso en el mundo entero, como lo acreditan los ensayos hechos de orden de la junta facultativa del Colegio de Mineria, que reuniendo de todas las muestras que traje, desde la mejor hasta la ínfima, han dado por resultado un treinta y cinco y medio por ciento, mientras que ha habido muestra de las superiores que deben producir leyes mucho mayores; me veo en el caso, para satisfacer mis deseos en favor del progreso de mi patria, de aprovechar esclusivamente en favor de los Mexicanos, las lisonjeras y muy fundadas esperanzas que proporciona semejante descubrimiento. En tal virtud, he denunciado y tomado posesion no solo de dicha mina denominada Santa Clara, sino de una estension hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laboreo, he construido el tiro y cumplido todas las condiciones que previene la ordenanza, quedando la mina en frutos, con la notable circunstancia de que las muestras que traje y que se han ensayado, han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estranjeras de Californias, pero la empresa no necesita de semejantes auxilios que resultarian en ventaja estraña, cuando todo puede ser nacional, y no he dudado por lo mismo ocurrir ante V. E. y V. S. S. para conseguir los únicos y pequeños recursos de que necesito: elle se reducen á una corta anticipacion de cinco mil pesos en dinero, atendida la escesiva escasez de numerario que hay en aquel Departamento, y la pronta remision á el de retortas, cilindros, y otros aparatos pequeños de destilacion, asi como de frascos de fierro para el envase del azogue.

Yo habria propuesto un contrato de compañia á la junta un avio, ó cualquiera otro convenio, si tuviese tiempo para poder proporcionar los datos y circunstancias que se requieren para dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta capital dentro de algunos dias, me veo en el caso de limitarme á lo que parece no presentar dificultad, y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello que esté en sus facultades, y que elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

*Primera.*—La Junta, en el acto de aprobar el convenio, me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

*Segunda.*—Por mi parte me comprometo á situar en dicho puerto á los seis meses de haber salido de el, cincuenta quintales de azogue, á razon de cien pesos cada uno, que remitiré de las primeras estracciones con absoluta preferencia a todo otro compromiso.

*Tercera.*—La Junta mandará poner a mi disposicion antes de mi salida de la capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco, en estado de uso; y por ultimo entregará al Señor Don Tomas Ramon del Moral, mi apoderado, las cantidades que importen las retortas, cilindros, y otra clase de aparatos pequeños que se mande hacer para la negociacion, hasta la cantidad de mil pesos.

*Cuarta.*—Las retortas de la Junta las recibiré por el precio de su costo, y los frascos que escoja, á dos pesos cada uno conforme á su avaluo.

*Quinta.*—El importe liquido de dichas retortas y frascos y él de las cantidades que se hayan entregado al Señor Moral lo devolveré en el termino de un año de este convenio, asi como el premio de la libranza contra Mazatlan, en Azogue puesto en dicho puerto al precio de cien pesos quintal: pero si la Junta quisiere tomar una ó mas acciones en la mina, quedará en parte de la cantidad correspondiente á una ó mas barras.

*Sexta.*—Entretanto que se arregla la compañia, durante un año contado desde el dia en que se apruebe este convenio, y satisfechos ya los cinco mil pesos de que habla la proposicion primera, preferiré á la Junta en la venta de azogue puesto en Mazatlan, á razon de cien pesos quintal.

*Sétima.*—La Junta representará al Supremo Gobierno la necesidad de que apruebe la posesion que se me ha dado de la mina por las autoridades locales de Californias, en los mismos términos en que hoy la tengo.

*Octava.*—Ygualmente le representará las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posesion minera, con el objeto de poderme aprovechar de las maderas, para mis quemas.

*Novena.*—Al cumplimiento de este contrato hipeteco la misma mina y todas sus pertenencias.

El que subscribe sugeta à la deliberacion de la Junta está solicitud, la que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios y Libertad. México, doce de Mayo de mil ochocientos cuarenta y seis.

ANDRES CASTILLERO.

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Exmo. Señor:—Habiendo dado cuenta al Exmo. Señor Presidente interino de la republica con la nota de V. E. de catorce del presente, á que se sirvío acompañar con recomendacion la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Esteriores y Gobernacion, para que libre las órdenes oportunas por lo respectivo á lo que contiene la octava proposicion á la concesion de terrenos en aquel Departamento.

Reitero á V. E. &c.

Dios &c. Mayo 20 de 1846.

Exmo. Señor Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

Exmo. Señor:—Hoy digo al E. S. D. Vicente Segura, Presidente de la Junta de Fomento de Mineria lo que copio.

"E. S. Habiendo, &c."

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Senor Castillero á que ha tenido á bien acceder el E. S. Presidente interino sobre que como colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera se sirva V. E. librar las órdenes de que se trata.

Reitero, &c.

Fecha ut supra.

E. S. Ministro de Relaciones,
Esteriores y Gobernacion.

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SECRETARIA DE ESTADO Y DEL
DESPACHO DE RELACIONES ESTERIORES.

José Miguel Arroyo, Intendente honorario de ejercito y oficial mayor primero del Ministerio de Relaciones Esteriores de la Republica Méxicana.

[Sello.] Certifico que en los archivos de este Ministerio existe un Expediente relativo al descubrimiento de una mina de azogue por Don Andres Castillero en la Mision de Santa Clara en la Alta California, titulado "Ministerio de Justicia é Instruccion Pública.—Año de 1846.—La Junta de Fomento de Mineria participa que Don Andres Castillero ha descubierto en la Mision de Santa Clara de la Alta California un criadero de cinabrio de excelente calidad, y acompaña la representacion de este Señor en que pide avio para la esplotacion de dicha mina." Certifico además que las precedentes y anecsas veinte y cuatro paginas numeradas por mi con tinta encarnada del número uno al veinte y cuatro inclusive, de papel transparente, son una verdadera y exacta copia ó calco del referido Expediente compuesto de comunicaciones oficiales, copias, minutas ó borradores de oficinas, notas y acuerdos que es lo que constituye el citado Expediente.

[Sello.] En testimonio de lo cual doy el presente bajo mi firma y sello de oficio de este Ministerio hoy veintisiete de Abril de mil ochocientos cincuenta y ocho.

[Derechos 4 pesos.] JOSE MIGUEL ARROYO.

Legation of the U. S. of America,
Mexico, May 8th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the afternoon of the 29th July last past, I was present at the office of the Ministry of Foreign Relations, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in the presence of the undersigned, produced from the archives of said office an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by the undersigned and H. B. M's. Consul, Frederick Glennie, Esq., the foregoing copy proved to be in every respect alike and correct. The undersigned in like manner, certifies that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, acknowledged, in his presence, that the official communication with which the said expediente commences, marked or numbered 573, as also the original petition in said expediente signed by Andres Castillero, the originals of which and the preceding copies he closely examined, are in his own handwriting, and were written by him on the day in which they bear date.

Mexico, 4th August, 1858.

JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-ninth day of July now last past, I was present at the office of the Ministry of Foreign Affairs of the Mexican Republic, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in my presence, produced from the archives of the said office an "expediente," with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by John Forsyth, Esq., Minister of the United States of America to the Mexican Republic, and by the undersigned, the foregoing copy was found to be in every respect alike and correct; and I do further certify, that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, declared, in my presence, that the official communication with which said "expediente" commences, marked or numbered 573, as also the original petition in said "expediente" signed by Andres Castillero, the original of which and the preceding copies he closely examined, are in his own proper handwriting, and were written by him on the day of the date thereof.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M.'s Consul.

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MINISTERIO DE RELACIONES
EXTERIORES, GOBERNACION Y POLICIA.

AÑO DE 1847. YNDIFERENTE.

No. 67.

*El Gobernador de Californias sobre descubrimiento de una mina de azogue en aquel departamento y remite una muestra de ese ingrediente.*

*Concesion de dos sitios al Señor Castillero inmediato a la mina de azogue.*

GOBIERNO DEL DEPARTAM^TO.
DE CALIFORNIA.

Abril 6, 846.
Recibo y enterado

Exmo. Señor:—Por la adjunta carta del Señor D^n. Andres Castillero que atentamente

con satisfaccion; y que respecto a los otros puntos de que trata la carta informe con detencion lo que se le ofrezca.

acompaño á V. E. original, se impondrá del buen descubrimiento que de una mina de azogue se ha hecho en este Departamento.

En tal virtud aprovecho la buena oportunidad de remitir á V. E. con el Señor Comisionado de este Gobierno Don José M. Covarrubias, el azogue que como muestra, me mandó el Señor Castillero y se refiere en su carta mencionada.

Con tal motivo suplico á V. E. se sirva poner esto en el superior conocimiento del Exmo. Señor Presidente, manifestándole el azogue que produce dicha mina, para que S. E. se imponga y quede complacido de tan feliz descubrimiento.

Repito á V. E. nuevamente las atenciones de mi consideracion y respeto.

Dios y Libertad. Angeles, Febrero 13, de 1846.

PIO PICO.

Exmo. Señor Ministro
de Relaciones Exteriores.

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*Exmo. Señor Gobernador, Don Pio Pico:*

MISION DE SANTA CLARA,
Diciembre 10, 1845.

Estimadisimo Amigo:—Hay remito á V. una muestra de azogue que he sacado á presencia de muchos testigos, la mina está denunciada por mi y formamos una compañia entre algunos.

V. y la Junta Departamental estoi seguro que apreciarán un descubrimiento que formará la riqueza del pais y queremos se nos conceda el terreno baldio cerca de nuestros trabajos para cortar leña con la orden de posesion.

Es tanto el azogue que hay, que ocho arrobas de piedra dieron una arroba de metal, y en mi concepto hay muchas, y se puede hacer grande estraccion.

Estimaré á V. tambien mande darme posesion de la Ysla de Santa Cruz que me concedió el Supremo Junta que á los Señores Carrillos; ya está mercado el ganado que se ha de embarcar, y la posesion me la puede dar Don Anastacio Carrillo.

Que V. se conserve sin novedad y que mande á su afectisimo amigo, que lo estima aprecia sus órdenes y atento B. L. M.

ANDRES CASTILLERO.

P. L.—Salúdeme V. á los amigos Covarrubias y Valle y al Señor Hijar, que porque no me contesta tres cartas que le he remitido, dándole tambien memorias.

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 29th July last past, accompanied by the Consul of H. B. M., Frederick Glennie, Esq., by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, in presence of the undersigned, produced from the archives of said office, an "expediente," on being compared with which, by Messrs. Brodie and Pardo, the foregoing copy proved to be absolutely alike and correct in every respect, the underesigned having assisted at said comparison, which was made scrupulously and carefully in his presence, and in the presence of the other persons above-mentioned.

MEXICO, 4th August, 1858. JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-ninth day of July now last past, accompanied by John Forsyth, Esq., Minister of the United States of America to the Republic of Mexico, by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto, and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, produced, from the archives of said office, an "expediente," with which the foregoing copy was carefully and scrupulously examined and compared by the above-named John P. Brodie and Emilio Pardo, in the presence of the undersigned, (who assisted at said comparison,) and in that of the other persons above-mentioned, and was found and proved to be, in every respect, an exact and true copy of the "expediente" aforesaid.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

[L. S.]

F. GLENNIE,
H. B. M.'s Consul.

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## ESCRIBANIA PUBLICA DE JUAN NAVARRO.

*Certificacion con Insercion de Unos Ynstrumentos Publicos Otorgados ante el Finado Escribano Don Nazario Fuentes, en el Año de* 1846, *por las Personas que en ellos Constan. Mexico,* 1858.

Yo, Juan Navarro, Escribano Nacional y Público eu la ciudad de México y Matriculado en su Nacional Colegio.

Certifico: y doy fé por la presente que por fallecimiento del Escribano Nazario Fuentes, quedaron en mi poder y bajo mi custodia y responsabilidad, los libros de protocolos de Ynstrumentos públicos que pasaron ante él, los que conservo legalmente en mi oficina. Certifico igualmente que entre ellos hay un libro Protocolo encuadernado y cosido de papel sellado del que se usa para las escrituras y demas instrumentos públicos para los años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete, compuesto de ciento veinte y una foxas, y en el que constan los originales de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y

testigos instrumentales de costumbre cuyo libro se titula, "Año de 1846.—Protocolo de instrumentos públicos del Escribano Nazario Fuentes."

Certificio asimismo que en dicho libro ecsiste un instrumento público hecho ante el dicho Nazario Fuentes el que está en las palabras y forma siguientes:

En la ciudad de México á diez y siete de Diciembre de mil ochocientos cuarenta y seis, ante mi el Escribano Público y testígos, presente el Señor Don Andrés Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conozco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con ley de oro y azogue, ubicada en el Rancho de Don José Reyes Berreyesa en la jurisdiccion del Pueblo de San José de Guadalupe, del Territorio de la Alta California, en el segunda Distrito de Monterey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores Comandante-General Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real como cesionario perpetuo de sus consocios por cuatro Barras de la mencionada Mina, cuyo documento otorgado en la Mision de Santa Clara á dos de Noviembre de mil ochocientos cuarenta y cinco en copia sacada del original que existe en el Archivo del Partido, autorizada por el Señor Don Manuel Castro y Con Antonio Maria Pico, doy fé tener á la vista en las citadas dos fojas útiles en papel comun. Que el relacionado Don José Castro su consocio por si y á nombre de los socios de la mencionada mina otorgó en el Puerto de Monterey á los doce dias mes de Junio del corriente año de mil ochocientos cuarenta y seis un poder especial pero amplio, á favor del Presbitero Don Eugenio Macnamara para que contrate con una compañia Ynglesa que se hiciese cargo del laborio de las tres pertenencias que á Castro y socios les corresponden en la espresada mina con objeto de de proporcionarle los Avios y gastos necesarios para el aumento de la negociacion: todo con entera sujecion á lo que para casos como el presente disponen las ordenanzas de mineria. Que con tal autorizacion el prenotado Señor Presbitero Don Eugenio Macnamara, en la ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochocientos cuarenta y seis, realizó el contrato para que fué autorizado con el Señor Don Alexandro Forbes por si y á nombre de la compañia Ynglesa que representa: reduciéndolo á Escritura Pública otorgada ante el Escribano Público Don Pánfilo Solis, Cuyo tenor con el poder que jusitfica la representacion del Señor Macnamara es como sigue:—Corregido.

Sigue la escritura.

En la Ciudad de Tepic á veinte y ocho de Noviembre de mil ochocientos cuarenta y sies, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara actual residente en este lugar dijo; que Don José Castro, vecino del Puerto de Monterey, como socio en la mina de azogue que se halla en la comprehension de Santa Clara, y á nombre de sus consocios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elboracion de dicha Mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho Puerto, en does foxas á doce de Junio del corriente año doy fé tener á la vista original y su tenor á la letra dice:

Poder.—En el puerto de Monterey á las doce dies del mes de Junio de mil ochocientos cuarenta y seis. Yo, José Castro, con presencia de los testigos que al fin se nombrarán: usando del derecho que me han otorgado mis socios para celebrar cualesquiera contrato que se pudiera ofrecer, con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue en la comprehension de Santa Clara, y favoreciéndoles las ordenanzas de mineria y leyes concernientes, especialmente el soberano decreto de siete de Octubre de mil ochocientos veinte y tres, para que se proporcione el grande provecho y utilidad al laborio de esta clase de minas y siendo la que poseen en la actualidad, la primera, unica y principal por su ley, que se ha descubierto en la Nacion Mexicana, y que no pudiendo el Gobierno Supremo darles los auxilios que les corresponden por hallarse en una distancia inmensa y ultramarina, sin esperanza de que este pais por si mismo fomente este interesante ramo por no tener ningunos fondos de que disponer, y sin encontrarse al mismo tiempo un facultativo minerálogico, ni haber brazos para el adelanto de esta industria desconocida en esta Departamento; ha convenido y conviene dar poder especial, amplio, bastante y por cuanto por derecho se requiere, mas pueda y deba valer, al Presbitero Don Eugenio Macnamara, para que representando su persona y la de sus socios contrate con una compañia Ynglesa, con esclusion de cualquiera otra Nacion, para que se haga cargo del laborio de las tres pertenencias de dicha Mina por el tiempo de nueve años, con el fin de proporcionar los Avios, hacer los gastos necesarios, y mantenerla en buen giro y con arreglo á las mencionadas ordenanzas de mineria, siendo los productos de las tres pertenencias de la Mina, para los dueños una mitad, y la otra mitad para la compañia Ynglesa y cuando no se pudiere convenir á ello, se ofrecerá á la compañia Ynglesa las dos terceras partes para que los dueños reciban la otra tercera parte, entendiéndose que la parte que corresponde á los dueños será libre de gastos, y si aun en esto no hubiere convenio se harán otras estipulaciones de acuerdo con Don Andres Castillero para facilitar la realizacion de un contrato; y concluido el tiempo mencionado de nueve años, se prorrogarán otros siete años mas, en los mismos términos que se celebre la primera contrata quedando la negociacion despues de todo este tiempo á disposicion absoluta de los dueños de la Mina, como tambien todos los materiales, fábricas y demas pertenencias que á ella le corresponden, como máquinas y demas útiles adherentes á este beneficio sin que por causa alguna tenga la compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos que para su beneficio y propia utilidad llegare á originar.

Y à la firmeza y validacion de lo que en virtud de este poder se ejecutare, se obliga el otorgante en toda forma de derecho à su cumplimiento, y para lo cual se somete à los Señores Jueces que del caso deban conocer; en cuyo testimonio lo firmó con los cuarto testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Diaz y Don Antonio Maria Rio, en el dia mes y año ya mencionados.=José Castro.=David Spence. =Manuel Diaz.=Juan Malarin.=Antonio Maria Rio.

**Sigue la Escritura.** Que el inserto poder no le está revocado ni limitado en manera alguna, y que despues de haber solicitado con el mayor empeño el nogocio para que fue facultado, ha celebrado con el Señor Don Alexandro Forbes subdito y Consul Británico por si, y por sus socios en este empresa, el contrato que espresan las siguientes condicions:

1ª. *Primera:* El Señor Don Alexandro Forbes y sus socios, se hacen cargo del laborio de las tres pertenencias que comprehende dicha mina de azogue por el término de diez y seis años, segun está facultado por el inserto poder, y sin que sea necesario el acuerdo de Don Andres Castillero, en razon de que este contrato esta fuera de los limites para que fué autorizado el relacionante.

2ª. *Segunda:* Que el Señor Forbes y socios estan en la obligacion de proporcionar los Avios necesarios, erogar los gastos precisos y mantener la mina en buen giro, y con arreglo á las ordenanzas de mineria.

3ª. *Tercera:* Que de los productos de las tres pertenencias que comprende la mina, percibirán dos terceras partes el Señor Forbes y sus socios, quedando lo otra parte á favor de los dueños: sin que ella se deduzca gasto alguno.

4ª. *Cuarto:* Que concluidos los diez y seis años de esta compañia queda la negociacion á la disposicion absoluta de los dueños, asi como todos las materiales, fábricas y demás pertenencias que á ella le correspondan, como máquinas y otros utiles anecsos á la negociacion; y por ningun motivo tendrán derecho á reclamar el Señor Forbes y sus socios, cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á originarse.

Presente el Señor Don Alexandro Forbes, cuya persona doy fé conozco, por si y como representante de los demás accionistas en este asunto, é impuesto de las anteriores condiciones del poder inserto dijo; que aquellas están arregladas en un todo á los términos con que ha celebrado este negocio.

Ambos otorgantes manifestaron: que este contrato queda celebrado bajo las condiciones estipuladas que se obligan á observar y cumplir religiosamente, sin interpretacion, y áno reclamar esta escritura en todo ni ne parte, y el que faltare será estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen cuyo monto defieren en la relacion jurada de quien sea parte, sin otra prueba de que se reelevan, aunque se requiera de derecho. Y á la firmeza de todo le referido obligan los otorgantes sus bienes y los de los socios de la Mina y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su complimiento los estrechen como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los ciudadanos Nicolás Figueroa, Manuel Covarrubias y Luis Villalbaso presentes y vecinos: doy fé.

EUGENIO MACNAMARA.

Alexandro Forbes.
Panfilo Solis,
Escribano Publico.

Concuerda la anterior escritura con la copia original que en cuatro fojas útles de lcs sellos primero y curato doy fé tener á la vista.

El prenotado Señor Don Andres Castillero continuó diciendo que en la mas solemne forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte exacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene le escritura inserta, que aprueba y ratifica en todas sus partes, queriendo que se le tenga desde este momento por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta complidos los diez y seis años del contrato, se obliga y á sus herederos y sucesores á no reclamar cosa alguna contra la escritura inserta, pero si lo hiciere, quiere no ser oido en jucio ni fuera de el.

Cede en favor del Avio y por los diez y seis años de la contrato los dos sitios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia segun consta por el documento oficial que presenta para que quede copiado al final de la presente escritura y salga inserta en las copias que de ella se espidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto en la escritura, que va copiada en la presente, se obliga á recabar el esplicito consentimiento de sus consocios, que ratificarán la presente escritura para quitar las dudas que puedan ocurrir acerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la compañia Ynglesa se halle en quieta y pacifica posesion de la Mina á que se refiere.

Con cuyas calidades y conditiones el prenotado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda dicho, y asegura que para el otorgamiento de la presente escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las espresadas, ni el convenio envuelve lesion, ni usura de ninguna especie, como lo jura por Dios y la Señal de la Cruz: pero si alguna resultare, del esceso le hace gracia y donacion á la compañia Ynglesa pura, perfecta, é irrevocable con insinuacion y renunciacion de la ley segunda, titulo primero, libro diez de la Novisima Recopilacion.

Desde hoy hasta cumplidos los diez y seis años del contrato y reservándose unicamente los derechos que por el dominio y propiedad le pertenecen, del de posesion y demás que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa, á quien por la presente le confiere amplio poder y facultad bastante constituyéndolo procurador en su propia causa para que con sujecion á las ordenanzas de mineria, y con total arreglo á la presente escritura, se aproveche la compañia de los productos que con arreglo á la misma le pertenecen, practicando todo lo demas para que esta facultada.

So obliga á la eviccion seguridad y saneamiento de este contrato que por su parte le será cierto y seguro, y que, por el no se le moverá pleito; pero si alguno resultare de su cuenta lo seguirá hasta dejar á la compañia en quieta y pacifica posecion; lo que si no lograre, le pagará todos los daños y perjuicios con las costas procesales y personales que se causen. Se sujeta al tenor literal de la ley primera, titulo primero libro diez de la Novisima Recopilacion, cuyo contenido sabe y quiere se le tenga por obligado al cumplimiento de la presente escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fé conozco é impuesto del contenido de esta escritura dijo; que teniendo orden espresa y facultad bastante por el Señor Alexandro Forbes, á su nombre y el de la compañia Ynglesa, acepta esta instrumento dando por contentos y satisfechos á los interesados en ella. El varias veces dicho Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto, obliga su persona y bienes presente y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva y consentida y pasada en autoridad de cosa juzgada; renuncia su domicilio y vecindad con la general del derecho y la que prohibe su general renunciacion. Y por ante mi asi lo otorgó y firmó con el Señor Negrete siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa, y Don Manuel Barron presentes y vecinos doy fé.

ANDRES CASTILLERO.

FRANCISCO MARTINEZ NEGRETE.

NAZARIO FUENTES, Escribano Publico.

Certifico y doy fé que el documento oficial de que se habla en la anterior escritura es del tenor siguiente:

MINISTERIO DE RELACIONES ESTERIORES
GOBERNACION Y POLICIA.

Exmo. Señor:—El E. é Y. S. Ministro de Justicia, en oficio de 20 del corriente, me dice lo que copio:

"E. S.:—Hoy digo al E. S. D. Vicente Segura, Presidente de la Junta de Fomento de Mineria, lo siguiente:

E. S.:—Habiendo dado cuenta al E. S. Presidente interino con la nota de V. E. de 14 del presente á que se sirvió acompañarme, con recomendacion, la solicitud del S. D. Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la explotacion de dicho mineral y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la 8ª. proposicion, relativa á la concession de terrenos en aquel Departamento.

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del S. Castillero, á que há tenido á bien acceder el E. S. Presidente interino sobre que como cólono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las órdenes de que se trata.

Reitero á V. E. &c."

Y lo participo á V. E. para que, con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al S. Castillero en posesion de los dos sitios que se mencionan.

Dios y Libertad. México, Mayo 23, de 1846.

CASTILLO LAÑZAS.

E. S. Gobernador del Departamento de Californias.

NAZARIO FUENTES.

Además certifico y doy fé, que en dicho libro inmediatamente despues del precedente instrumento, hay otro instrumento que esta en las palabras y forma siguiente:

Escritura de venta.

En la Ciudad de México á diez y siete de Diciembre, de mil ochocientos cuarenta y seis, ante mi el Escribano público y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria permanente, de esta vecindad, cuya persona mayor de edad, doy fé conozco y dijo; que es dueño en propiedad de doce barras, en la mina de plata con ley de oro y azogue, situada en el rancho de Don José Reyes Berreyesa, en jurisdiccion del Pueblo de San José de Guadalupe, del territorio de la Alta California, en el segundo Distrito de Monterey; que con tal caracter, por la presente y en la mas solemne forma que haya lugar en derecho, otorga por si y a nombre de sus herederos y sucesores y los que sus derechos representen que vende en venta real y enagenacion perpetua, al Señor Don Alexandro Forbes, para el sus herederos y los que sus derechos representen, a saber cinco barras de las doce que posee en propiedad en la referida mina de Santa Clara que hubo el Señor otorgante como descubridor, y con tal caracter trasfiere en el Señor comprador, las esplicadas cinco barras, con todas sus usos aprovechamientos, servidumbres con cuanto mas de hecho y de derecho le toca y pertenece; pues todo lo cede, renuncia y traspasa, en el mencionado Señor Forbes ó quien su derecho represente. Declara: que la repetidas cinco barras se hallan libres de todo gravamen, censo, é hipoteca especial ni general, y asi se lo asegura, por el precio y cuantia de cuatro mil pesos, que confiesa tener recibidos en moneda de plata comun y corriente del cuño Méxicano, a toda su satisfaccion, sobre lo cual renuncia la escepcion de la non-numerata pecunia, la ley 9 titulo 1°. Partida 5ª. con los cuatro años que concede para la prueba, los que dá por pasados, otorgando por la presente el mas firme y eficaz resguardo que á la seguridad del comprador conduzca.

Asegura que el justo y legitimo precio de las esplicadas cinco barras, son los cuatro mil pesos, que confiesa tener recibidos: pues no valen mas, ni ha habido quien tanto le ofrezca, pero si mas fuere su valor, ó con el tiempo fuese excesiva la bonanza, de todo le hace gracia y donacion pura, mera, perfecta é irrevocable, con insinuacion y renunciacion de la ley 2 titulo 1°. Libro 10 de la Novisima Recopilacion que trata de los contratos en que hay lesion en mas ó menos de la mitad del justo precio, fijando cuatro años para pedir su rescision ó suplemento al justo valor los que dá por pasados y renuncia con la ley citada. Desde hoy para siempre se desapodera, quita y aparta de toda accion propiedad, dominio, y cuási posesion que pueda tener á las esplicadas cinco barras, y todo lo cede, renuncia y traspasa, en el Señor comprador ó quien lo represente, para que como dueño de ellas disponga á su arbitrio, como de cosa suya, adquirida con justo y legitimo titulo habil y traslativo de dominio, cual es la presente escritura tomando por si ó judicialmente su posesion y tenencia, constituyéndose en el interin por su inquilino y precario posedor en legal forma. Se obliga á la eviccion, seguridad y saneamiento de esta venta, asi como á que jamás sirva de obstáculo el articulo segundo de la escritura de compañia otorgada en la Mision de Santa Clara, á dos de Noviembre de mil ochocientos cuarenta y cinco, pues se obliga á hacer pasar y consentir en ella á sus consocios, asi como ha consentido y pasado el Señor otorgante por las que han hecho sus compañeros; en la inteligencia, que si esto no pudiere conseguir, ó se le moviere pleito alguno al comprador de que á su costa no lo pudiere dejar en quieta y pacifica posesion, le devolverá los cuatro mil pesos que confiesa tener recibidos, con los frutos de las doce barras de que es dueño, pagándole todos los daños perjuicios, y menoscabos que se le originen; sin mas prueba que el simple juramento de la parte. Y para el cumplimiento de esta obligacion, hipoteca espresa, especial, y señaladamente, las espresadas doce barras que no podrá vender, gravar, ni de otra manera enagenar, sin espreso consentimiento del Señor comprador; que podrá en caso contrario, reclamarlas hasta de tercero ó mas poseedores, para cubrirse de cuanto con arreglo á la presente Escritura se le adeude. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad y comercio, cuya persona mayor de edad doy fee conozco, é impuesto del contenido de esta escritura dijo; que hallándose competentemente autorizado con órdenes del Señor Don Alexandro Forbes; á su nombre y en legal forma, acepta la presente, prestando para el efecto, voz y caucion de grato et rato por su representado y á su nombre se dá por contento y satisfecho, con el presente instrumento, obligandose á cumplir lo que en el le pertenece al Señor Forbes. Y al cumplimiento de todo lo espuesto el Señor vendedor obliga su persona y bienes presentes y futuros, y con ellos se somete al fuero y jurisdiccion de los Señores jueces que de sus causas conforme á derecho puedan y deban conocer, para que á ello lo compelan y apremien como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada; renuncia su domicilio y vecindad con la general del derecho y la que prohibe su general renunciation. Y por ante mi lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa y Don Manuel Barron presentes y vecinos: doy fee. Y de que al firmar añadieron los Señores contrayentes: que esta venta y todo cuanto consta en la presente escritura, no tendrá su verificativo hasta que el Señor Don Alexandro Forbes, esté en quieta y pacifica posesion de las cinco barras vendidas; y si por cualquiera personas ó por cúalquiera motivo, fuere perturbado; entonces tendrá todo su efecto la hipoteca que hace para ese caso, de las doce barras de que se habla en la claúsula de eviccion, de la presente escritura: reproduciendo ante los mismos testigos la guarentijia dara el complimiento de esto ultimo y firmaron doy fé.=Andres Castillero.=Francisco Martinez Negrete.=Nazario Fuentes.=Certifico y doy fe que á pesar de las clausulas respectivas que constan en la anterior escritura, los contrayentes exijieron que presenciara la entrega de los cuatro mil pesos, la que se verificó por ante mi y los testigos que se dirá, en la casa de Don Francisco Martizez Negrete, de todo lo que doy fé; y para la constancia siento la presente, siendo testigos el Exelentisimo Señor Licenciado Don José Antonio Romero y Don Manuel Terrazas, presentes y vecinos doy fé.= Nazario Fuentes, Escribano Publico.

Certifico además: que las precedentes copias son verdaderas esactas y completas copias de dichos dos instrumentos en dicho libro que eciste en los archivos de mi oficina.

Y por ultimo certifico que á la conclusion de dicho libro hay una certificacion puesta signada y firmada por el citado finado Nazario Fuentes en las siguentes palabras=Certifico y doy fe: que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento veinte y una fojas que anteceden protocolo; y para constancia lo signo y firmo.=Nazario Fuentes, E. P.

Y en cumplimiento de lo mandado por el Señor Juez Primero de lo Civil de esta Capital Licenciado Don Antonio Madrid en auto de catorce del mes corriente, espido la presente, hoy veinte de Abril de mil ochocientos cincuenta y ocho, la que va en quince fojas, habiendo sido testigos á su saca y correccion Don Roman Orta, Don Ygnacio Esquibel y Don Pedro Navarro de esta vecindad, doy fe.=Juan Navarro, E. P.

El que suscribe Oficial Primero del Ministerio de Justicia negocios eclesiasticos é instruccion publica con ejercicio de decretos, y mayor honorario del mismo.

[SELLO.] Certifico, que la firma que antecede del escribano Don Juan Navarro es la misma que usa a acostumbra poner con su signo dicho escribano en todos los documentos que autoriza, á los que sa les dá entera fe y credito. México, Mayo primero, de mil ochocientos cincuenta y ocho. =Mariano Alegria.

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José Miguel Arroyo, Intendente honorario de Ejercito y Oficial mayor primero del Ministerio de Relaciones Exteriores de la Republica Méxicana.

No. 55.

[SELLO.] Certifico que Don Mariano Alegria es actualmente Oficial Primero del Ministerio de Justicia, negocios Eclesiasticos é Instruccion Publica, con Ejercicio de Decretos y mayor honorario del mismo en la propia República, p anterior firma es la suya que usa en los documentos que autoriza.=México, Mayo 1, de 1858.=José Miguel Arroyo.

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LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certifi-

cate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the said seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above-mentioned.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last past, I was present at the office of the "Escribano," or Notary Public, Don Juan Navarro, when and where the said Navarro produced from the archives of his office, a book, formed of sheets of stamped paper stitched together, and consisting (exclusive of the fly leaf in the beginning and the index at the end) of one hundred and twenty leaves, and titled "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie, and the Licentiate Emilio Pardo, examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a correct and true copy, with the exception of two slight omissions, which are certified to by said Notary, Navarro, in his certificate of said date 30th of July, duly legalized and certified to by the undersigned, under this present date.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the 30th day of July now last past, I was present at the office of the Notary Public, Don Juan Navarro, when and where the said Navarro produced, from the archives of his office, a book, formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly-leaf at the beginning and the index at the end) of one hundred and twenty leaves, entitled, "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of John Forsyth, Esq., Minister of the United States of America to the Republic of Mexico, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie and the Licentiate Emilio Pardo examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a true and correct copy, with the exception of two slight omissions, which are attested to by said Notary, Juan Navarro, in his certificate bearing date 30th July aforesaid.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M.'s Consul.

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El Licenciado Emilio Pardo por el Señor Don Andres Castillero ante V. con las protestas de mi respeto y como mejor proceda digo: que en el mes de Mayo, próximo pasado se espidio á mi pedimento un testimonio de ciertos documentos que existen en el protocolo del finado Don Nazario Fuentes, hoy á cargo del Escribano Don Juan Navarro, y se refieren á dos contratos sobre una mina de azogue descubierta en 1845 por el Señor Castillero en territorio de la Alta California. Desde que promovi la espedicion de ese testimonio manifesté á V. que la importancia de esa propiedad hacia que se disputara vivamente la authenticidad de esos documentos que justifican su legitima adquisicion, y como esas disputas no cesarán can la presentacion de los testimonios en S. Francisco á los Tribunales Americanos, he de merecer á V. se sirva mandar que quedando de ellos todas las razones y constancias que fueron necesarias se me entreguen originales para ecshibirlos en la prueba del negocio que se sigue contra los socios de Don Andres Castillero, sobre la propiedad de la mina de azogue llamada hoy Nuevo Almaden, y á que hacen relacion los documentos mencionados, mandando igualmente que el Señor Don Juan Brodie, agente de los interesados pueda inspeccionar personalmente el protocolo referido en presencia del Señor Ministro de los Estados Uni-

dos de América, comparando el original con el testimonio y devolviéndome este ocurso con el proveido que á el recayere.

A V. suplico provea de conformidad en lo que recibiré gracia y merced.

México, Julio 29, de 1858.

L., EMILIO PARDO.

[Presentado á las once de la mañana de su fecha.]

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México, Julio 29, de 1858.—Atendido el tenor expreso de las leyes 2ª. tit. 8º. lib., 1º. F. R. 4ª. y 6ª., tit. 23, lib. 10, N. R. y 15, tit. 10 lib. 11 de la misma; no há lugar á la entrega de documentos originales que solicita esta parte: y en cuanto á la confronta en presencia del agente de los interesados y del Señor Ministro Americano, practiquese, limitándola á los documentos de que *se trata, y nada mas.*

Lo proveyó el S. Juez primero de lo civil de esta capital, Don Antonio Madrid, y firmo; doy fé.

MADRID.

En el mismo dia presente en el oficio el Lic., D. Emilio Pardo le hice saber el anto que antecede, de que entendido dijo lo oye y concurrirá á la confronta segun se ha mandado: y firmó doy fé.

JUAN NAVARRO.

Lic., PARDO.

Yo el Ynfrascripto Escribano, Certifico: que en esta fecha concurrieron á la oficina de mi cargo el Exmo. Señor Ministro de los Estados Unidns de América, Don Juan Forsyth, el Señor Consul de S. M. B., Don Fredrico Glennie, Don Juan P. Brodie, y el Licenciado Don Emilio Pardo á quines doy fé conoszo, y en cumplimiento de lo mandado en el auto del dia de ayer que antecede se procedió al Cotejo de la precedente copia espedida en veinte de Abril del corriente año, con las originales que obran en el respectivo protocolo y se presentaron á la vista de dichos Señores: y hecho dicho Cotejo, se encontró la diferencia de faltar en la copia las palabras siguientes que se hallan en el original y son. A la foxa sétima de dicha copia en la undécima linea ó renglon faltan despues de la palabra, *Pánfilo Solis*, las siguentes: "*Sacose de su registro hoy dia de su otorgamiento en cuatro foxas del papel correspondiente: doy fé. Un signo.—Pánfilo Solis.*" A la foxa trece vuelta de la mencionada copia en la linea ó renglon vigesima primera despues de la palabra, *adeude*, faltan igualmente las siguientes: "*Los costos de esta escritura serán de cuenta de ambos contrayentes por mitad.*" Siendo la única diferencia que se encontró despues del escrupuloso cotejo y confrontacion que se hizo por los Señores Brodie y Pardo, á presencia del Exmo. Señor Ministro y Señor Ministro y Señor Consul antes citados.

Y para constancia y en testimonio de verdad, espido la presente en la Ciudad de México, á treinta de Julio de mil ochocientos cincuenta y ocho; siendo testigos Don Manuel Velazco, y Don Pedro Navarro de esta vecindad. Doy fé.

JUAN NAVARRO,
Escribano Público.

El que suscribe oficial 1°. del Ministerio de Justicia Negocios Eclesiasticos é Instruccion Pública, y mayor honorario del mismo con ejercicio de decretos.

[SELLO.] Certifico: Que la firma y signo que anteceden son del Escribano Público, D. Juan Navarro, y los mismos que acostumbra y usa en todos los documentos que autoriza.

México, Agosto dos, de mil ochocientos cincuenta y ocho.

MARIANO ALEGRIA.

[Derechos, 4 pesos.]

José Miguel Arroyo, Yntendente honorario de Ejercito y oficial mayor 1°. del Ministerio de Relaciones Esteriores.

[SELLO.] Certifico: Que Don Mariano Alegria es oficial 1°. del Ministerio de Justicia Negocios Eclesiásticos é Instruccion Pública y mayor honorario del mismo con ejercicio de decretos, en la República Mexicana, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Agosto 4, de 1858.

J. MIGUEL ARROYO.

[Derechos, 4 pesos.]

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LEGATION OF THE U. S. OF AMERICA,
MEXICO, August 4th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature

of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

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EXTRACTOS *de la Memoria que Don José Maria Lafragua, Ministro de Relaciones Ynteriores y Exteriores, leyó al Congreso Constituyente es* 14, 15, *y* 16, *de Diciembre, de* 1846, *y de la Memoria de Vicente Segura, Presidente de la Junta de Fomento de Mineria, pasada al Ministerio de Relaciones Esteriores en* 17 *de Noviembre del mismo año:*

[P. 65.]

* * "En el Estado de San Luis Potosi, se hallan en proporcion los metales que se benefician, y el azogue que se estrae, y en la Alta California se ha descubierto un criadero, cuya ley sobrepuja á la de la mejor mina que se conoce, la de Almaden, la cual no produce mas de un trece por ciento, cuando la nuestra, en los ensayos practicados en en el Colegio de Mineria de este Capital, sube á un treinta y cinco y medio por ciento." * *

[P. 66.]

* * "Yo recomiendo al Soberano Congreso que fije su atencion en este ramo, haciendo de la esplotacion de nuestro azogue, una verdadera empresa nacional, cuya importancia no se puede encarecer demasiado, bien sea creando un fondo, ó bien dictando otras medidas oportunas." * *

[P. 118.]

NUM. 52.

"SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

Exmo. Señor:—En cumplimiento de la superior orden de V. E. de 3 del presente, contraida á que esta Junta le dé cuenta de

los asuntos confiados á su cuidado desde la época en que la hizo en el año de 1845, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al Congreso General de la Nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años, y de la situacion en que hoy se encuentran, con las reflexiones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes." * *

[P. 136.]

* * * "La Junta en 21 de Abril, próximo pasado, pasó á la facultativa del Colegio unas muestras de Cinabrio que presentó Don Tomás Ramon del Moral á nombre de Don Andres Castillero, vecino de la Alta California, con una esposicion en que pide se le auxilie para trabajar una mina que ha descubierto en la Mision de Santa Clara, conocida por los antiguos Indios, quienes sacaban de ella el bermellon para pintarse el cuerpo. Hecho el ensaye por el profesor de química, resulta que los metales en comun produjeron la estraordinaria ley de 35½ por ciento, lo que se participó al Gobierno en 5 de Mayo, manifestándole que se habia preguntado al Señor Castillero cuales eran los auxilios que necesitaba de la Junta.

Este Señor presentó su solicitud en forma, y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducida á que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirviesen en los reconocimientos hechos anteriormente, y todos los frascos para azogue que tiene en la Negociacion de Tasco. El Señor Castillero se obligó por su parte á entregar dicha anticipacion en azogue, á razon de cien pesos quintal dentro de seis meses de su salida en el puerto de Mazatlan. Este convenio fué aprobado por el Supremo Gobierno en 20 del mismo; pero á virtud de la declaracion hecha por los Estados Unidos del Norte, cuando iba ya á recibir la libranza sobre Mazatlan, el Ministerio pasó la órden de 19 de Setiembre de este año, mandando suspender todo pago del ramo de azogues, á escepcion de los gastos alimenticios del Colegio y la Oficina." * * *

[P. 146.]

* * * "No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder á la alta confianza con que la honró el Gobierno. Una parte de ellos van especifica-

dos en la presente nota, y las demás se hallan consignados en las memorias, informes, y multitud de comunicaciones que obran en ese Ministerio. Por ahora unicamente se reducirá á asegurar lo que consta de esos documentos, á saber: que el espiritu de empresa se llegó á estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias, y ya tambien por particulares; que en el de San Luis Potosi, el azogue que se estrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del estrangero; que en la Alta California, en el presidio de Santa Rosa, ha llegado á descubrirse un gran criadero, por el Señor Don Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayos practicados en el Colegio de Mineria que la que dan los frutos comunes, sube á un 35½ por ciento, cuando los de la mejor mina que se conoce, que es la de Almaden, no pasa de un 18 por ciento; y en fin, que por todos los datos que se han reunido, se puede esperar, descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ha podido llevarla á cabo, porque se le privó de uno de sus fondos del 1 por ciento de la circulacion de la moneda sin sustituirle otro, porque, del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el Gobierno en los apuros del erario, ha usado de los restantes. El mal se ha agravado, hasta el estremo lamentable de quedarse sin ninguno, por la órden de 10 de Mayo ultimo, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la junta no se detendrá á pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado."

* * * * * * * *

La junta se honru al presentar á V. E. su mas alta consideracion, mas distinguido aprecio, y mas profundo respeto.

Dios y Libertad. México, Noviembre 17, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario,

YSIDRO GONDRA, Oficial Primero.

[TRANSLATIONS.]

# OFFICE OF THE SECRETARY OF THE MINING JUNTA.

A. D. 1846.

No. 168.

*Don Andres Castillero solicits aid for the encouragement of the Quicksilver Mine which he has discovered in the Mission of Santa Clara, in Upper California.*

BUREAU OF FOMENTO QUICKSILVER:—

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the junta some specimens of cinnabar from the mission of Santa Clara, in California, which Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise, has the honor of transmitting to your Excellency said specimens, with the view that the proper assays of the cinnabar should be made in the laboratory of that college, letting the junta know, without delay, the result.

And with this motive the junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God, etc., April 21, 1846.

To his Excellency, General Don José M. Tornel, Director of the National College of Mining.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require; this discovery was made by Colonel Juan B. Alvarado; the rock crystal is a very large hill."

[Copy.] Mexico, April 13, 1846.

J. J. DE HERRERA.

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*Señor Director of the College of Mining, Don Ramon del Moral.*

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of quicksilver; I have discovered a most abundant deposit. With this I send to his Excellency, the President, some ores of cinnabar, and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your Obedient Servant, etc., etc.,

ANDRES CASTILLERO.

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DIRECTION OF THE NATIONAL
COLLEGE OF MINING.

Received the third day of this present May.
V. SEGURA.

Don Tomas Ramon del Moral, President of the Junta of Encouragement of the National College of Mining, in an official communication of the 24th ultimo, says to me as follows:

May 4th, 1846.
Let it be transmitted to the government manifesting that the communication was only received yesterday.

"Excellent Sir:—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of cinnabar discovered in California by Señor Don Andres Castillero, and an other of coal in the bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Castillero, were deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mixture of the different specimens having been taken to make the assay, for there are some so rich that they are pure cinnabar. The junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the effect that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country. And with this motive I repeat to your Excellency the considerations of my esteem and respect."

And I have the honor to transmit it to your honors as the result of your dispatch on the matter.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.

To the President and Members of the Junta
for the Encouragement of Mining, of the
National College of Mining.

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Excellent Sir:—Professor Don Tomas Ramon del Moral, having presented to this junta some specimens of cinnabar from the mission of Santa Clara, in Upper California, which Don Andres Castillero sent him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says to me that which follows:

"Señor, etc., etc., to, on the matter."

The junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets from the beginning with all the protection it deserves, may change completely the aspect of our mining, freeing it from necessity, which it has been until now, of foreign quicksilver. With this motive the junta takes advantage of the opportunity to inform your Excellency that, as on the 24th of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation. The mines of Guadalcazar have proved to date that they have taken out 1,575 quintals from December, 1844, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this mineral was a hundred quintals per month.

The junta, with this motive, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God, etc. May 5, 1846.

To His Excellency the
Minister of Justice.

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No. 573.

Communicates information of the discovery of a deposit of cinnabar in the presidio of Santa Clara, in Upper California. the assays of which have produced the highest ley ever seen, and with this motive communicates the result of the quantity of quicksilver extracted until the end of March in Guadalcazar.

MINISTRY OF JUSTICE AND
PUBLIC INSTRUCTION.

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, his Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the mission of Santa Clara, of Upper California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that college, and that said Señor Castillero has been asked by that junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the junta reports relative to the quantity of quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurances of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.

His Excellency, Don Vicente Segura,
President of the Junta for the Encouragement of Mining.

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JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the Mission of Santa Clara, in Upper California.

Most Excellent Sir:—As this junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith, regarding the assistance which he needs for the new discovey of the quicksilver mine in the mission of Santa Clara, in the Department of Californias. The junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatus of distillation for said mine; although the law authorizing the junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it cannot be doubted that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to undertake his journey to that department, and that which his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of the junta, a sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of *avio* for the encouragement of said mine. It remains, then, to show to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him *pertenencias* to the extent of three thousand varas, which are equivalent to fifteen *pertenencias*, agreeably to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, and to such there is granted in the first article of the sixth title, *three pertenencias, either continuous or interrupted; and if he shall discover other veins, one (pertenencia) in each of them.* He has also in his favor the circumstance that he works it in company with others, to whom there is granted that without prejudice to the right which they may have by the title of discoverers, when they are such, they may denounce four new *pertenencias*, even though they are contiguous and in the same direction; but that which is most worthy of consideration is, that Californias, being a frontier department, and frequently threatened by the emigrants from the United States of the north, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a department so extensive, a greater number of *pertenencias*, which view is corroborated by the reason found at the end of the eighth title, article 1st, which says: "Considering that the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance, and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in a new vein, or without neighbor, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or any other metal, I grant to every miner, without distinction of the discoverers,(who have their reward already assigned to them,) two hundred Castilian varas, called *varas de medir*, measured on a level." Lastly, in the first article, eleventh title, there are expressed these terms: "And because the capital of a single individual may not be sufficient for great undertakings, while that of all the partners may be, I will command that such companies be encouraged, promoted, and protected by all convenient measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them, according to the judgment and discretion of the Royal Tribunal of Mines, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits, as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores, (beneficio,) not having the necessary information on the matter, of which the Supreme Government has abundance, his Excellency, the President, will decide as he may think proper. In this view the junta, in sending up to your Excellency the petition of Señor Castillero, has no hesitation in recommending it very efficaciously on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the republic. The junta has the honor, on this occasion to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

His Excellency, the Minister of Justice
and Public Instruction.

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I, Andres Castillero, resident and miner in the department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the mission of Santa Clara a mine of quicksilver, of *leys* certainly as rich as were ever seen before, not only in the republic, but perhaps in all the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while there have been specimens of the best kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefiting exclusively Mexicans by the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit, and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but as the undertaking does not require that kind of assistance, which would result in advantage to foreigners when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the junta, an *avio*, or some other agreement, if there had been time to be able to furnish the proofs and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements. I am well persuaded that the junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

*First.* The junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

*Second.* On my part, I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The junta will order that there be placed at my disposition, before leaving the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negotiation* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negotiation*, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the junta at cost price, and the flasks which I may select, at two dollars a piece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the junta should wish to take one or more *ac-*

*ciones* in the mine, it shall be left as a part payment of the sum corresponding to one or more *barras*.

*Sixth.* While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.* The junta shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms as those which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings.

*Ninth.* For the compliance of this contract, I pledge the mine itself and all its appurtenances.

The subscriber submits this petition to the deliberation of the junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God, etc. May 12th, 1846.

ANDRES CASTILLERO.

Copy. Mexico, May 12th, 1846.

YSIDRO R. GONDRA.

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MINISTRY OF JUSTICE AND
PUBLIC INSTRUCTION.

Most Excellent Sir:—Having reported to his Excellency, the President *ad interim* of the republic, your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California: his Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the 8th proposition for the grant of lands in that department.

I repeat to your Excellency the assurance of my esteem.
God and Liberty. Mexico, 20th May, 1846.

BECERRA.

To His Excellency, D. Vicente Segura, President of
the Junta for the Encouragement of Mining.

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OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the archives of the same office, in virtue of the decree of 28th June, 1852, do certify that the foregoing twenty-four pages, numbered by me from one to twenty-four inclusive, of transparent paper, are a true and exact copy or tracing of an expediente which exists and forms a part of the archives of this office, entitled "Secretary's Office of the Mining Junta, 1846. Number 168. Don Andres Castillero solicits aid for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California. Bureau of Encouragement Quicksilver."

In testimony whereof, I give these presents, under my hand, this 24th of May, 1858.

MANUEL COUTO, Secretary.

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I, Vicente Segura, Administrator of the Mining Fund, do certify that Don Manuel Couto, whose name appears in the foregoing certificate, is Secretary of this administration, and in charge of the archives of said office of Mineria, to which archives belongs the aforesaid expediente, that said Couto is in the exercise of the office of the Secretary at the date of his certificate, that his signature thereto is true and deserving of full faith and credit.

[L. S.] In testimony whereof, I give this present, under my hand and the seal of this office, in the city of Mexico, this 24th May, 1858.

VICENTE SEGURA.

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[L. S.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and

Commerce, do certify that Don Vicente Segura and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, appertaining to the National College of Mines, which is under the inspection of this ministry. I likewise attest that the archives of said college are in charge of the Secretary, and finally, that the signatures appended to the two foregoing certificates are those used by these gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

[L. S.] In testimony of which I give this present, signed by me, and sealed with the seal of the ministry in Mexico (the 30th April,) 1858. Read 24th May.

P. ALMAZAN.

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No. 72.

[L. S.] J. Miguel Arroyo, honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify that Don Pascual Almazan is at present Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, in said Republic, and that the foregoing signature is his own, and that which he uses in documents authenticated by him.

[L. S.] Mexico, May 26th, 1858.

J. MIGUEL ARROYO.

[Dues 4 dollars]

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Legation of the U. S. of America,
Mexico, May 27th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above-mentioned.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July past, I was present at the office of the Junta de Mineria, when and where there was produced from the archives of said office, an "expediente," with which, on being carefully compared by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy proved to be absolutely alike, and correct in every respect, and without any difference whatever. The undersigned, in like manner, certifies that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said expediente, acknowledged, in the presence of the undersigned, that the communication of the Minister of Justice, dated 20th May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day it bears date.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul, at Mexico, do hereby certify, that on the forenoon of the thirtieth day of July now last past, I was present at the office of the "Junta de Mineria," in this city, when and where there was produced from the archives of said office an "expediente" with which, on being carefully examined by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy was found and proved to be absolutely alike, and correct in every respect, and without any difference whatever; and I do further certify, that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said "expediente," declared in my presence that the communication of the Ministry of Justice, dated 2d May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day of the date thereof.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight. Having put my pen through "d" in the fifth line of this attestation before affixing my signature hereunto.

[L. S.]
F. GLENNIE.
H. B. M.'s Consul.

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MINING JUNTA AND ADMINISTRATION OF MINING.

April 23, 1846. Transmit to the Junta Facultativa of the College, with preference. TORNEL.

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the junta some specimens of cinnabar from the mission of Santa Clara, in Californias, which Señor Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government that it may be pleased to aid so important an enterprise, has the honor of transmitting to your Excellency said specimens, with the view that the proper assay of the cinnabar should be made in the laboratory of that college, letting the junta know, without delay, the result.

And with this motive the junta has the honor to repeat to your Excellency the protestations of its considerations and esteem.

God and Liberty. Mexico, April 21st, 1846.

VICENTE SEGURA, President.

The Secretary being occupied,

YSIDRO R. GONDRA, First Clerk.

To His Excellency, General Don José Maria Tornel,
Director of the National College of Mines.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the 19th and 22d of February of this year that which follows:

"At the distance of five leagues from the mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and, to confirm my truth, I send you some ores which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with great facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ores taken out within one year, with the protection of the Supreme Government, the republic will not need quicksilver from foreign parts.

I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require. This discovery was made by the Colonel, Don Juan B. Alvarado. The rock crystal is a very large hill."

Copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

Copy. Mexico, April 21, 1846.

YSIDRO R. GONDRA, First Clerk.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

*Señor Director of the College of Mining, Don Ramon del Moral.*

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of quicksilver; I have discovered here a most abundant deposit. With this I send to his Excellency, the President, some ores and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your Obedient Servant, etc., etc.,

ANDRES CASTILLERO.

[Copy.] Mexico, April 21, 1846.

YSIDRO R. GONDRA, First Clerk.

Joaquin Velasquez de Leon, Director of the National College of Mines of this Capital, do certify that, in the archives of this College, in my charge and custody, there exists an original communication from Señor Don Vicente Segura, President of the Junta for the Encouragement and Administration of Mining, and copies of two letters accompanying the same, relating to the discovery of a quicksilver mine in California by Don Andres Castillero. I further certify that the foregoing and annexed six pages, numbered by me in red ink from the number 1 to 6 inclusive, are a true and exact copy, or tracing, of said documents, which exist and constitute a part of the archives of this office under my charge.

In testimony whereof, I give this present, under my hand, without official seal, this office not having any.

Mexico, May 24, 1858.

JOAQUIN VELASQUEZ DE LEON.

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[L. S.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce of the Mexican Republic do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this ministry. I likewise attest that the archives of the college are, at the present time, in the charge of said director, and that the signature of Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by my hand, and with the seal of this Ministry, this twenty-fifth day of May, one thousand eight hundred and fifty-eight.

P. ALMAZAN. [L. S.]

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No. 71.

[L. S.] José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic:

Do certify that Don Pascual Almazan is, at this present time, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, and that the foregoing signature is his, and that which he uses in documents authorized by him.

Mexico, May 26, 1858.

[L. S.] J. MIGUEL ARROYO.

[Dues, four dollars.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last, I was present at the College of Mines (Colegio de Mineria) where Don Joaquin Valasquez de Leon, principal or director of said college, produced an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisting at said comparison, Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Don Francisco Valasquez de Leon, and the undersigned, the foregoing copy of said expediente proved to be exact and correct in every respect.

MEXICO, 4th August, 1858. JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the thirtieth day of last July, I was present at the College of Mines in this City, (Colegio de Mineria) where Don Joaquin Valasquez de Leon, director of said college, produced an "expediente," with which, on being carefully examined and compared by John P. Brodie and the Licentiate Emilio Pardo, in the presence of John Forsyth, Esq., Minister of the United States of America, (who assisted at said comparison,) the aforesaid Don Francisco

Valasquez de Leon, and the undersigned, the foregoing copy of said "expediente," proved to be exact and true in every respect.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE,
H. B. M.'s Consul.

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## MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

A. D. 1846.

*The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered, in the Mission of Santa Clara, in Upper California, a deposit of cinnabar, of excellent quality, and accompanies the petition of said person, in which he solicits supplies (avio) for the working of said mine.*

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 573.

Communicates the discovery of a deposit of Cinnabar, made in the Presidio of Santa Clara, Lower California, the assays of which have yielded the highest ley known, and with this motive communicates the result of the quantity of quicksilver extracted untiil the end of March in Guadalcazar.

May 9th, 1846.

Noted, with satisfaction the discovery, and of having asked already of Señor Castillero the kind of resources he requires.

Noted, also, the statement given of the quicksilver extracted by the miners of Guadalcazar.

Most Excellent Sir:—Professor Don Tomas Ramon del Moral having presented to this junta some specimens of cinnabar from the mission of Santa Clara, in Lower California, which Don Andres Castillero sent him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says that which follows: "Señor Don Tomas Ramon del Moral, President of the Junta Facultativa of the National College of Mining, in an official communication of the 24th ult., says to me as follows: 'Most Excellent Sir—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of cinnabar discovered in California by Señor Don

Andres Castillero, and another of coal on the bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Señor Castillero, were deposited some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a *ley* of thirty-five and a half per cent., a mean of the different specimens having been taken to make the assay, for there are some so rich that they are pure cinnabar. The junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the end that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country.'

And with this motive, I repeat to your Excellency the considerations of my esteem and respect. And I have the honor to transmit it to your Excellencies, as the result of your dispatch on the matter."

The junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets, from the beginning, with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity in which it has been until now, of foreign quicksilver. With this motive, the junta takes advantage of the opportunity to inform your Excellency that, as on the twenty-fourth of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved that they have taken out one thousand five hundred and seventy-five quintals, from December, eighteen hundred and forty-four, to the end of March last, which result exceeds the calculation, which, until now, had been made, that the product of this mineral was one hundred quintals per month. The junta, on this occasion, reiterates to your Excellency the assurances of its distinguished consideration and esteem.

God and Liberty. Mexico, May 5, 1846.

VICENTE SEGURA,
President.

The Secretary being occupied,

YSIDRO R. GONDRA,
Chief Clerk.

To His Excellency, the Minister of Justice.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require; this discovery was made by Colonel Don Juan B. Alvarado; the rock crystal is a very large hill."

[Copy.] Mexico, April 13, 1846.

J. J. DE HERRERA.

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*Señor Director of the College of Mining, Don Ramon del Moral:*

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a mine of quicksilver, I have discovered a most abundant deposit. With this I send to his Excellency, the President, some ores of cinnabar, and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your obedient Servant, etc., etc.,

ANDRES CASTILLERO.

[Copies.] Mexico, 5th May, 1846.

YSIDRO R. GONDRA, Chief Clerk.

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Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, his Excellency, the President *ad interim* of the republic, learns with satisfaction that in the mission of Santa Clara, of Upper California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that college, and that said Señor Castillero has been asked by that junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the junta reports relative to the quantity of quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurance of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.

His Excellency, Don Vicente Segura,
President of the Junta for the Encouragement of Mining.

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JUNTA FOR THE ENCOURAGEMENT AND
ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discov-

Most Excellent Sir:—As this junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith, regarding the assistance ered in the Mission of Santa Clara, in Upper California.

May 20, 1846.

Granted in the terms which are proposed, and with respect to the land, let the corresponding order issue to the Minister of Relations, for the proper measures of his office, with the understanding that the Supreme Gov't accedes to the petition.

which he needs for the new discovey of the quicksilver mine in the mission of Santa Clara, in the Department of Californias. The junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, renders it worthy of the greatest consideration. The junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatus of distillation for said mine; although the law authorizing the junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it cannot be doubted that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to undertake his journey to that department, and that which his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of the junta, a sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of *avio* for the encouragement of said mine. It remains, then, to show to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him *pertenencias* to the extent of three thousand varas, which are equivalent to fifteen *pertenencias*, agreeably to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, and to such there is granted in the first article of the sixth title, *three pertenencias, either continuous or interrupted; and if he shall have discovered other veins, one (pertenencia) in each of them.* He has also in his favor the circumstance that he works it in company with others, to whom there is granted that without prejudice to the right which they may have by the title of discoverers, when they are such, they may denounce four new *pertenencias*, even though they are contiguous and in the same direction; but that which is most worthy of consideration is, that Californias, being a frontier department, and frequently threatened by the emigrants from the United States of the north, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a department so extensive, a greater number of *pertenencias*, which view is corroborated by the reason found at the end of the eighth title, article 1st, which says: "Considering that the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance, and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in a new vein, or without neighbors, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or any other metal, I grant to every miner, without distinction of the discoverers,(who have their reward already assigned to them,) two hundred Castilian varas, called *varas de medir*, measured on a level." Lastly, in the first article, eleventh title, there are expressed these terms: "And because the capital of a single individual may not be sufficient for great undertakings, while that of all the partners may be, I will command that such companies be encouraged, promoted, and protected by all convenient measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them, according to the judgment and discretion of the Royal Tribunal of Mines, and without detriment to the public, and my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores, (beneficio,) the junta not having the necessary information on the matter, of which the Supreme Government has abundance, His Excellency, the President, will decide as he may think proper. In this view the junta, in sending up to your Excellency the petition of Señor Castillero, has no hesitation in recommending it very efficaciously, on account of the vital importance of the undertaking, and its incredible influence upon the general good and prosperity of the republic. The junta has the honor, on this occasion, to repeat to your Excellency the assurances of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

VICENTE SEGURA, President.

To His Excellency, the Minister of
Justice and Public Instruction.

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*Stamp Third—Four reales.—For the years eighteen hundred and forty-six and eighteen hundred aud forty-seven.*

I, Andres Castillero, resident and miner in the Department of Upper California, before your Excellency and your Honors, as I best may proceed, say: That, having discovered in the mission of Santa Clara a mine of quicksilver, of *leyes* as rich, certainly, as were ever seen before, not only in the republic, but perhaps in all the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together of all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent., while there have been specimens of the best kind which must produce much greater *leyes*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefiting exclusively Mexicans by the flattering and well-founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit, and complied with all the conditions prescribed by the ordinance; the mine yielding ore, with the notable circumstance that the specimens which I brought and which have been assayed, have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but as the undertaking does not require that kind of assistance, which would result in advantage to foreigners, when it may be entirely national; and I have not for that reason, hesitated to apply to your Excellency and your Honors to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver.

I would have proposed a contract of partnership to the Junta, an "avio," or some other agreement, if there had been time to be able to furnish the proofs and details which would be required for said contracts; but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to our future agreements; I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

*First.*—The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

*Second.*—On my part, I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.*—The Junta will order that there be placed at my disposition before leaving the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negotiation* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retort, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negotiation*, to the amount of one thousand dollars.

*Fourth.*—I will receive the retorts of the Junta at cost price, and the flasks which I may select, at two dollars apiece, agreeably with their valuation.

*Fifth.*—The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as a part payment of the sum corresponding to one or more "barras."

*Sixth.*—While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.*—The Junta shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms as those which I now hold it.

*Eighth.*—It should also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings.

*Ninth.*—For the compliance of this contract, I pledge the mine itself and all its appurtenances.

The subscriber submits this request to the deliberation of the Junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God and Liberty. Mexico, May 12th, 1846.

ANDRES CASTILLERO.

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Most Excellent Sir:—Having reported to his Excellency, the President *ad interim* of the republic, your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California, his Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication has been made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the eighth proposition for the grant of lands in that department.

I repeat to your Excellency, etc.

God, etc. Mexico, May 20, 1846.

To His Excellency, D. Vicente Segura, President of
the Junta for the Encouragement of Mining.

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Excellent Sir:—I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what I copy:

"Excellent Sir:—Having," etc. etc.

And I have the honor to insert it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim* has thought proper to accede, there be granted to him, as a colonist, two square leagues upon the lands of his mining possession, your Excellency will be pleased to issue the orders corresponding.

I repeat, etc. etc.

Date ut supra.

To His Excellency, the Minister of
Exterior Relations and Government.

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OFFICE OF THE SECRETARY OF STATE
AND DISPATCH OF EXTERIOR RELATIONS.

[L. S.] José Miguel Arroyo, Honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify that in the archives of this Ministry, there exists an expediente relating to the discovery of a mine of quicksilver by Don Andres Castillero, in the mission of Santa Clara, in Upper California, entitled "Ministry of Justice and Public Instruction. Year of 1846. The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered, in the Mission of Santa Clara, in Upper California, a deposit of cinnabar, of excellent quality, and transmits the petition of said Castillero, in which he solicits avio (supplies,) for working said mine." I further certify that the foregoing and annexed twenty-four pages, numbered by me, in red ink, from number one to twenty-four, inclusive, on transparent paper, are a true and exact copy or tracing of said expediente, which is composed of official communications, copies, office minutes, or rough draughts, notes, and decrees, which constitute said expediente.

[L. S.] In testimony whereof, I give these presents, under my hand and the official seal of this ministry, the twenty-seventh day of April, one thousand eight hundred and fifty-eight.

J. MIGUEL ARROYO.

[Dues, four dollars.]

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LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this legation, the day and year above written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the republic of Mexico, do hereby certify, that on the afternoon of the 29th July last past, I was present at the office of the Ministry of Foreign Relations, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in the presence of the undersigned, produced from the archives of said office an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by the undersigned and H. B. M.'s Consul, Frederick Glennie, Esq., the foregoing copy proved to be in every respect alike and correct. The undersigned in like manner, certifies that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, acknowledged, in his presence, that the official communication with which the said expediente commences, marked or numbered 573, as also the original petition in said expediente signed by Andres Castillero, the originals of which and the preceding copies he closely examined, are in his own handwriting, and were written by him on the day in which they bear date.

MEXICO, 4th August, 1858. JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-ninth day of July now last past, I was present at the office of the Ministry of Foreign Affairs of the Mexican Republic, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in my presence, produced from the archives of the said office an "expediente," with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by John Forsyth, Esq., Minister of the United States of America to the Mexican Republic, and by the undersigned, the foregoing copy was found to be in every respect alike and correct; and I do further certify, that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, declared, in my presence, that the official communication with which said "expediente" commences, marked or numbered 573, as also the original petition in said "expediente" signed by Andres Castillero, the original of which and the preceding copies he closely examined, are in his own proper handwriting, and were written by him on the day of the date thereof.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE,
H. B. M.'s Consul.

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## MINISTRY OF EXTERIOR RELATIONS, GOVERNMENT AND POLICE.

YEAR OF 1846. INDIFFERENT.

No. 67.

*The Governor of California, on the discovery of a Mine of Quicksilver in that Department, and sends a Sample of said Ingredient.*

*Concession of two Sitios to Señor Castillero, contiguous to the Quicksilver Mine.*

Office of the Department
of Californias.

April 6th, 1846.
Received and noted with satisfaction, and with respect to the other matters contained in the letter, let him inform attentively what he may think fit.

Excellent Sir:—By the accompanying letter of Señor Don Andres Castillero, which I respectfully transmit to your Excellency, original, you will be informed of the important discovery made in this department, of a quicksilver mine. In consequence thereof, I avail myself of the good opportunity to send to your Excellency, by the Commissioner of this government, Don José Maria Covarrubias, the quicksilver which, as a sample, was sent to me by Señor Castillero, and to which he refers in the above-mentioned letter.

With such a motive, I beg your Excellency will be pleased to put this in the superior knowledge of His Excellency, the President, showing him the quicksilver which said mine produces, so that His Excellency may be made aware and satisfied at so happy a discovery.

I repeat anew to your Excellency, the assurances of my consideration and respect.

God and Liberty. Angeles, February 13th, 1846.

PIO PICO.

To His Excellency, the Minister
of Exterior Relations.

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To His Excellency, Governor Pio Pico:

MISSION OF SANTA CLARA,
10th December, 1845.

My Most Esteemed Friend:—I send you a sample of the quicksilver I have taken out in the presence of many witnesses. The mine has been denounced by me, and between a few we have formed a company. I am sure that yourself and the Departmental Junta will appreciate a discovery which will form the riches of the country, and we wish that the vacant lands near to our works be conceded to us, to cut wood, with the order of possession.

There is such an abundance of quicksilver, that eight arrobas of ore gave one of metal; and, in my belief there is much, and a great extraction can be made.

I will also thank you to order that possession be given to me of the Island of Santa Cruz, which was granted to me by the Supreme, at the same time as to the Messrs. Carrillos; the cattle which is to be shipped, is already bought, and Don Anastacio Carrillo can give me the possession.

May you continue in good health, and order your wishes to your friend, who esteems you, and regards your orders.

ANDRES CASTILLERO.

P. S.—My kind regards to my friends Covarrubias and Valle; and to Mr. Hijar, why does he not reply to the three letters I have sent him, giving him also my remembrances.

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Excellent Sir:—His Excellency, the President *ad interim*, has seen with satisfaction by the letter from Señor Castillero which your Excellency sent me with your official communication of the 13th of February, last, the important discovery which has been made, of a mine of quicksilver in that department. His Excellency having seen the sample of that ingredient cited in said letter, and which your Excellency sent me by Don José Maria Covarrubias, I have the honor to say this to you by Supreme order in reply to the said communication, and that with respect to the other matters referred to in Señor Castillero's letter, that government will please report attentively what it may deem convenient.

D., April 6th, 1846.

To His Excellency, the Governor of the
Department of Californias, port of Los Angeles.

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MINISTRY OF JUSTICE AND
PUBLIC INSTRUCTION.

May 23d, 1846.
Issue the orders referred to in this communication.

I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what follows:

"Most Excellent Sir:—Having reported to His Excellency, the President *ad interim*, your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication has been made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the eighth proposition for the grant of lands in that department."

And I have the honor to transcribe it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that there may be granted to him, as a colonist, two square leagues upon the land of his mining possession; your Excellency will be pleased to issue the orders corresponding.

I repeat to your Excellency the assurances of my consideration and esteem.

God and Liberty. Mexico, May 20, 1846.

BECERRA.

To His Excellency, the Minister
of Exterior Relations.

Excellent Sir:—His Excellency, the Minister of Justice, in an official communication of the 20th inst., says to me that which I copy:

"Excellent Sir:—I this day," etc., etc.

And I transcribe it to your Excellency in order that in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two sitios which are mentioned.

D., May 23, 1846.

To His Excellency, the Governor
of the Department of Californias.

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[SEAL.] Felipe Raigosa, Chief Clerk of the Ministry of Government of the Mexican Republic, do certify that in the archives of this ministry there exists an expediente relating to the discovery of a quicksilver mine by Don Andres Castillero, in the mission of Santa Clara, in Upper California, entitled "Ministry of Exterior Relations, Government, and Police. Year 1846. No. 67. Indifferent. The Governor of California, relative to the discovery of a mine of quicksilver in that department, and sends a sample of that ingredient. Concession of two leagues to Señor Castillero, contiguous to the mine of quicksilver." I further certify that the foregoing and annexed ten pages, numbered by me, with red ink, from the number one to ten, on transparent paper, are a true and exact copy or tracing of said expediente, consisting of official communications, letters, office minutes, or rough drafts, notes, and decrees, which constitute said expediente, which I have seen and compared.

[SEAL.] In testimony whereof, I give this present, under my hand and the official seal of this ministry, the 1st day of May, 1858.

FELIPE RAIGOSA.

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[SEAL.] José Miguel Arroyo, Honorary Intendant of the Army, and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify, that Don Felipe Raigosa is, at present, Chief Clerk of the Ministry of Government in said republic, and the foregoing signature is his own, and such as used by him in the documents authorized by him.

Mexico, 1st May, 1858.

[SEAL.] J. MIGUEL ARROYO.

[Dues, 4 dollars.]

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LEGATION OF THE U. S. OF AMERICA,
Mexico, May 8th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above-written.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States of America for the republic of Mexico, do hereby certify, that on the forenoon of the 29th July last past, accompanied by the Consul of H. B. M., Frederick Glennie, Esq., by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, in presence of the undersigned, produced from the archives of said office, an "expediente," on being compared with which, by Messrs. Brodie and Pardo, the foregoing copy proved to be absolutely alike and correct in every respect; the undersigned having assisted at said comparison, which was made scrupulously and carefully in his presence, and in the presence of the other persons above-mentioned.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-ninth day of July now last past, accompanied by John Forsyth, Esq., Minister of the United States of America to the republic of Mexico, by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto, and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, produced, from the archives of said office, an "expediente," with which the foregoing copy was carefully and scrupulously examined and compared by the above-named John P. Brodie and Emilio Pardo, in the presence of the undersigned, (who assisted at said comparison,) and in that of the other persons above-mentioned, and was found and proved to be, in every respect, an exact and true copy of the "expediente" aforesaid.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

[L. S.]

F. GLENNIE.
H. B. M.'s Consul.

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## NOTARY PUBLIC'S OFFICE OF JUAN NAVARRO.

*Certificate, with insertion of certain public instruments executed before the late Notary, Don Nazario Fuentes, in the year* 1846, *by the persons named in the same. Mexico*, 1858.

I, Juan Navarro, National and Public Notary in the city of Mexico, and enrolled in its National College:

Certify and give faith by these presents, that by reason of the decease of the Notary, Nazario Fuentes, the books of protocols of public instruments, which were executed before him, remained in my possession and under my custody and responsibility, the same which I preserve legally in my office. I further certify that among them there exists a protocol book, bound and stitched together, of stamped paper, of the kind used for deeds and other public instruments, for the years eighteen hundred and forty-six, and eighteen hundred and forty-seven, consisting of one hundred and twenty-one leaves, and in which are found the originals of the public instruments executed before the aforesaid deceased Notary, Nazario Fuentes, and the customary instrumental witnesses, which book is entitled: "Year 1846.—Protocol of Public Instruments of the Notary, Nazario Fuentes."

I further certify, that in said book there exists a public instrument, executed before the said Nazario Fuentes, which is in the following words and form:

In the city of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said:—That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the pueblo of San José de Gaudalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Commandant-General, Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Friar José Maria de Refugio Suarez del Real, as perpetual donee of his copartners for four shares (*barras*,) in the aforesaid mine, which document, executed in the mission of Santa Clara the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the archives of the District, certified by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the two mentioned leaves of common paper. That the said Don José Castro, his copartner, for himself and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June, of the current year of one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three *pertenencias* which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization, the said

Presbyter, Don Eugenio Macnamara, in the city of Tepic, the twenty-eighth day of November, of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he represents, reducing the same to a public instrument, executed in the presence of the Notary Public, Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows: — Corrected:

Instrument of Tepic.

In the city of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident in the port of Monterey, as copartner in the mine of quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words:

Power of Attorney.

In the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in the presence of the witnesses hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three *pertenencias*, which, by just title and as discoverers, we possess in the mine of quicksilver, situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of the seventh October, one thousand eight hundred and twenty-three, in the procuring of the great advancement and profit in the working of this class of mines; and the mine which we now possess being first, sole, and most important for its richness which has been discovered in Mexican territory; considering that the government cannot extend to us the assistance to which we are entitled on account of the mine being at such immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, for want of disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous working, which are required for the advancement of this branch of industry unknown in this department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary in law, and convey most authority, and be binding, to the Presbyter, Don Eugenio Macnamara, that, representing my person and my copartners, he may contract with an English company, with exclusion of any other nation, to undertake the working of the three *pertenencias* of said mine for the term of nine years, with the purpose of procuring the supplies, (*avios*,) defraying the necessary expenses, and maintaining the mine in good working order in conformity with the Mining Ordinances; one-half of the products of the three *pertenencias* of the mine to be for the owners, and the other half for the English company; and in case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive the other one-third, in the understanding that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of the said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, I bind myself in full form of law to its fulfillment, and to this effect I subject myself to the judges who may have cognizance of the case. In testimony whereof, I sign this with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day and year above written.—José Castro, David Spence.—Manuel Diaz.—Juan Malarin.—Antonio Maria Osio.

**Continuation of the Instrument of Tepic.**

That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions:

*First.*—Don Alexandro Forbes and his associates undertake the working of the three *pertenencias* embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castillero being necessary, as this contract is beyond the limits for which Macnamara was empowered.

*Second.*—That Señor Forbes and his associates are bound to furnish the necessary supplies, defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinance.

*Third.*—That of the products of the three *pertenencias* which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction of expenses whatever.

*Fourth.*—That at the expiration of the sixteen years of this partnership, the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit.

Being present, Señor Don Alexandro Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the preinserted power of attorney, he said: that they are in entire conformity with the terms in which he has entered into this transaction.

Both parties to this instrument manifested that this contract had been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they be constrained to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata.* So they convenanted and signed, being a witness thereto the citizens Nicholas Figueroa, Manuel Covarrubias, and Luis Villalbaso, present, and residents of this place.

I attest: EUGENIO MACNAMARA.

ALEXANDRO FORBES.

PANFILO SOLIS, Notary Republic.

A true copy of the original, which, in four leaves, of the first and fourth stamps, I certify that I have before me.

The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits, he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, every thing contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its literal contents. From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand anything against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of court.

He cedes in favor of the contractors of supply, (*avio*,) and for the sixteen years of this contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same.

And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre, Don Eugenio Macnamara, given by the copartners of Señor Castro and by the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to.

With which qualifications and conditions aforesaid, Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to him and to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion.

From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces, and transfers them all to the said Señor Forbes, as representative of the English company, to whom, by this present instrument, he grants full power and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do.

He binds himself to the security, certainty, warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law first, title first, book tenth, of the Novisima Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, of this residence, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express orders and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested will be contented and satisfied with the same. The sundry times named, Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And in my presence, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano dela Rosa, and Don Manuel Barron, residents.

I attest: ANDRES CASTILLERO.

FRANCISCO MARTINEZ NEGRETE.

NAZARIO FUENTES, Notary Public.

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I certify and give faith that the official document which is spoken of in the foregoing writing is as follows:

MINISTRY OF EXTERIOR RELATIONS,
GOVERNMENT AND POLICE.

Most Excellent Sir:—His Excellency, the Illustrious Minister of Justice, in an official communication of the 20th inst., says to me that which I copy:

"Excellent Sir:—I to-day say to his Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, that which follows:

'Most Excellent Sir:—Having reported to his Excellency, the President *ad interim* the note of your Excellency of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California: His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the exploration of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that department.'

And I have the honor to inclose it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which his Excellency, the President, *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will be pleased to issue the orders corresponding.

I repeat to your Excellency," etc.

Wherefore I transcribe it to your Excellency in order that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.

God and Liberty. Mexico, May 23, 1846.

CASTILLO LANZAS.

To His Excellency, the Governor
of the Department of Californias.

NAZARIO FUENTES.

I furthermore certify and give faith, that in said book, immediately following the foregoing instrument, there exists another instrument, which is in the following words and form:

Deed of Sale.

In the city of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me the Notary Public and witnesses, being present Señor Don Andres Castillero, Captain of Permanent Cavalry, resident in this city, whose person, being of age, I certify that I know, and he said: That he is owner in fee (propiedad) of twelve shares (barras) in the mine of silver, with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the pueblo of San José de Guadalupe, of the Territory of Upper California, in the second district of Monterey; that, as such owner, by these presents, and in the most solemn form permitted by law, he declares that for himself, and in the name of his heirs and successors, and of those who may represent his rights, he sells in real sale and perpetual alienation, to Señor Don Alexandro Forbes, for himself and his heirs, and those who may represent his rights, five shares (barras) of the twelve which belong to him in fee, in the aforesaid mine of Santa Clara, which he, the declarant, acquired as discoverer, and as such, he transfers to the purchaser the aforesaid five shares, with all their uses, benefits, servitudes, and everything else which actually and legally belongs and appertains to them; for he conveys, renounces, and transfers them all to the said Señor Forbes, or whoever may represent his rights. He declares that the aforesaid five shares are free from all incumbrance, tax, or mortgage, special or general, and as such he assures them for the price and amount of four thousand dollars, which he acknowledges having received in common current silver money, of Mexican coinage, to his entire satisfaction, relative to which he renounces the exception of *non numerata pecunia*, the Law 9, Title 1, Partida 5, with the four years allowed for proof, the same which he considers as past, granting, by these presents, the most firm and efficacious protection which may be conducive to the security of the purchaser. He affirms that the just and lawful price of the said five shares, is the four thousand dollars, which he acknowledges he has received, for they are not worth more, nor has there been any one who would offer him as much; but if their value should be greater, or if the advantage should become very great in time, he makes of all free gift and donation, pure, simple, perfect, and irrevocable, with judicial intervention and renunciation of the Law 2d, Title 1st, Book 10, of the "Novisima Recopilacion," which treats of contracts in which there is lesion in more or less than the half of the just price, fixing four years in which to ask for their rescision or the supplement of the just value, which term he considers as past, and renounces with the law referred to. From this time forth, forever, he dispossesses himself, gives up, and separates himself from all action, ownership, dominion, and *quasi* possession he can have in the said five shares, and he grants, renounces, and conveys them all to the purchasers, or whoever may represent him, that, as owner, he may dispose of them of his free will and pleasure, as of his own property acquired by just and legal title, sufficient and conveying dominion, such being the present writing: taken either by himself or judicially, possession and tenure of the same, he (the vendor) constituting himself in the meantime, his (the purchaser's) tenant, and temporary possession in legal form. He binds himself to the security, certainty, and warranty of this sale, as also that the second article of the contract of partnership executed in the mission of Santa Clara, on the second of November, one thousand eight hundred and forty-five, shall never be an obstacle, for he binds himself to make his partners agree and consent to it, as he, the vendor, has consented and agreed to those which they have made: in the understanding that if he cannot obtain this, or if any suit should be brought against the purchaser, so that at his own expense he should not be able to retain quiet and peaceable possession, he will return to him the four thousand dollars, which he ackowledges he has received, with the proceeds of the twelve shares of which he is owner, paying him all the damages, prejudices, and losses, which he may incur, without other proof than the simple affidavit of the party. And to the fulfillment of this obligation, he hypothecates expressly, specially and signally the aforesaid twelve shares, which he cannot sell, incumber, or in any other manner alienate, without the express consent of the purchaser, who may, in the contrary event, reclaim them even from third or more remote possessors, in order to insure to himself everything which, according to the present writing, may become due to him. And Don Francisco Martinez Negrete, resident and merchant in this city, being present, whose person, being of age, I certify that I know, and being acquainted with the contents of this writing, said that being sufficiently authorized by orders from Don Alexandro Forbes, in the name and in legal form he accepts this present; and for that purpose he gives the authority and bond, *de grato et rato*, of his principal whom he represents, and in his name declares that he is contented and satisfied with the present instrument, binding himself to fulfill whatever in the same appertains to Señor Forbes. And to the fulfillment of all that is above expressed, the vendor binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the judges who, according to law, may and should have cognizance of his causes, that they may compel and constrain him, as by force of a definative sentence, consented to, and become *res judicata:* he renounces his domicil and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And in my presence he so executed and signed with Señor Negrete, being witnesses thereunto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents. I attest. And also, that before signing, the contracting parties added that this sale and every other matter contained in this writing should not have effect until Don Alexandro Forbes shall be in quiet and peaceable possession of the five shares sold; and should he be disturbed by any person, or through any cause, in such event the hypothecation which he makes of the twelve shares stated in the security clause of the present writing, shall take effect; and he repeats, before the same witnesses, the general warranty for the fulfillment of this last warranty; and they signed. I attest. Andres Castillero.=Francisco Martinez Negrete.= Nazario Fuentes.

I certify and give faith, that notwithstanding the relative clause contained in the foregoing writing, the contracting parties desired that I should witness the payment of the four thousand dollars, which was made in my presence, and in the presence of the under-mentioned witnesses, in the house of Don Francisco Martinez Negrete, all which I attest; and in testimony whereof, I make this register, being witnesses his Excellency, Licentiate Don José Antonio Romero and Don Manuel Terrazas, present and residents.

I attest: NAZARIO FUENTES.

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I further certify that the foregoing copies are true, exact, and complete copies of said two instruments in said book, which exists in the archives of my office. And finally, I certify that at the end of said book there is a certificate, put, marked and signed by the aforesaid deceased Nazario Fuentes, in the following words: I certify and give faith that in the present year there have not occurred more instruments than those which appear in the preceding one hundred and twenty-one leaves of this protocol, and in testimony thereof, I make my mark and signature.

NAZARIO FUENTES, N. P.

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And in fulfillment of the order given by the first civil judge of this capital, Señor Don Antonio Madrid, in decree of the 14th of the present month, I issue the present this 20th of April, one thousand eight hundred and fifty-eight, which is written on fifteen leaves, having been witnesses to the making and correcting of said copies, Don Ramon Orta, Don Ignacio Esquibel, and Don Pedro Navarro, residents of this city. I attest.

JUAN NAVARRO, Notary Public.

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The undersigned, First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same—

[L. S.] Do certify that the preceding signature of the Notary, Don Juan Navarro, is the same which said Notary uses and is accustomed to affix with his sign or cross to all documents authorized by him, and to which is given full faith and credit. Mexico, May 1, 1858.

[Dues 4 dollars.] MARIANO ALEGRIA.

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José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic—

No. 55.

[L. S.] Do certify that Don Mariano Alegria is at present First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same, in said republic, and that the preceding signature is his, and that which he uses in the documents which he authorizes.

Mexico, May 1st, 1858.

[L. S.] J. MIGUEL ARROYO.

[Dues 4 dollars.]

Legation of the U. S. of America,
Mexico, May 7th, 1858.

The undersigned, Minister of the United States of America, for the republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the said seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this legation, the day and year above-mentioned.

JOHN FORSYTH.

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I, John Forsyth, Minister of the United States for the republic of Mexico, do hereby certify, that on the forenoon of the 30th July last past, I was present at the office of the "Escribano," or Notary Public, Don Juan Navarro, when and where the said Navarro produced from the archives of his office, a book, formed of sheets of stamped paper stitched together, and consisting (exclusive of the fly leaf in the beginning and the index at the end) of one hundred and twenty leaves, and titled "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie, and the Licentiate Emilio Pardo, examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a correct and true copy, with the exception of two slight omissions, which are certified to by said Notary, Navarro, in his certificate of said date 30th of July, duly legalized and certified to by the undersigned, under this present date.

Mexico, 4th August, 1858. JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the 30th day of July now last past, I was present at the office of the Notary Public, Don Juan Navarro, when and where the said Navarro produced, from the archives of his office, a book, formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly-leaf at the beginning and the index at the end) of one hundred and twenty leaves, entitled, "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of John Forsyth, Esq., Minister of the United States of America to the republic of Mexico, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie and the Licentiate Emilio Pardo examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a true and correct copy, with the exception of two slight omissions, which are attested to by said Notary, Juan Navarro, in his certificate bearing date 30th July aforesaid.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE,
H. B. M.'s Consul.

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The Licentiate Emilio Pardo, for Señor Don Andres Castillero, with protestations of respect, and as may be proper to act, represents to you: That in the month of May last past, there was issued to me a certified copy of certain documents which existed in the protocol of the deceased Don Nazario Fuentes, at present in the charge of the Notary Don Juan Navarro, and which have reference to two contracts respecting a quicksilver mine discovered in 1845, by Señor Castillero, in the territory of Upper California. When I made application for said certified copy, I represented to you that the importance of the property caused that the authenticity of those documents, which prove the legal acquisition of the same, should be actively disputed, and as such disputes will not cease with the exhibition of said certified copies in San Francisco to the American tribunals, I have to request that you will be pleased to order, that, preserving all necessary copies and proofs of said documents, the originas be delivered to me for exhibition in the proof of the suit, which is being prosecuted against the copartners of Don Andres Castillero, in relation to the ownership of the quicksilver mine now called New Almaden, and to which the aforesaid documents refer; and to order further that Señor Don Juan P. Brodie, agent for the parties interested, may inspect personally the above-mentioned protocol, in presence of the Minister of the United States of America, and compare the original with the certified copy, and that you will return me this petition with the decree which may be made to the same.

I request of you to decree in conformity, by which I shall receive benefit and favor.

MEXICO, July 29, 1858. Lic. EMILIO PARDO.

[Presented at eleven o'clock of the morning of this date.]

[Marginal Decree.]

In observance of the express sense of the laws two, title eight, book one, F. R., four and six, title twenty-three, book ten, N. R., and 15, title ten, book eleven of the same, the delivery of the original documents which the parties solicits, cannot be made; and with regard to the comparison in the presence of the agent of parties interested and of the American Minister, let the same be made, confining it to the documents in question, and nothing more. The first civil judge of this capital, Don Antonio Madrid, so decreed and signed.

I attest: MADRID.

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On the same day, being present in the office, the Licentiate, Don Emilio Pardo, he was informed of the foregoing decree, and being made acquainted with the same, answered that he understood it, and the comparison as ordered was proceded with. I sign and attest:

Lic. PARDO. JUAN NAVARRO.

—

I, the undersigned Notary, do certify that, this day, there met together in the office of which I am encharged, his Excellency, the Minister of the United States of America, John Forsyth; the Consul of Her Britannic Majesty, Frederick Glennie; John P. Brodie; and the Licentiate Don Emilio Pardo, whom I attest that I know; and in compliance with the order contained in the preceding decree, of yesterday's date, they proceeded to compare the foregoing copy, issued on the twentieth of April of the present year, with the originals which exist in the respective protocol, and which were presented to the view of said gentlemen; and having made said comparison, it was found that the difference existed of their being wanting, in the copy, the following words, which are in the original, and which are: On the seventh leaf of said copy, eleventh line, there is wanting after the words *Pánfilo Solis*, the following: "*Extracted from its registry, on the day of its execution, in four leaves of the proper paper; I attest, Pánfilo Solis.*" On leaf thirteenth, second page, of said copy, twenty-first line, after the word *adeude*, there are likewise wanting the following: "*The cost of this writing shall be for account of both contracting parties, each one-half.*" Being the only difference which was found after a critical examination and comparison which was made by Messrs. Brodie and Pardo in the presence of his Excellency the Minister and Consul aforesaid.

And that such may appear, and in testimony of the truth, I issue the present in the city of Mexico, the thirtieth of July, one thousand eight hundred and fifty-eight, being witnesses, Don Manuel Velasco and Don Pedro Navarro, residents of this city.

I attest: JUAN NAVARRO, Notary Public.

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[L. S.] The undersigned, First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees—

Do certify, that the signature and sign which precede, are those of the Notary Public, Don Juan Navarro, and the same which he customarily uses in all documents which he authorizes.

MEXICO, August 2, 1858. MARIANO ALEGRIA.

[Dues, $4.]

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[L. S.] José Miguel Arroyo, Honorary Intendent of the Army, and first Chief Clerk of the Ministry of Exterior Relations—

Do certify, that Don Mariano Alegria is First Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees, in the Mexican Republic, and that the foregoing signature is his, which he uses in documents authorized by him.

[Dues, $4.] J. MIGUEL ARROYO.

LEGATION OF THE U. S. OF AMERICA,
Mexico, August 4th, 1858.

The undersigned, Minister of the United States of America for the republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the department of Foreign Relations.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this legation, the day and year above-written.

JOHN FORSYTH.

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*Extracts from the report which Don José Maria Lafragua, Minister of Interior and Exterior Relations, read to Congress on the* 14*th*, 15*th*, *and* 16*th of December*, 1846, *and of the report by Vicente Segura, President of the Junta de Fomento de Mineria, addressed to said Minister on the* 17*th November*, 1846.

[P. 65.]

* * * "In the State of San Luis Potosi, the metals reduced, and the quicksilver extracted, are in proportion; and in Upper California a mine (*criadero*) has been discovered, whose *ley* surpasses that of the best mine known, that of Almaden, which does not produce more than thirteen per cent., while ours, by the assays made in the College of Mining, of this capital, exceeds thirty-five and a half per cent." * *

[P. 66.]

* * * "I recommend the sovereign Congress to direct its attention to this subject, making the production of our quicksilver a truly national enterprise, the importance of which cannot be overrated; either by creating a fund, or dictating other suitable measures." * *

[P. 118.]

Number 52.

"SECRETARY'S OFFICE OF THE JUNTA DE FOMENTO Y ADMINISTRATIVA OF MINING.

Most Excellent Sir: — In compliance with your Excellency's superior order of the 3d inst., directing this Junta to give an account of the matters confided to its care since the epoch of its report in 1845, their present condition, with the object in view, in order to form the *Memoria* which should be presented to the general Congress of the nation, immediately on its installation, the Junta has the honor to submit to your Excellency a simple historical relation of the most important matters with which it has been occupied for the last two years, and their present situation, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties." * * *

[P. 136.]

* * * "The junta on the 21st of April last, sent to the professional Board (*Junta Facultativa*) of the College some specimens of cinnabar which Don Tomas Ramon del Moral presented, in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he had discovered in the mission of Santa Clara, known by the old Indians, who got out of it vermillion to paint their bodies. The assay, made by the Professor of Chemistry, of the ores in common, produced the extraordinary *ley* of thirty five and a half per cent., which was communicated to the government on the 5th of May, representing that Señor Castillero had been asked what assistance he required of the junta.

That Señor presented his petition in due form, and it was very attentively examined by the junta; he made his propositions, to which this (junta) agreed, to wit: that there should then be delivered to him five thousand dollars in money, eight iron retorts, of those which the junta ordered to be made for their former examinations, and all the quicksilver flasks it has in the *negociation* of Tasco. Señor Castillero obligated himself, on his part, to repay said advance in quicksilver, at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreeement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration (of war) made by the United States of the north, when he was going to receive the draft on Mazatlan, the ministry issued the order of September 19th of this year, directing the suspension of all payments of the branch of quicksilver, except the support of the college, and the expenses of the office." * * *

[P. 146.]

* * * "This is not the occasion to present together all the labors of the junta to correspond to the high confidence with which the government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in the office of this ministry. For the present it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the quicksilver mines in the principal departments of the republic are being worked, both by companies and also by individuals; that in the department of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that Upper California, in the presidio of Santa Rosa, there has been discovered by Señor Don Andres Castillero a great mine, the *leys* of which are truly surprising, since the result of the assays made in the College of Mining gives, as the common fruits, over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped, resting on a good foundation, that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

This grand national enterprise the junta has not been able fully to carry out, because it has been deprived of one of its funds of one per cent. of the circulation of money, without substituting any other, and because of the remainder it could only dispose of one-third part, since the government, in the deficiency of the treasury, has used the rest. This evil was increased to the lamentable extremity of leaving it (the junta) without any, by the order of the 10th of May last, which directed the suspension of all the payments which were made by the public treasury. The sad results of such determinations the junta will not stop to detail; they are manifest from what has already been here shown." * * * * *

The junta has the honor to present to your Excellency its highest consideration, most distinguished esteem, and most profound respect.

God and Liberty. Mexico, November 17th, 1846.

VICENTE SEGURA, President.

The Secretary being occupied,

YSIDRO R. GONDRA, First Clerk."

Filed June 17th, 1859. W. H. CHEVERS, Clerk.

## DEPOSITION OF JOSE MARIA DE BASSOCO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, June 1, 1859.

On this day, before the District Court of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came José Maria de Bassoco, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, of counsel for the claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

### QUESTIONS BY MR. PEACHY.

QUESTION 1.—What is your name, age, and place of residence?

ANSWER 1.—My name is José Maria de Bassoco; I am 64 years of age; my residence is in Mexico.

Q. 2.—Where were you born?

A. 2.—In Madrid, in Spain.

Q. 3.—When did you arrive in Mexico?

A. 3.—In 1810.

Q. 4.—Have you resided in Mexico since that time?

A. 4.—I have resided there with some intermissions; I was absent from the country from the latter part of 1828 until February, 1831.

Q. 5.—In what part of the republic of Mexico have you resided?

A. 5.—The place where I generally resided was in the city of Mexico; but as I had some estates in other parts of the country, I was absent from there occasionally; I lived a few months in the city of Durango and also a few months in the city of Tampico.

Q. 6.—What has been your occupation in Mexico?

A. 6.—I came out at first to join my uncle, the Count of

Bassoco. The Count died in 1814, but I remained attending to his estate until 1822. At that time I entered on the business of an agriculturist, ("hacendado") in which I have remained up to this time, with the exception of an interval of the years from 1828 to 1834, during part of which I was traveling in the United States and at Tampico.

Q. 7.—Of what country was the Count of Bassoco a native; and in what occupation was he engaged?

A. 7.—He was born in the province of Biscaya, Spain. He was the owner of real estate in Mexico, and lands in the country. He was largely interested in the public funds there, and had a large interest in the mine called "Beta Grande," in Zacátecas.

Q. 8.—Do you own property in Mexico or elsewhere? If so, please to state its value.

A. 8.—The question is delicate and embarrassing, owing to the present condition of Mexico. I have lands in the country which are assessed at $110,000, but they are incumbered to the amount of $51,000; I have shares in the public debt of Mexico to the amount of eighty odd thousand dollars. I own no property elsewhere than in Mexico.

Q. 9.—What public offices have you held in Mexico?

A. 9.—I was Regidor of the city from the middle of 1820 until the end of 1821; member of the "Tribunal Mercantil," in 1824, and Vocal, or a member of the Junta de Fomento y Administrativa de Mineria, from December, 1842, for six years.

Q. 10.—What was the date of the decree by which the Junta de Fomento was established, and when did it enter upon its duties?

A. 10.—The date of the decree was December 2d, 1842, and it commenced its duties very shortly afterward, but I don't know exactly when.

Q. 11.—Of how many members was the Junta composed?

A. 11.—Of three, excluding the "supplentes" or substitutes.

Q. 12.—How many supplentes were there?

A. 12.—The agent or attorney of the creditors had one; the agent or attorney of the mines had three; the agent or commissioner of the government had not any.

Q. 13.—By whom were the members of the Junta appointed?

A. 13.—The commissioner of the government was appointed by the government; the agent of the miners by the miners, and the agent of the creditors by the creditors of the "Dotal" or Mining Fund.

Q. 14.—State the names of the members of the Junta, when it was organized, and by whom appointed.

A. 14.—1. Don Vicente Segura. 2. Don Xavier Echeverria, who was appointed *ad interim*, because the permanent incumbent was to be appointed afterward. 3. Myself, appointed by the creditors. Segura was appointed by the government, and Echeverria by the miners.

Q. 15.—For what terms did the members of the Junta hold their offices?

A. 15.—For three years.

Q. 16.—How long did Don Vicente Segura continue in office?

A. 16.—He was never removed.

Q. 17.—During what years was he a member?

A. 17.—I stated that he was appointed when the Junta was first established and that he was never removed, and, therefore, he was a member during all the time of the existence of the Junta.

Q. 18.—How many years did Señor Echeverria continue a member of the Junta?

A. 18.—I think he was a member only during a few months.

Q. 19.—By whom was he superseded?

A. 19.—Don José Del Motte was his successor.

Q. 20.—How long did Mr. Del Motte remain in office and by whom was he succeeded?

A. 20.—He remained in office during the time of the first election, from which I infer that he was in office nearly but not quite three years. His successor was Don Juan Maria Flores.

Q. 21.—How long was Mr. Flores in office?

A. 21.—Three years.

Q. 22.—Who were your *supplentes?*

A. 22.—I had two *supplentes* at different times; one was the Licentiate Don Atilano Sanchez, and the other, Don Joachim Rosas.

Q. 23.—Who were the *supplentes* of Echeverria, of Del Motte, and of Flores?

A. 23.—I do not remember them all; nor can I state the terms of office; but I will mention those whom I remember. Don José Del Motte, Don Joachim Rosas, Francisco Lafragua, and Dr. Don Ruis Gordoa Lelo de la Rea, were all I can remember.

Q. 24.—Who was the first President of the Junta?

A. 24.—Don Vicenta Segura.

Q. 25.—In what year?

A. 25.—In 1843.

Q. 26.—Who was the second President?

A. 26.—Del Motte.

Q. 27.—In what year?

A. 27.—In 1844.

Q. 28.—Who the third?

A. 28.—Myself.

Q. 29.—In what year?

A. 29.—In 1845.

Q. 30.—Who was President in 1846?

A. 30.—Don Vicente Segura.

Q. 31.—Who in 1847?

A. 31.—I think it was Don Juan Maria Flores.

Q. 32.—And who in 1848?

A. 32.—I suppose I was, because it was my year in turn.

Q. 33.—Who was Secretary of the Junta at the time of its organization?

A. 33.—Don José Maria Castera.

Q. 34.—How long did he remain Secretary?

A. 34.—I think he was Secretary until 1850.

Q. 35.—Is he living; if not, when did he die?

A. 35.—He is dead; I think he died in 1850.

Q. 36.—Who was *el oficial primero de Secretaria*, at its organization, and how long did he remain in office?

A. 36.—Don Ysidro Rafael Gondra. I cannot state whether he held that office from the organization of the Junta or from a short time after. I cannot state certainly how long he held office, but I can state that in 1849 he still held it.

Q. 37.—Who held that office in 1846?

A. 37.—Gondra.

Q. 38.—Who was *oficial segundo de Secretaria* at its organization, and how long hid he hold his office?

A. 38.—I don't remember.

Q. 39.—Who was the Archivero?

A. 39.—Kirvan.

Q. 40.—When did he enter upon and how long did hold that office?

A. 40.—He was there in the time of the "Establishment of Mineria," which body or corporation, was the predecessor of the Junta de Fomento—and in 1849 he still held that office.

Q. 41.—Do you remember the names of any persons who acted as clerks to the Junta de Fomento.

A. 41.—I do.

Q. 42.—Their names?

A. 42.—Couto, Cauchola, Saavedra, Roman, Garcia, Arana, Elias, Bonilla, Carvajal, and Arguello. I don't remember any others.

Q. 43.—Who was Contador of the Junta?

A. 43.—The first was Hierro. He died. I don't remember if his successor was Gaugoiti or Paredo; Gaugoiti died and I don't remember whether he actually entered upon the office of Contador or not. His successor was Paredo and he held the office for many years and holds it still.

Q. 44.—Can you give the names of any persons who filled the office of "Oficial Primero" of Contaderia?

A. 44.—I think I can. Gaugoiti discharged the duties of that office; it may be Paredo did so also. I don't remember any others.

Q. 45.—Do you remember the names of any persons who filled the office of Treasurer of the Junta?

A. 45.—During the whole time that I belonged to the Junta that office was held by Don Teodoro Castera.

Q. 46.—Who was el Moso de oficio?

A. 46.—Rodriguez.

Q. 47.—Please explain the "Fondo Dotal," of which you have spoken.

[At this point, at the request of the counsel for the United States, and with the assent of the counsel for the claimant, the witnesses in attendance on the part of the claimant were requested to retire, except the one under examination.]

A. 47.—When in 1732 the coining of money was commenced for account of the sovereign, the "real" of señoreage was doubled. What was called the real of señoreage, consisted of a tax of one real per marc on silver of *once dineros*. This tax was doubled, because in addition to the real charged on the silver before it went to the mint, another was charged when it was received at the mint. Then the miners represented to the King or made a statement to him opposing this double tax, and stating that it had no foundation in law, and requesting him to grant to them a part of that additional real, so that by making it a capital of their own they might establish a body of their own similar to that of the merchants; that they might establish a college to teach the branches of knowledge relating to the proper working of the mines, and also attend to the advancement of the body itself. The King fully acceded to their request, and I think it was in 1776 when the tribunal was established. The real in Mexico was composed of twelve grains, two-thirds of it, or eight grains, were appropriated to the establishment of this fund. Additions were made from time to time, to these eight grains, until finally, the whole real was appropriated to the purpose. This is what constitutes the "Real de Mineria," or "El Fondo Dotal del Cuerpo Minero." I think this is sufficient to answer the question.

Q. 48.—After the independence of Mexico, was this real per marc still retained as belonging to the Fondo Dotal?

A. 48.—It was; because by a decree of the 20th May, 1826, the tribunal was abolished and a body called the "Establecimiento de Mineria," to which I have already referred, was created to take charge of this real and of the college, until the debt due by this fund was paid by the accumulation of this fund. The law of the 30th November, 1850, regulating the public credit, was the first which ignored the nature of this fund. Since then it has gone through many vicissitudes which it would take considerable time to explain and which leave it now in a very equivocal condition.

Q. 49.—Please to explain the "Fondo de Azogue."

A. 49.—When in 1842, the decree was made establishing the Junta de Fomento y Administrativa de Mineria, another decree was made creating a National Fund, the administration of which was intrusted to the Junta, to obtain quicksilver upon the best terms that it could be had for the use of the miners. This fund was created by taxes imposed on the importation of cotton goods, and a tax of one per cent. on the money in circulation; afterward the duty on cotton goods was remitted, and in lieu of it a duty of three per cent. was imposed on the importation of certain kinds of merchandise which I do not remember. Afterward another change was made; a specific sum of $130,000 was ordered to be raised, of which sum the customhouse at Vera Cruz was to pay $80,000, and the custom-house at Tampico $50,000. I think this is an answer to the question.

Q. 50.—To what extent was the Mining Fund in debt when you were first appointed "Apoderado" of the creditors of the fund, in the Junta de Fomento.

A. 50.—In 1845 it owed a round sum of $5,000,000; it may have been a little more or less. The interest had been paid regularly, and some payments of principal and interest (which was overdue) had been made; and, therefore, I think that when I entered, in 1842, it mnst have owed something more.

Q. 51.—How often was the Junta de Fomento in the habit of meeting?

A. 51.—It met frequently, almost every day.

Q. 52.—Was any record kept of their proceedings?

A. 52.—These proceedings were written out and called "the actas." The actas were in "cuadernos" or sheets of paper put together in the form of a book and unbound. A "cuaderno" is a number of sheets of paper put together by stitching or by glue, or otherwise, in the form of a book. The minutes of each day's proceedings were called "actas"; these actas were then attached together and formed "cuadernos."

Q. 53.—By whom were these minutes or records of the proceedings made?

A. 53.—By the Secretary.

Q. 54.—Were they revised or corrected by any one?

A. 54.—The Secretary read them over to the Junta, and the members would naturally correct any errors that might be found.

Q. 55.—Were these minutes signed by any one?

A. 55.—The members who attended the session of the Junta signed the "acta."

Q. 56.—How were these minutes signed?

A. 56.—They signed with the rubrica alone.

Q. 57.—When were they read to the Junta?

A. 57.—At the next meeting; they were signed by the members who had been present at the session the proceedings of which were recorded.

Q. 58.—Were these actas preserved in any other form than in the cuadernos of which you have spoken?

A. 58.—As I remember, the cuadernos were borradores or blotters, and a clean copy of them was afterward made in a book kept for that purpose.

[The testimony of the witness as to the manner of keeping these books is objected to, on the ground that the Secretary who kept them is the best witness and ought to be produced.]

Q. 59.—After the cuadernos had been copied into the book of which you have spoken, was the copy signed by any one?

A. 59.—They were both signed; both the cuaderno and the clean copy in the book, in the same way, that is, by the rubrics of the members.

Q. 60.—Examine the document now shown you and say what it is.

A. 60.—This is a traced copy of parts of the borradores of the actas of the Junta. It begins with the proceedings of the session of the 23d April, 1846.

Q. 61.—Did you compare that copy with the original; if so, when, where, and in what manner, was the comparison?

A. 61.—I did; in April of this year; in the office of the Junta; the comparison was made thus: I read this copy while another person read aloud to me the original, and then I read the original while he read the copy to me. I also examined several leaves to see if the tracing was well done, and I satisfied myself that it was very well done.

Q. 62.—State whether from these comparisons you believe this document to be an accurate and exact copy of the original.

A. 62.—I do; I am satisfied of it.

Q. 63.—Do the original borradores of which this document is a copy, contain any signatures?

A. 63.—They have the same signatures as are shown on this copy.

Q. 64.—Are you acquainted with those original signatures?

A. 64.—I am.

Q. 65.—Whose signatures did you find on those borradores?

A. 65.—I found the same signatures as are on this copy.

Q. 66.—Did you examine the signatures on the original borradores of which this document is a copy?

A. 66.—I did.

Q. 67.—Are you acquainted with the persons whose rubrics are found on those original borradores?

A. 67.—I am.

Q. 68.—Are you acquainted with the rubrics of those persons?

A. 68.—I am.

Q. 69.—How did you become acquainted with them?

A. 69.—One is my own; the other two are those of my associates in the Junta.

Q. 70.—Did you ever see Segura, Flores, and Rosas, sign their rubrics?

A. 70.—I have seen them do so often.

Q. 71.—Can you tell from this document, which is the copy of the rubric of Segura, which that of Flores, which that of Rosas, and which that of your own?

A. 71.—I can.

Q. 72.—Do the rubrics of those persons occur in the original as indicated in this copy?

A. 72.—They do; they are exactly similar.

Q. 73.—In what way was it customary to sign the borradores of the actas?

A. 63.—By the rubrics alone.

Q. 74.—Are the rubrics which you found on the original borradors, the genuine rubrics of the persons whose rubrics they purport to be?

A. 74.—They are.

[Document offered in evidence.]

[Objected to on the ground that Mexican archives or records of public acts of the Mexican Government, remaining still in Mexico, are not admissible in evidence in the United States to prove title out of the United States, and that no document purporting to be a copy of such archives or records, can be received in evidence; and, also, on the ground that the document is incomplete in not containing all the proceedings of the Junta within the dates therein mentioned.]

[Admitted in evidence subject to the above objections; and, also, to all other objections to which, on examination, the document may be found liable. Document marked "Exhibit Bassoco No. 1, O. H."]

Q. 75.—Whose rubrics did you find signed to the original borrador of the acta of the Junta of the session of April 23d, 1846?

A. 75.—I found the rubrics of Segura, Flores, and myself.

Q. 76.—Point out on this copy which are the copies of these rubrics respectively.

A. 76.—The first rubric on the reverse of the page marked in red ink, "4," is that of Segura; the second is my own; the third is that of Flores.

Q. 77.—Whose rubrics did you find on the original borrador of the session of the 2d May, 1846? and identify them on this traced copy.

A. 77.—I found the rubrics of the same persons I have mentioned. The first rubric on page 6 of this document is a copy of that of Segura; the second is a copy of my own rubric and the third a copy of that of Flores.

Q. 78.—Answer the same question with respect to the original borrador of the acta of the session of May 4th, 1846.

A. 78.—I answer it in like manner as the preceding. The copies of the rubrics are found on the reverse of page 10 of this traced copy. The first is a copy of the rubric of Segura; the second of that of Bassoco, and the third, of Flores.

Q. 79.—Answer the same question with reference to the borrador of the acta of the session of May 6, 1846.

A. 79.—It has the same three signatures of Segura, Flores, and Bassoco; copies of them are found on page 11 of the traced copy, in the order in which I have last mentioned them.

Q. 80.—Answer the same question with reference to the original borrador of the acta of the session of May 7, 1846.

A. 80.—It has the same signatures; copies of them are found on the reverse of page 13. The first is a copy of Segura's rubric; the second of Bassoco's; the third of that of Flores'.

Q. 81.—Answer the same question with regard to the borrador of the acta of the session of May 9, 1846.

A. 81.—It has the same three signatures; copies are found on the reverse of page 15. The rubrics occur in the same order as is stated in the last answer.

Q. 82.—Answer the same question with reference to the borrador of the acta of the session of May 11, 1846.

A. 82.—It has the same three signatures; they are found on the reverse of page 17 of the traced copy, and in the some order as last mentioned.

Q. 83.—Answer the same question as to the borrador of the acta of the session of May 13, 1846.

A. 83.—It has the signatures of Flores and Bassoco, but not that of Segura; they are found on the reverse of page 19 of the traced copy.

Q. 84.—Answer the same question as to the borrador of the acta of the session of May 14, 1846.

A. 84.—It has the rubrics of Segura, Bassoco, and Flores. Copies are found on page 22 of the traced copy.

Q. 85.—Answer as to the borrador of the acta of May 18, 1846.

A. 85.—It has the rubrics of Segura, Flores, and Bassoco; copies are found on the reverse of page 26 of the copy.

Q. 86.—Answer as to the borrador of the acta of the session of May 22, 1846.

A. 86.—It has the rubrics of Segura and Bassoco; copies are found on page 29 of the traced copy.

Q. 87.—Answer as to the borrador of the session of May 25, 1846.

A. 87.—It contains the signatures of Flores and Rosas; copies are found on the reverse of page 31 of the traced copy.

Q. 88.—Answer the same question with reference to the borradores of the actas of the remaining sessions, copies of which borradores are contained in the traced copy before you.

A. 88.—The original borrador of the acta of the session of May 26, contains the rubrics of Segura, Flores, and Rosas; copies are found on page 32. The borrador of the session of May 27, contains the rubrics of Segura and Rosas; copies are found on page 33 of the traced copy. The borrador of the acta of the session of May 28, 1846, contains the signature of Rosas alone; a copy is found on page 35 of the traced copy. The borrador of the acta of the session of May 29, 1846, bears the rubrics of Flores and Rosas; copies are found on page 37 of the traced copy. The borrador of the acta of the session of May 30, bears the rubric of Rosas alone; a copy is found on the reverse of page 39. The borrador of the acta of the session of September 21, 1846, contains the rubrics of Segura, Bassoco, and Flores; copies are found on page 46 of the traced copy. The borrador of the acta of the session of the 5th November, bears the rubrics of Segura, Bassoco, and Flores; copies are found on page 47 of the traced copy. The borrador of the acta of the session of the 9th November, bears the rubrics of Segura, Bassoco, and Flores; copies are found on page 50 of the traced copy. The borrador of the acta of the session of November 13, 1846, is not rubricated at all; a copy of the borrador is found on page 51 of the traced copy. The borrador of the acta of the session of November 16, 1846, bears the rubrics of Segura and Bassoco; copies are found on page 53 of the traced copy. The borrador of the session of December 5, 1846, bears the rubrics of Segura, Bassoco, and Flores; copies are found on the reverse of page 56 of the traced copy.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 2, 1859.

EXAMINATION OF JOSE MARIA DE BASSOCO RESUMED FROM YESTERDAY.

Present: All the parties.

Examination adjourned until Saturday next, the 4th inst.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 4, 1859.

EXAMINATION RESUMED FROM THE 2D INST.

Present: Mr. Peachy and Mr. Yale, for the claimant; the District Attorney and Mr. Randolph, for the United States.

Q. 89.—You have said that at the succeeding session of the Junta it was customary to sign the borrador of the acta of the preceding session; were the borradors of the actas, the signatures to which you have proved, so signed?

A. 89.—That was the usual and general mode of signing, though there may have been exceptions. Sometimes, by accident or from some other cause, one of the members may have been absent at the next session after the one to which the borrador referred, and would sign it perhaps later than his associates, or at some subsequent session.

Q. 90.—Have you any reason to believe that any of the rubrics to said borradores were signed out of the usual mode, or that for any reason they are not genuine and true?

A. 90.—I have no reason to doubt that they are genuine and true; I believe them to be so.

Q. 91.—Are you acquainted with Manuel Couto, Vicente Segura, P. Almazan and J. Miguel Arroyo; do you know their signatures; do you know what offices they held at the respective dates of their certificates to the traced copy marked "Exhibit, Bassoco, No. 1;" are their signatures thereto genuine?

A. 91.—I am acquainted with all those persons; I know them all well, except Almazan, with whom I am but slightly acquainted; I know the signatures of all of them, except that of Almazan; I have seen it, but could not swear to it. I am well acquainted with Couto's signature, but better with those of Segura and Arroyo. At the date of Couto's certificate, (March 30, 1859,) he was Secretary of the office which administers the Fondo de Mineria; Don Vicente Segura, at the date of his certificate, 30th March, 1859, was Administrador of the same Fondo. At the date of Almazan's certificate, 31st March, 1859, he was Oficial Mayor de Ministerio de Fomento. At the date of Arroyo's certificate, April 1st, 1859, he was Oficial Mayor del Ministerio de Relaciones. I think I am sufficiently acquainted with Couto's signature to be able to state that what purports to be his signature to this certificate, is his genuine signature. The signature of Vicente Segura I know to be genuine; I know it very well. I have seen Almazan's signature, but not often; I take it to be his genuine signature, but am not perfectly convinced of it. The signature of J. Miguel Arroyo, I know to be genuine; I know it very well.

Q. 92.—I find entered in the borrador of the acta of the session of April 23, 1846, the following minute: "The Professor of the college, Don Juan Ramon del Moral, having sent in some specimens of cinnabar from the Presidio of Santo Clara, California, it was resolved that they be transmitted to the Director, with copies of the letters of Señor Castillero, by whom they were sent, that the proper assays may be made." Have you any recollection of the facts therein mentioned?

A. 92.—Yes; I do recollect the matters spoken of therein.

Q. 93.—What do you remember about it?

A. 93.—I remember that Don José Tomas del Moral exhibited to us two letters—one addressed: Don José Joachim de Herrera, who had been President of the Republic, and the other to himself—and some samples of stones of cinnabar, or of cinnabar. I heard my associates often say also, that a small flask of liquid quicksilver was presented at the same time, and I saw it myself afterwards, and was told by Castillero that it had been presented; but as I do not remember myself that it was presented, I cannot state positively that it was. The Junta transmitted the samples of cinnabar to the Director of the College of Mining, so that he might have them assayed.

Q. 94.—In the borrador of the acta of the session of May 4th, 1846, is the following entry: "Seventh.—From his Excellency, the Director of the College, inserting the report of the Junta Facultativa of the same, regarding the result of the assay made of the specimens of cinnabar remitted by Don Andrés Castillero from California. Resolved, That it be transmitted to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for national quicksilver extracted in Guadalcazar." Have you any recollection of the facts therein mentioned? If so, state what you recollect.

[Question objected to, as leading. Question waived.]

Q. 95.—Please state what you remember relative to Castillero's transactions with the Junta de Fomento concerning his discovery of a mine of quicksilver in California; what steps, if any, were taken by the Junta de Fomento in that business, and what, if any, by the government.

A. 95.—I recollect that Don Tomas Ramon del Moral, who was then Professor of the College of Mineria, and who had been Director of that college *ad interim*, some time in the year 1845, he presented himself and showed us (the Junta) an extract from a letter which Castillero had directed to Don Joachim de Herrera, and another to Moral himself. He also showed us some samples from the creadero or mine which Castillero has discovered in Alta California. The Junta sent a dispatch to the Director of the College of Mining, asking him to have them assayed. The Director caused them to be assayed and sent a dispatch to the Junta, informing it that the assay had been made and of its good results. The Junta afterwards sent a dispatch to the Ministry of Justice, informing it of the discovery, and that it had asked Castillero what kind of aid he required. On the 7th of May, if I am not mistaken, Castillero presented himself, and related verbally what he had done in California in regard to the discovery, offering to the Junta that it should take some part in the enterprise of the mine. The Junta said to Castillero that he should present his propositions in writing. Castillero did so; and the Junta transmitted them to the Supreme Government through the Ministry of Justice, the duties of which ministry were discharged by

Senor Becerra, urging and recommending the petition of Señor Castillero. The Junta made an agreement with Señor Castillero, by which it bound itself to give him $5,000, which he was to pay back in quicksilver, at the price of fifty dollars per quintal of one hundred pounds, to be delivered at Mazatlan, if I am not mistaken. The Junta also agreed to sell him the flasks which it had at the mines of Tasco. One of the things for which Castillero petitioned, was the approbation of the possession which had been given him in California, and the concession of two sitios of ganado mayor. The government approved the agreement which had been made between Castillero and the Junta. The Ministry of Justice sent a dispatch to the Ministry of Relaciones, in order that on its part it should decide relative to the concession of two sitios de ganado. The Junta then directed the agreement celebrated with Castillero to be drawn up by a Notary Public, and when matters were in this state, which was in May, 1846, the Minister of Hacienda, who was then Don Francisco Iturbe, by orders which he gave, deprived the Junta of the Fondo de Azogue. The Junta, although it had some assets of this fondo, preferred appropriating them to the payment of some of the professors of the college and employes in the office, whose salaries were paid for account of the Fondo de Azogue, considering those debts necessary to be paid for the support of those persons. The Junta retained the Fondo Dotal de Mineria, but at that time it was not considered a part of the public revenues, and its appropriation indicated by the law was the support of the college, the payment of the expenses of the office, and the payment of interest and principal to the creditors of that fund. The salaries of some of the professors and employes of whom I have spoken, were those which had been increased after the establishment of the Fondo de Azogue. As the fondos were in this situation, the Junta determined not to carry out the agreement it had made with Castillero, and they so informed him, and it remained without effect. This is all that occurs to me in answer to the question, which must be substantially confirmed by the borradores, copies of which I have seen here. I do not refer particularly to these borradores, but to the actas of the Junta generally.

Q. 96.—Do you remember when and where you first saw Andrés Castillero?

A. 96.—I saw him first in the office of Mineria, in May of the year, 1846.

Q. 97.—Do you remember ever to have seen him present at any meeting of the Junta?

A. 97.—The first time I saw him he was present at a session of the Junta, when he verbally informed it of the matters I have stated, relative to the discovery of the mine, and the possession which had been given him.

Q. 98.—You have said that the Junta requested Castillero to present his propositions in writing; do you remember that he did so?

A. 98.—I do; he did present them in writing, and the Junta sent them to the Ministry of Justice.

Q. 99.—State about what time did these transactions take place, if you remember, and by what means you do remember.

A. 99.—The order which the Ministry of Hacienda gave depriving the Junta of the Fondo de Azogue, has been to me a notable event by which I recollect well that the Minister who gave it was Iturbe, and that the time was in May, 1846, and I remember it very well, because that order was the cause that what had been agreed upon with Castillero was undone; and for that reason I remember very well that what took place between Castillero and the Junta occurred at the same time. This order is notable from other circumstances; for the Junta was afterwards blamed for not having profited by these propositions of Castillero. Another circumstance which makes me remember these transactions is, that the Fondo Dotal, of which I was taking care, became charged with certain additional liabilities in consequence of that order.

Q. 100.—What was the date of this order of the Minister of Hacienda, of which you have spoken?

A. 100.—It is not long since I saw the decree, and if I am not mistaken, it was on the 2d May, 1846. But the Junta consulted the government as to whether the payments which were usually made out of the Fondo de Azogue, were included in the prohibition; and the government did not answer until several days afterward.

Q. 101.—Did any matters come under the consideration of the Junta requiring the resolution of that doubt?

A. 101.—There were a great many which required to have two points settled, viz: whether the Fondo itself should be destroyed, or whether payments out of it were forbidden.

Q. 102.—Do you remember any particular applications to the Junta for payments which involved the construction of the order of May 2d? If so, state when and by whom made.

A. 102.—One of the applications for payment, was from the miners of San Luis Potosi, who demanded five dollars per quintal for quicksilver, which was the amount allowed them by law for quicksilver which they had extracted. This was one of the occasions which required the interpretation of the law of May 2d. We did not pay this amount. The application must have been made before; the order for it was pending when that order was made.

Q. 103.—Do you remember any such applications subsequently to the order?

A. 103.—I do not. The contract of Castillero, itself, depended on the construction of this order, because if it had been construed in favor of the Junta, the agreement would have been carried out.

Q. 104.—Do you remember whether any communications passed between the Junta and the Ministry of Hacienda or any other department of government, relative to the construction of this order?

A. 104.—The Junta communicated with the government in relation to it. I presume it was through the Ministry of Justice, which I presume also consulted the Ministry of Hacienda.

Q. 105.—Examine the copy of the borradores of the actas of the Junta, now exhibited to you, and say whether on looking at those minutes you can refresh you memory so as to be able to recollect any other applications which required the construction by the Junta of the order of May 2d, 1846, with reference to azogue, or any communications between the Junta and any department of the government, touching the construction of that order?

A. 105.—I find on the 13th May, $300 was paid on account of the Fondo de Azogue; and on the 14th, I find there were certificates from San Luis, requiring payments of five dollars per quintal on two quantities of quicksilver; one of fifty-three, the other of seventy-eight quintals. In the session of May 28th, there is another demand for the premium on a quantity of quicksilver. On the 25th May, the Junta had not yet received a reply from the government as to the construction of the order, for I see that on that day the Junta ordered the draft on Mazatlan, for $5,000 to be procured for Castillero. On the 28th May I find the reply to the Junta from the Ministry of Justice, giving a construction to the order of May 2d. It is not exactly a construction of the order, but it directs the suspension of all payments for the extraction of quicksilver. The acta refers to the communication from the Minister of Justice, as "of yesterday," which would make its date May 27th. At the session of May 29th, I find an order directing the payment of twenty-five dollars to the notary for what he had done relative to drawing up the agreement with Andres Castillero. At the session of the 21st September, I find there was a communication to the Junta from the Ministry of Relaciones y Gobernacion, inclosing a dispatch from the Minister of Hacienda and acceding to the request of the Junta, and stating that the

Supreme Government had determined that the assets of the Fondo de Azogue should continue to be appropriated to the support of the College, and asking from the Fondo Dotal the sum of $2,500 in the nature of a loan. The remainder of the acta of that day, refers to the subject of that loan. These applications for payment, the Castillero business, and some others, were occasions on which it was necessary to consider the interpretation of that order of May 2d. I remember no particular instance which required a construction of that order, but the question arose in the usual and general business of the Junta. The payments to be made out of the Fondo de Azogue, were for expenses of the college, which had accrued to a considerable amount, for salaries of employes who had been recently employed, the old employes having been paid out of the Fondo Dotal. The premiums on quicksilver due to the miners, an amount due on a contract relating to the quicksilver mine of "La Largea," and the amount to be paid to Castillero.

Q. 106.—You have said you have recently seen a copy of the order of May 2d, 1846. Have you that copy?

A. 106.—I have it before me.

[Copy offered in evidence.]

[Objected, as not duly proved, and as incompetent evidence.]

Q. 107.—Examine the copy of the borradores of the actas of which you have spoken, and state whether you find any memorandum or minute therein, by which you will be able to state more exactly the transactions between Castillero and the Junta, and between him and the government, relating to the matters of which you have spoken in your answer to Question No. 95?

A. 107.—In this answer I will state only what I may have omitted to state in my former answer. The fact that Don Tomas Ramon del Moral had presented to the Junta the samples of quicksilver and letters I have mentioned, I find mentioned in its session of April 23, 1846. The report of the assay to which I have alluded appears in the acta of the session of May 4th. The order of the Junta, transmitting that report to the government, appears in the acta of the same session. The acta of the same session also states that the Junta had informed the government that it had requested Castillero to state what kind of aid he needed. The acta of the session of the 6th May, shows that it was at that session that Castillero appeared in person and made the representations to which I have alluded. At the same session the Junta determined to require him to submit his propositions in writing; at the session of May 14, the Junta received the communication from the Minister of Justice, acknowledging the receipt of the communication of the Junta informing it of Castillero's discovery of the mine. At the session of May 25, the communication dated May 20th, of the Minister of Justice approving Castillero's propositions, which the Junta had sent up to the Supreme Goverment, and stating that it had transferred to the Ministry of Gobernacion Castillero's petition for two sitios as a colonist upon his mining possession. The Junta determines that an agreement should be drawn in due form and that a draft for $5,000 should be procured upon Mazatlan or Guadalajara, to which Mr. Castillero assented. I was not present at this session, but my supplente, Rosas, was. It was also determined by the Junta, that by the mail of Wednesday, the necessary orders should be sent to Tasco requiring all the quicksilver flasks in good condition, stored at that place, to be delivered to the order of Don Tomas Ramon del Moral—which Castillero was to pay for at two dollars each. Don Tomas del Moral was Director of the College of Mining in 1845, in consequence of the absence of Tornel. I remember it because I was President of the Junta in that year, and installed him in his office.

Q. 108.—Is he living?

A. 108.—He is dead; I think he died in 1847.

Q. 109.—Do you remember whether the Junta de Fomento made any report to any department of the government in the year 1846?

A. 109.—I think it was in November of 1846, that the Junta made a report to the Ministry of Relaciones—which had been asked for.

Q. 110.—By whom was it asked for?

A. 110.—The Minister, Don José Maria Lafragua.

Q. 111.—Do you remember seeing or reading that report before it was sent in?

A. 111.—I do; it was read at several sessions of the Junta, with the exception of a report headed "Conclusion." This was drawn by Don Vicente Segura, alone.

Q. 112.—Do you remember that the Junta received an order of the Minister of Relaciones to make a report; when the report was read and by whom sent?

A. 112.—I think all this happened in November, 1846; the time allowed us was very short, only eight days; the time was so short that the report could not have been finished if most of the work had not been done beforehand.

Q. 113.—Look at the borradores of the actas in "Exhibit Bassoco No. 1," and state whether you find any entries which will enable you to give the dates of these transactions.

A. 113.—In looking at the document referred to, I find that the report was called for by a dispatch dated November 3d, 1846; that the reading of the report was began at the session of the 9th November, and was concluded at the session of the 16th of the same month, when it was resolved that it should be transmitted to the Supreme Government. The receipt of this report is acknowledged in a communication from the Ministry of Relaciones dated December 4th, 1846, and received by the Junta on the 5th December.

Q. 114.—Have you ever seen a report made by José Maria Lafragua, Minister of Interior and Exterior Relations, made to the Sovereign Constituent Congress in the year 1846?

A. 114.—I have seen such a report by Mr. Lafragua; it was read by him in 1846; it includes the report of the Junta of which I have been speaking.

Q. 115.—To whom did he read it?

A. 115.—He read it in Congress.

Q. 116.—After that report was printed did you obtain a copy of it, and did you read it?

A. 116.—I did obtain a copy of it, and I read portions of it; I forget whether I bought a copy, or it was given me as a member of the Junta; I have it still in my library in Mexico; I distinctly remember having read it, on account of a conversation I had at the time in regard to it.

Q. 117.—Can you state when you first read the printed report?

A. 117.—I do not remember exactly; no doubt I read it first after it was published; I believe I did, but don't know exactly when it was published.

Q. 118.—Can you say whether it was published before or after you ceased to be a member of the Junta?

A. 118.—I read it long before I ceased to be a member; I think it was in the beginning of 1848.

Q. 119.—Are you sufficiently familiar with that printed report to be able to say whether or not the document now shown you is the same report?

[Question objected to, on the ground that it is not competent to show that the volume now produced is the same as the report read by Lafragua, or as that which the witness now has in his library at Mexico—it not appearing that he has ever compared the two.]

A. 119.—I have not the least doubt that this is a copy of the volume, and is like it in all respects; I think so because I have examined the report of the Junta in this volume, and it is correct in all respects, and also because it is very unlikely that there should be two printed versions of this same report.

Q. 120.—What original report of the Junta do you refer to?

A. 120.—I refer to the original report sent by the Junta to Lafragua, and which was delivered to me by the agents of Lafragua on my departure from Mexico, by order of the Minister of *Relaciones*, Bonilla, on my giving a receipt, binding myself to return it on my return to Mexico.

[All evidence relating to this document objected to, unless it be produced. Volume marked "Exhibit, Bassoco No. 3," offered in evidence. Objected to as not sufficiently proved.]

Q. 121.—Examine the document now shown you, and say what it is and where you procured it.

A. 121.—It is the original "*Memoria*," made by the *Junta de Fomento* to the Minister of *Relaciones*, of which I have already spoken. I procured it from Escalante, the agent of Don José Maria Lafragua, by order of the Minister of *Relaciones*, Bonilla, in the city of Mexico on the 24th April, 1859.

Q. 122.—In whose handwriting is the body of this report, and whose the names and rubrics signed to it?

A. 122.—I cannot state positively in whose handwriting the first part of the document is; I mean that part which precedes the "Conclusion." The part headed "Conclusion," Don Vicente Segura told me was written by his son, to whom he dictated it. The signatures to it are those of Vicente Segura and Ysidro Rafael Gondra, with their respective rubrics.

Q. 123.—Can you state how this report was found in the possession of the agent of Señor Lafragua?

A. 123.—I do not know positively; this paper should have been kept at the Ministry of *Relaciones*, but I presume that Lafragua for his own convenience and to work with greater ease took it to his own house and it remained among his own papers; he was sent as a special minister to Spain and I believe he is now in Paris; he was sent on this mission by Comonfort when his authority was superseded by Zuloaga; Lafragua's commission was withdrawn and he is not now in public employment.

Q. 124.—Is this report the identical document sent in to the Minister of *Relaciones* by the Junta in November, 1846?

A. 124.—I have no doubt of it.

Q. 125.—Before you left Mexico did you show that document to Don Vicente Segura?

A. 125.—I did; it was then that he told me that that portion of it headed "Conclusion," was written by his son.

Q. 126.—Did you have any conversation with Segura as to whether this was the identical report sent by the Junta to the Minister of *Relaciones*; did he identify it as such?

[Question objected to as hearsay.]

A. 126.—We both took it for granted that it was the document; he and I both considered it so; I don't remember that anything was expressly said in relation to its identification—neither of us had any doubt of its being the same document.

[Document offered in evidence, marked "Exhibit, Bassoco No. 4." Objected to, as not admissible in evidence.]

Examination adjourned until Monday next the 6th inst., at 11 o'clock, A. M. W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 6, 1859.

EXAMINATION RESUMED FROM THE 4TH INST.

Q. 128.—Examine the document now before you and say what it is.

A. 128.—It is a traced copy of part of a book in which the actas of the Junta were copied.

Q. 129.—Have you compared this copy with the original actas in the book of actas?

A. 129.—I have.

Q. 130.—When, where, and in what manner was the comparison made?

A. 130.—It was made on the 13th of April of this year, and in the same manner as the borradores were compared.

Q. 131.—Is this copy a complete and exact copy of the original actas as contained in the book of actas therein referred to?

A. 131.—It is a complete and exact copy of those actas.

Q. 132.—State if you know whose rubrics are affixed to the actas of the several sessions in the book of actas, copies of which are found in the document before you.

A. 132.—As this is an exact and accurate traced copy, I can state, by looking, whose rubrics are on the original actas in the book of actas.

Q. 133.—Did you examine the rubrics affixed to the said original actas; do you know said rubrics, and the persons who signed them?

A. 133.—I did examine them; I know the rubrics and the persons who signed them.

Q. 134.—Say whose rubrics are affixed to the actas of the said several sessions.

A. 134.—The rubrics to the session of the 23d April, 1846, are those of Segura, Flores, and myself; the rubrics to the session of May 2d, 1846, are those of Segura, Flores and myself; the rubrics to the session of May 4th, 1846, are those of Segura, Flores, and myself; those to the session of May 6th, 1846, are those of Segura, Flores, and myselt; the rubrics to the session of May 7th, 1846, are those of Segura, Flores, and myself; the rubrics to the session of May 9th, 1846, are those of Segura, Flores, and myself; those of the session of May 11th, 1846, are those of Segura, Flores, and myself; those of the session of May 13th, 1846, are those of Segura, Flores and myself; those of the session of the 14th May, 1846, are those of Segura, Flores, and myself; those of the session of 18th May, 1846, are those of Segura, Flores, and myself; those of the session of the 22d May, 1846, are those of Segura, Flores, and myself; those of the session of May 25th, 1846, are the rubrics of Segura, Flores, and myself; those of the session of May 27th, 1846, are the rubrics of Segura and Flores; the session of the 26th May, 1846, has no rubric; those of the session of May 28th, 1846, are the rubrics of Segura and Flores; those of the 29th May, 1846, are the rubrics of Segura and Flores; those of the 30th May, 1846, are the rubrics of Segura and Flores; those of the 21st September, of the same year, are the rubrics of Segura and Flores; those of the 5th November, 1846, are the rubrics of Segura and Flores; those of the 9th of the same month, are the rubrics of Segura and Flores; those of the 13th of the same month are the rubrics of Segura and Flores; those of the 16th of the same month are the rubrics of Segura and Flores; those of the 5th December, of the same year are those of Segura and Flores.

Q. 135.—Examine the signatures to the certificate affixed to this copy; say if you know the signatures, the person who made them, and the offices they held at the date of the certificates.

A. 135.—The first is the genuine signature of Manuel Couto. He was Secretary of the Junta which administered the *Fŏndo Dotal.* The second is the signature of Vicente Segura, the *Administrador* of the same *Fondo.* I know him personally and his signature. This is his signature. He was the *Administrador* of the *Fondo* at the date of the certificate. The signature which follows is that of Almazan. He was at the date of the certificate *Oficial Mayor del Ministerio de Fomento.* I did not know his signature before seeing it on this document. The next is the signature of J. Miguel Arroyo. I know him personally and his signature. He was at the date of the certificate, *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence. Objected to as inadmissible, because purporting to be copies of originals themselves inadmissible, if produced, because they are incomplete; and the certificates are objected to because they are unsworn *ex parte* statements; because there is no law authorizing the introduction of the certificates of Mexican officials and clerks as evidence in the courts of the United States. Document marked "Exhibit, Bassoco, No. 5."]

Q. 136.—On comparing these copies (Exhibit No. 5,) with the borradores (Exhibit, Bassoco, No 1,) I find that some of the actas of the sessions are signed in the borradores with the rubrics of certain members of the Junta, and that the actas of the same session as they appear in the book of actas are signed by the rubrics of certain other members. Can you explain how this happened?

A. 136.—I have also observed that some of the rubrics which are signed to some of the borradores are omitted in the book of the actas, and here and there in the book of the actas there is a rubric which does not appear in the borradores. I think that there was some delay in transcribing the borradores in the book of actas, and that the members who had assisted at the session were not present to sign and could not conveniently sign the clean copy in the book. These differences are omissions—not changes. I see but one change, which is in the session of May 25th, which in the borrador is signed by my *suplente*, Rosas, while in the copy in the book it is signed by myself. I think that Rosas assisted at the session, and not myself. This mistake I judge arose because on the 25th or 26th May I started for my estate in the country, from which I did not return until about the middle of July, after which date I probably signed a good many actas in the book of actas without having noticed this mistake.

Q. 137.—Examine the certificates affixed to the document now shown you. Do you know the persons who signed them, their signatures, and the offices they held, at the dates of the certificates?

A. 137.—The first certificate is that of Manuel Couto—it is his genuine signature; at the date of the certificate he was Secretary of the *Administracion del Fondo de Mineria*. The second is the genuine signature of Vicente Segura; at the date of the certificate he was *Administrador* of the same *Fondo*. The next certificate is signed by Almazan. I know him by sight, but do not know his signature. The next certificate is signed by J. Miguel Arroyo. He was, at its date, *Oficial Mayor del Ministerio de Relaciones*. The signature is his genuine signature.

[Document offered in evidence. Objected to for same reasons as those stated above and also because there is no proof that any original of this book exists. Document marked "Exhibit, Bassoco, No 6."]

Q. 138 —Examine this document, (Exhibit, Bassoco, No. 7,) and say what it is.

A. 138.—It is a traced copy of the expediente which exists in the office of the *Junta de Mineria*, relating to the affairs of Don Andres Castillero.

Q. 139.—Have you compared this copy with the original; when, where, and in what manner was the comparison made, and is this an exact copy of the original?

A. 139.—I compared it on the 12th April, 1859, in the office of the *Junta de Mineria*, in the same manner as I compared the actas, as heretofore described by me. I found it to be an exact copy.

Q. 140.—Examine the certificates to this copy; do you know the persons whose signatures are attached, their signatures, and the offices they held at those dates?

A. 140.—The first is the genuine signature of Manuel Couto; he held at the date of the certificate the office of *Secretario del Fondo de Mineria*. The second is the genuine signature of Vicente Segura; he held at the date of the certificate the office of *Administrador* of the same *Fondo*. The signature of P. Almazan I do not know; but I know that at the date of the certificate he was *Oficial Mayor del Ministerio de Fomento*. The next is the genuine signature of J. Miguel Arroyo; I know him and his signature. He was at the date of the certificate *Oficial Mayor del Ministerio de Relaciones*.

Q. 141.—Do you know in whose handwriting are the bodies of the originals; by whom are they signed, and do you know the signatures?

[The witness examines the document and proceeds to answer:]

A. 141.—I know all the signatures with the exception of one rubric which I do not know and which is repeated in different parts. I do not think it is a rubric but a mere countersign or mark of the Secretary's office. The signatures are all genuine. As to the handwriting of the body of the document I know some of it of my own knowledge; other parts I know by what has been told me in the office; other parts I do not know at all. The superscription is in the handwriting of the Secretary of the Junta, Don Ysidro Rafael Gondra. I know it because I have often seen him write and because it is very characteristic. What follows on the next is the minute or borrador of the dispatch sent by the Junta to the Director of the College. The handwriting is that of the same Gondra. It has what I have already referred to as the countersign of the office attached to it. The next is in the handwriting of a person whom, I was informed, was called Roman; he was a clerk in the office. I don't remember ever having seen him write. I know his handwriting, having often seen it; it has the name of Herrera to it; I don't know whether it is a traced copy of his signature or not; it also has the countersign of the office. The next document, beginning on page No. 4, is in the same handwriting as the last; it has the same countersign which Couto told me he was in the habit of appending. The next document, on page 5, is signed by Don José Maria Tornel, Director of the College; I do not know the handwriting of the body of it. The first marginal note is written and signed by Segura. The second note is written by Gondra. The next document, on the reverse of page 8, is in the handwriting of the same Don Ysidro Rafael Gondra. The next document, on page 10, is signed by the Minister of Justice, Becerra; I don't know the handwriting of the body of it. The next, beginning on page 11, is in the handwriting of two persons; according to my information it it is in the handwriting of Saavedra and Roman; I do not know their handwriting. The marginal note is in the handwriting of Gondra; the interlineations in the body of the document are also in Gondra's handwriting. The next document, on page 19, is in the writing of the same Roman; the signature to it is that of Gondra. The last document is signed by the same Becerra, but the handwriting of it I do not know. In stating these documents to be in the various handwritings mentioned, I do not, of course, mean that this copy was written or signed by the persons mentioned—I mean that the writing and signatures of the originals are as I have stated. I know it by recognizing the handwriting of the originals as traced in the copy, and also by my inspection and examination of the originals in Mexico.

[Document offered in evidence marked "Exhibit, Bassoco, No. 7." Objected to on the same ground as the last; and also as unnecessarily encumbering the record.]

Q. 142.—Examine the document now shown you, and state what it is.

A. 142.—It is a traced copy of the expediente which exists in the office of the Ministry of Justice on the same subject.

Q. 143.—Please consider this answer, and state whether it does exist in the Ministry of Justice.

A. 143.—It began in that Ministry, but it is kept now and I compared it in the office of the Ministry of *Relaciones*.

Q. 144.—Have you compared this copy with its original; and when, where, and in what manner?

A. 144.—I have compared it with its original on the 15th of April, in the office of the Ministry of *Relaciones;* I made the comparison in the same way as I made all the other comparisons of which I have spoken. It is an exact copy of the original.

Q. 145.—Examine these documents and state in whose handwriting are the originals, whose are the signatures, and your means of knowledge.

A. 145.—The original of writing on page No. 1, I do not know; the next document, copied on page second of the copy, is I think in the handwriting of Couto, but I do not know positively. The first marginal note is in the same handwriting as the body of the instrument. The second marginal note is in a hand which I do not know. The signatures of the original are those of Vicente Segura, and the Secretary, Ysidro R. Gondra. The next document, a copy of which is found on pages 6--8, is the handwriting of Roman, and is signed by Gondra. The next document, copied on page No. 9, is in a handwriting which I do not know; it has no signature. The next copied on pages 10—16, is I think in the handwriting of Saavedra. I have seen him write, but I know his hand more by having seen his writing, and the information I received in the office. The first marginal note is in the same hand as the body. I do not know the handwriting of the second marginal note. The rubric to it is that of Becerra. The next document, copied on pages 17 to the reverse of 22, appears to me to be in the handwriting of Couto. I do not know the signature. The next, copied on pages 23, 24, is in a handwriting which I do not know. I do not know either of the rubrics attached to it. I have called this one document, but it is composed of two minutes. The certificate attached to this copy bears the genuine signature of J. Miguel Arroyo. At its date he was *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence marked "Exhibit, Bassoco, No. 8." Objected to on the same grounds as the last document.]

Q. 146.—Examine the document now shown you, and say what it is.

A. 146.—It is a traced copy of the expediente in the archives of the Ministry of *Gobernacion.*

Q. 147.—Have you compared it with the original; when, where, and in what manner; and is it an exact copy?

A. 147.—I have compared it; I made the comparison on the

14th day of April, 1859; I compared it in the same manner as I have already stated I compared the other documents; I compared it in the office of the Ministry; it is an exact copy.

Q. 148.—Do you know the handwriting and the signatures of the original?

A. 148.—I know none of the handwriting nor the signatures except that of Becerra. His signature is affixed to a dispatch, dated May 20, 1846, addressed to the Minister of *Relaciones y Gobernacion.*

Q. 149.—Are you acquainted with the signatures of J. Y. Anievas and J. Miguel Arroyo, attached to the certificates appended to this document; are they their genuine signatures; and what offices did they hold at the date of the certificates?

A. 149.—I do not know the signature of Anievas, though I have seen it. The signature of Arroyo is genuine. At the date of Anievas' certificate, he was *Oficial Mayor del Ministerio de Gobernacion.* At the date of Arroyo's certificate he was *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence marked "Exhibit, Bassoco, No. 9." Objected to on same grounds as the last.]

Q. 150.—Examine the document now shown you and say what it is.

A. 150.—It is a traced copy of an expediente which exists in the College of Mining relative to the same affair.

Q. 151.—Have you compared it with the original; when, where, and in what manner; is it an exact copy?

A. 151.—I have compared it; I made the comparison on the 14th day of April, 1859, in the College of Mining, and in the same manner as that in which I compared the other documents; it is an exact copy.

Q. 152.—Do you know any of the handwritings or signatures of the original; if so, which?

A. 152.—The writing of the first paper copied in this document appears to me to be that of Couto; it is signed by the President, Segura, and by the Secretary, Gondra. The marginal note is signed by Tornel, and I think written by him. The next document, copied on pages 3 and 4, is in the handwriting I think of Roman; it is signed by Ysidro Rafael Gondra; I say the same with reference to the document immediately following.

Q. 153.—Examine the certificates annexed to this copy; whose are the signatures, and what offices did those persons hold at their dates?

A. 153.—The first is signed by the Director of the College, Don Joaquin Velasquez de Leon; he was Director of the College at its date. The second is signed by Almazan; he was *Oficial Mayor del Ministerio de Fomento.* I do not know his signature; I know he held that office at the date of the certificate. The last certificate is signed by J. Miguel Arroyo; it is his genuine signature; he was *Oficial Mayor del Ministerio de Relaciones*, at the date of the certificates. I cannot state that I know the signature of Velasquez de Leon, but I have no doubt that it is his.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 10." Objected to on same grounds as the last.]

Q. 154.—Examine the document now shown you and say what it is.

A. 154.—It is a traced copy of another expediente which exists in the same college.

Q. 155.—Have you compared it with the originals; if so, when, how, and where; is it an exact copy?

A. 155.—I have; I compared it in the same manner as the other documents, on the 14th day of April, 1859, in the College of Mining; it is an exact copy.

Q. 156.—Are you acquainted with any of the handwritings and signatures of the originals; if so, whose are they?

A. 156.—I only know the signature of Tornel; I do not know the writing of the body of the instrument; the signature of Tornel is appended to the document copied on page 2. The certificate of Arroyo bears his genuine signature; he was *Oficial Mayor de Relaciones* at its date; Velasquez de Leon was the Director of the College at the date of his certificate; and Almazan was *Oficial Mayor del Ministerio de Fomento* at the date of his certificate.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 11." Objected to on same grounds, and also other legal grounds of objection to which the document may be liable.]

Q. 157.—Examine the document now shown you; state what it is.

A. 157.—It is a traced copy of some leaves of a book in the office of the Ministry of Justice.

Q. 158.—Did you compare it with the original; when, where, and how; is it an exact copy?

A. 158.—I compared it with the original in the office of the Minister of Justice, on the 14th day of April, 1859, and in the same manner as I compared the other documents here spoken of; it is an exact copy.

Q. 159.—Do you know any of the handwritings in this document?

A. 159.—I do not know any of them.

Q. 160.—Do you know the signatures to the certificates to this copy?

A. 160.—That of Arroyo is his genuine signature. I do not know that of Alegria; he was *Oficial Primero del Ministerio de Justicia* at the date of the certificate. Arroyo, as I have several times stated, was *Oficial Mayor del Ministerio de Relaciones*, at the date of his certificate.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 12." Objected to on same grounds as the last.]

Q. 161.—In the session of the *Junta de Fomento* of April 21st, 1846, it is noted as follows: "It was resolved that there should be recorded in the minutes as the opinion of Señores Flores and Bassoco, the official letter which was directed to the Supreme Government, which is as follows," etc.; who was the author of that letter?

A. 161.—I was the author of that answer; I dictated it.

Examination adjourned until Wednesday next, the 8th inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 8, 1859.

EXAMINATION RESUMED FROM THE 6TH INST.

Present: Messrs. Peachy, Billings, and Yale, for the claimant; the District Attorney and Mr. Randolph, for the U. S.

QUESTION BY COUNSEL FOR CLAIMANTS.

Q. 162.—Do you know the Professors Blas Balcarcel and Antonio del Castillo?

A. 162.—I have known them for a long time; I believe since 1842.

Q. 163.—Where are they now?

A. 163.—They are here in San Francisco; they came with me from the city of Mexico.

Q. 164.—Are you acquainted with Don Francisco Martinez Negrete?

A. 164.—I know him.

Q. 165.—Where is he?

A. 165.—He came with me from the city of Mexico, and is now in this city.

Q. 166.—Do you know Castillo Lanzas, former Minister of *Relaciones* in Mexico.

A. 166.—I have known him for many years; I believe since 1826, or perhaps before; he is here in San Francisco; he came with me from Mexico.

Q. 167.—Do you know what offices he has held in the republic of Mexico?

A. 169.—I have known him to be Minister of *Relaciones* twice—once during the Presidency of Paredes, and once during the administration of Zuloaga. He was Minister of the republic in England, and in the United States also.

Q. 168.—Do you know Messrs. José Maria Yrissari, Mariano Miranda, Velasco, and Francisco Villalon?

A. 168.—I know them; they are also here in San Francisco; they came with me from Mexico.

Q. 169.—How long have you known them?

A. 169.—Only since we left Mexico; we started together.

Q. 170.—Give a sketch of the policy of the Mexican Government to promote the discovery of quicksilver mines, and the extraction of that metal in the Republic.

A. 170.—Since the time the Mexican Government observed that quicksilver from the Almaden mines in Spain had reached a very high price, knowing that this would have an influence on the silver mines of the republic, it made the greatest efforts to obtain quicksilver at low prices. With this object it created the *Fondo de Azogue* of which I have spoken in this deposition. It authorized the Junta to contract for quicksilver from Spain. It offered rewards for the discovery of quicksilver mines in the republic; it caused the Junta to appoint persons to explore the country for the same purpose, in which explorations considerable expenses were incurred by the *Fondo*, and all without a favorable result, because there was no mine of good "*leys*" discovered in the country, and the propositions which it sent to Spain for the purchase of quicksilver were not so good as those made by Rothschilds. They arrived there after the quicksilver had been sold to the highest bidder, the Rothschilds. Such was the progress of this business up to the time that Castillero made the discovery of a quicksilver mine in California. There exists a report made by me to the Mexican Government in 1845, detailing the steps which had been taken to find quicksilver and the results which had ensued. I can present this report because I have it here.

Q. 171.—Is this the report?

A. 171.—It is.

Q. 172.—To whom was it presented; have you read this copy and do you know it to be a copy of the report made by you?

A. 172.—The report was made to the government, or to the minister with whom the Junta then communicated on such matters. I have read this printed copy and know it to be a copy of that which I made; the report was presented in the form of an appendix to the previous report.

[Document offered in exidence marked "Exhibit, Bassoco, No. 13." Objected to.]

Q. 173.—How was the fact of the discovery of this mine received by the authorities in Mexico?

[Question objected to, because the feelings of the government can only be shown by its official acts.]

A. 173.—The government and the Junta received this intelligence with great pleasure, as quicksilver was the great desideratum of Mexico and no discovery had previously been made which promised so well.

JOSE M. DE BASSOCO.

OGDEN HOFFMAN,
District Judge.

[The above deposition having been read and translated to the witness was subscribed by him with the corrections mentioned in the note attached hereunto, on this 9th June, 1859.]

[Note of corrections made by witness on hearing read and translated his deposition in chief.]

On the deposition being read to the witness he corrects the first part of the answer to question ninety-third, as taken down by the Judge, by substituting the following answer:

"I remember that Don Tomas Ramon del Moral, exhibited to us two letters. One addressed to him by Don José Joachim de Herrera, who had been President of the Republic, in which was stated a part of contents of two letters received by him (Herrera,) from Castillero, and the other a letter addressed by Castillero to Moral himself."

In like manner the witness corrects the answer to Question 95 by substituting one hundred dollars in place of fifty dollars in that part of the answer which states the price per quintal of the quicksilver with which Castillero was to repay the loan of $5,000, by the Junta.

In like manner the witness corrects the same answer by substituting in place of the statement "that the Ministry of Justice sent a dispatch to the Ministry of Relaciones in order that on its part it should "decide" relative to the concession of the two sitios, the following: "The Ministry of Justice sent that dispatch to the Ministry of *Relaciones y Gobernacion*, in order that the matter should be carried into effect *i. e.* that the grant should be made. For the Ministry of Justice had already determined that the grant should be made. It only communicated with the Ministry of *Relaciones* for the purpose of having it done."

In like manner the witness corrects his answer to Question 141 in reference to his knowledge of the handwriting of Roman and Saavedra by adding: "I have seen both of them engaged in writing, but I never observed it particularly while they were doing so; I know their handwriting by having seen it very frequently and being told that it was theirs."

In like manner the witness corrects the answer to Question 170 by stating: "I composed that answer; I did not dictate it."

JOSE M. DE BASSOCO.

Subscribed in open court, this 9th June, 1859, before me.

OGDEN HOFFMAN,
District Judge.

### CROSS-EXAMINATION OF SENOR BASSOCO.

Cross-examined by Mr. Randolph, on the part of the United States.

Q. 174.—Do you not speak English?

A. 174.—I do not; I can translate and understand somewhat, but cannot speak it.

Q. 175.—How long have you been in San Francisco?

A. 175.—Since the 14th May, 1859.

Q. 176.—Where are you staying in San Francisco?

A. 176.—In the house of Messrs. William and Joseph Barron.

Q. 177.—Are you staying there as a guest of the Messrs. Barron?

A. 177.—I am.

Q. 178.—Are any others of the persons mentioned by you as having come from Mexico with you, also staying there as the guests of Messrs. Barron?

A. 178.—Yes, two of them are staying there.

Q. 179.—Which two?

A. 179.—Don Francisco Martinez Negrete, and Don Joaquin Castillo Lanzas.

Q. 180.—By what conveyance did you and your companions come from the coast of Mexico?

A. 180.—We came from San Blas in the steamer "Surprise."

Q. 181.—Did you come at your own cost on that steamer or at that of the Messrs. Barron?

A. 181.—At that of the Messrs. Barron.

Q. 182.—Mention all the persons who came with you on the "Surprise" at the expense of the Messrs. Barron.

A. 182.—I suppose they are the same as those who came here for the purpose of giving their evidence in this case. They are Señores Negrete, Castillo Lanzas, Miranda, Velasco, Yrissari, Villalon, Balcarcel, Castillo the Professor of Mineria.

Q. 183.—Is the Mr. Wm. Barron of whom you have spoken the person now in this room, and one of the members of the New Almaden Company prosecuting this claim?

A. 183.—He is.

Q. 184.—Did not you and the other witnesses also come down from the capital to San Blas at the expense of the same Mr. Barron?

A. 184.—We did.

Q. 185.—When you left the city of Mexico did you obtain any passport?

A. 185.—I did not,—not thinking it necessary, and also because I thought it would be dangerous to take a passport on account of the examination that it might cause to be made of us by the belligerents on the road.

Q. 186.—Is it not customary for persons leaving Mexico for a foreign country to take passports, in order to show their nationality, who and what they are, and that they are the persons they pretend to be?

A. 186.—It is the most usual way, but it always depends on the whim of the parties who are about leaving.

Q. 187.—Did it not occur to you that in this case the government of the United States, against which you were about to testify, would desire to have some official evidence to accredit you as the Señor José Maria de Bassoco, former *vocal* of the *Junta de Mineria*, etc.?

A. 187.—It did not occur to me.

Q. 188.—Was not Mr. Frederick Billings, the gentleman now present, one of the counsel for the New Almaden Company, also one of the party which came down with Mr. Barron, and the witnesses, and arrived here on the "Surprise?"

A. 188.—He was.

Q. 189.—After you have testified in this case how long do you expect to remain in California?

A. 189.—Only so long as is necessary to arrange for my departure and return.

Q. 190.—You are already anxious to return are you not?

A. 190.—I am not very anxious to return, for the present condition of Mexico is not very inviting.

Q. 191.—Still, as you have just said, you will return as soon as you can procure a passage?

A. 191.—I will, unless the news from Mexico should be such as to induce me to remain longer.

Q. 192.—Can you furnish me any references here that you are Señor Bassoco?

A. 192.—I can. In addition to the parties who came with me and Mr. Billings, Mr. Parrott knew me in Mexico, and Don Domingo Danglada also knew me very well in Mexico.

Q. 193.—When you return to Mexico will you return at the expense of Mr. Barron as you came?

A. 193.—It is very probable.

Q. 194.—Have you received or are you to receive any compensation or indemnity for the trouble you have been at in coming from Mexico to testify in this case.

A. 194.—In regard to that I will state: They were urging me for about two months in Mexico to make this trip, and amongst the various objections I had to coming and which those who were urging me to come sought to remove, was this, viz: the loss and injury which my interests there would suffer. To which it was answered that I would be indemnified according to what I should consider to be just. The determination of this indemnity will occur, if at all, only on my return to Mexico.

Q. 195.—Then I understand that the amount of your compensation or indemnity, is to be fixed by yourself when you get back to Mexico?

A. 195.—It is.

Q. 196.—At the time that you left the city of Mexico, who was the American Consul there?

A. 196.—He was named Black, but I believe that his exequatur had been withdrawn.

Q. 197.—By whom?

A. 197.—By the government then in possession of the capital, that of Miramon.

Q. 198.—Who was the American Minister then at the capital?

A. 198.—There was none.

Q. 199.—Where was he understood to be at that time?

A. 199.—At Vera Cruz; I do not know why he went there, but he recognized the Juarez Government.

Q. 200.—At the time then, that you left the capital, the government, the public offices, and the records, were in the hands of persons whom the United States did not recognize and who had just refused to permit the American Consul to exercise his functions among them?

A. 200.—They were; the offices and archives were in possession of the government which withdrew the exequatur.

Q. 201.—All the persons to whose official certificates you have testified to the documents shown you were at the time they made them, officers of this government at the capital of Mexico, which was unrecognized by the government of the United States, were they not?

[Objected to on the ground that it has not been proven that at the time the certificates were made, the government was unrecognized by the United States.]

A. 201.—On the contrary, they were, at that time, officers of a government which was recognized by the United States.

Q. 202.—Who was the last American Minister at the capital of Mexico?

A. 202.—I think it was Mr. Forsyth.

Q. 203.—About what time did he leave the city of Mexico?

A. 202.—If I am not mistaken, he left about the end of last year.

Q. 204.—Do you know of any cause for his leaving which was publicly assigned and talked about at the capital?

A. 204.—I have a very confused idea of the cause; it was owing to certain reclamations or demands that he made.

Q. 205.—Was it not notorious that he withdrew from all intercourse with the government at the capital on account of acts of violence committed by that government on Americans in the country?

A. 205.—I think the cause or the pretext of this step was certain demands or reclamations he made on the government, but I do not know to what subject they referred.

Q. 206.—Do you mean to say that you were living in the city of Mexico during the last year, and do not know that Mr. Forsyth withdrew from intercouse with the government of Zuloaga on account of alleged acts of violence towards American citizens?

A. 206.—I did live there without knowing more than I have stated; I have a very indistinct idea on the subject, but I remember hearing that he was, at first, on good terms with the government because he hoped to purchase a part of the Mexican territory—when he found he could not do so he took umbrage and became dissatisfied with the government.

Q. 207.—Have you any political preferences for either of the parties in Mexico; and if so, for which side?

[Objected to as irrelevant.]

A. 207.—Both parties have injured me, but one more than the other. The Constitutional party have injured me more than the other—I do not mean precisely the government but those who fought under its banners.

Q. 208.—During the time you knew Mr. Frederick Billings in Mexico, and during the two months that you were being urged to come to California to testify in this case, was not the city of Mexico, politically and socially, in a state of the utmost disorder and confusion?

A. 208.—It was in a state of confusion. It was besieged by Degollado's division from the 19th March to April 11th, and was in the condition in which cities are under similar circumstances.

Q. 209.—During the month of April, when you were comparing the copies in the various offices, as you have testified, was there not a very intense feeling of emnity to the government and citizens of the United States prevailing at the capital among the government or church party, as it was called; did you not hear that a state of terror prevailed among the American residents, and that on the retreat of Degollado many Americans were massacred on one pretext or another by the government or church party, and that the Americans were begging protection from the British Minister?

A. 209.—I do not believe that the feeling toward the Americans was different from what it had been before. I do not consider myself competent to state the feeling of any party after Degollado's retreat; twenty-one persons were executed at Tacubaya, but I do not believe there was one American among them.

Q. 210.—Then I am to understand that in April last you knew of no feeling of emnity prevailing among the government or church party, against the government or people of the United States, and that you never heard there were any Americans assassinated, or executed as you call it, at Tacubaya?

A. 210.—I did not know of any general or dominant feeling of that kind. I did not know of any American being executed at Tacubaya—on the contrary, my opinion is they were all Mexicans, and that there was not one American among them. I am now speaking of the time previous to the recognition of the Juarez Government by the United States. I do not know what may have happened since.

Q. 211.—As that was a notable event, perhaps you may remember at what time you heard of that recognition?

A. 211.—I can't speak of the date; I believe I heard of it about the middle of April.

Q. 212.—Why do you say that you cannot answer for the feeling of the goverment after they heard of that event, *i. e.*, after the middle of April?

A. 212.—Because it is very possible that that fact may have embittered the feeling of the government at Mexico, and created a hostile feeling.

Q. 213.—About what time did you make up your mind to come to California to testify?

A. 213.—About the 8th of April, more or less.

Q. 214.—As soon as you had made up your mind to come, you went to work to compare the documents, did you not?

A. 214.—I did.

Q. 215.—On your direct examination you testified, that you procured the original of the report of the Junta, etc., made in the year 1846, from certain private hands, on an order of Bonilla, Minister of Relaciones; have you that order or any copy or duplicate of it?

A. 215.—I have neither one or the other. That order was received by Escalante, the person who had Lafragua's papers, who no doubt still retains it.

Q. 216.—About what was its date?

A. 216.—I do not know; but Escalante delivered the report to me on Easter Sunday, (April 24th.) The order must have been dated previously.

Q. 217.—Did you have it in your hands yourself?

A. 217.—No.

Q. 218.—How then do you know of its existence?

A. 218.—Escalante himself told me of it.

Q. 219.—Did Bonilla say nothing to you about it?

A. 219.—I spoke only to Mr. Billings and Escalante, about it.

Q. 220.—Then you have no knowledge, have you, whether Bonilla ever saw or heard of that document, *i. e.*, the report?

A. 220.—I do not know whether he ever had it in his hands, but he must have known of it, for the order which he gave referred to it and required Escalante to deliver it to me.

Q. 221.—Have you not said that you knew nothing of that order except what Escalante told you; can you swear of your own knowledge, that such an order ever existed?

A. 221.—I think I said that I had spoken of the order only to Mr. Billings and Escalante. I believe I have no knowledge of it except from what Escalante and Billings told me. Of my personal knowledge I cannot swear that such an order ever existed.

Q. 222.—Can you then swear, of your personal knowledge, that Bonilla ever heard of this document, *i. e.*, this original report?

A. 222.—Of my own personal knowledge, I cannot; I am satisfied of it, but I cannot swear to it of my own personal knowledge.

Q. 223.—After saying that you had no personal knowledge of the order, and no personal knowledge whether Bonilla ever saw or heard of that report, you commenced to give reasons why you believe that the order existed and was of the tenor you have stated; state those reasons.

A. 223.—From what Mr. Billings told me, from what Escalante told me, and because Escalante would not have given me that document without an order. I presume that Mr. Billings had mentioned the existence of that document to Bonilla and had asked for an order for it.

[The counsel for the United States moves that "Exhibit, Bassoco, No. 4," be excluded from the deposition of the witness.]

Cross-examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 9, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy, Billings, and Yale, for claimant; and P. Della Torre, U. S. Attorney, and Mr. Randolph, for the United States.

Q. 224.—Show me the passages in this document, (Exhibit, Bassoco, No. 4,) which relate to Castillero and his discovery.

A. 224.—There is a reference to it on page 15, on both sides, and on a page not numbered, but found between pages 23 and 24.

Q. 225.—Do I understand you to say that this report was not signed by the Junta?

A. 225.—I did not say where it was signed, I said it was read and approved in the Junta and that the Conclusion was dictated by Segura and written by his son as he told me.

Q. 226.—Was that part of the report which was read in and approved by the Junta signed, and by whom?

A. 226.—As I understand, that part read in the Junta was not signed; but the actas which stated it to have been read and approved, were signed after the Conclusion had been written by Segura; as I have stated, the whole was signed by him and the Secretary.

Q. 227.—Is there any other signature to this report than that to the twenty pages which you call the Conclusion, and which you say was dictated by Segura and written by his son, and which was not read or approved by the Junta?

A. 227.—The whole report was read to and approved by the Junta, otherwise it would not have been sent to the government as the report of the Junta. There were no signatures except at the end.

Q. 228.—Do you not call this chapter headed "Conclusion," a part of the report, and have you not said that that part was not read and approved by the Junta?

A. 228.—I do consider it a portion of the report. If I did state that that was not read and approved by the Junta, I was mistaken, because the actas of which I have spoken show that the whole report was read to and approved by the Junta, and the report was printed just as it is here. I stated, in order to show that I was particularly acquainted with the matter, that Mr. Segura told me that he had dictated it and that his son had written it.

Q. 229.—How is it that you replied to direct interrogatory No.— as follows: "It (the report) was read at several sessions of the Junta, with the exception of that part of the report headed 'Conclusion.' This was drawn by Don Vicente Segura alone"?

A. 229.—Segura did draw the Conclusion alone, but the actas of the session of November will show that the whole report was read to and approved by the Junta, and Segura as President would not have dared to send in a report without the previous approval of the Junta.

Q. 230.—You have not answered my question; I ask you why you stated circumstantially and explicitly that the first part of the report was read and approved, but that the Conclusion was not; why was it when you were asked if you remembered "seeing or reading" the report before it was sent in, that you did not then think of the explanation you have just given?

A. 230.—If I did state any such thing I was in error; my memory in regard to these matters rests on two things, viz: the contents of the actas, and what Segura told me; it was in order to show my acquaintance with those transactions that I specified what Segura had told me with regard to the writing and dictation of the Conclusion, and I am satisfied that the whole report must have been read to and approved by the Junta for the actas show it, and Segura would not have sent it in without such approval.

Q. 231.—After 1846, when was the next time that you saw these actas to which you refer?

A. 231.—As I was in the Junta until 1849, it was likely that as a member I occasionally saw these actas; after leaving the Junta in 1849, I did not see them until April last, when I made the comparisons.

Q. 232.—When, since 1846, was your attention first specially called to the acta of the session at which this report was read and approved?

A. 232.—I do not believe it was ever specially directed to the acta of that particular session until April of this year, when I compared all the sessions the actas of which have been produced, but my attention was not then particularly directed to this session more than to the rest.

Q. 233.—I understand then that you have no present knowledge of the reading and approval of this report, except what you derive from the statement of Segura of which you have spoken, and the contents of these actas which you have not particularly examined for about thirteen years?

A. 233.—My most firm belief with regard to those matters rests on what I see in the actas over my own rubric and also on what Segura told me recently, in April last; these are not the only bases of my recollection—I also have a recollection with regard to them, but it is a confused recollection, such as the weak memory of an old man of sixty-four would retain of matters which happened in 1846.

Q. 234.—You stated that a printed copy of Lafragua's report was obtained by you soon after it was published; please to state about what time that was, how it came into your possession, and any circumstances you may remember connected with it.

A. 234.—I can't state when I first saw it, but it must have been very soon after its publication, for I remember I felt an interest in it, I wanted to see what kind of a work it was, and whether the author showed any ability in it, whether he was a man of talents, and what his ideas of politics were. I also wished to see our own report. I remember that at the time I had these motives and that at the time I criticised it in a conversation, and stated that it was more valuable for the documents and statistics it contained than for any original merit in the report itself.

Q. 235.—Why did you not bring your copy of your report, which you say you obtained at that time, with you to California, with all the other documents?

A. 235.—I think it was because I was told there was a copy of it here.

Q. 236.—You said you do not remember whether you purchased your copy or whether it was distributed to you; by whom do you suppose it might have been distributed to you at that time?

A. 236.—I think either by the author or the ministry, in case it was distributed.

Q. 237.—What ministry do you refer to, and where was the author at that time?

A. 237.—When the seat of government was at Queretaro, I think the author was there also; he may have been there as a deputy to Congress; when the government returned to Mexico, he probably returned also. The ministry to which I refer was the same which caused the report to be published. When Lafragua read his report to Congress he was Minister of Relaciones and Gobernacion.

Q. 238.—You have not answered my question, it referred to the time when you obtained your copy. Please answer it.

A. 238.—I have said that I do not know exactly when it was published, but that I presume it was published about the year 1848; I infer this from what I see in a note at the end of the memorial.

Q. 239.—I must repeat my question: I ask you where was Lafragua at the time you obtained your copy of the report, and where was the ministry you refer to?

A. 239.—As I do not remember when I received my copy of the report I cannot answer this question.

Q. 240.—Where were you when you obtained it?

A. 240.—In Mexico, at the capital.

Q. 241.—What were you doing there at that time?

A. 241.—At that time I was a member of the Junta, and I had estates at Ixtlahuaca, the same that I now hold.

Q. 242.—What was the Junta doing in those times?

A. 242.—It administered the Fondo de Mineria, the administration of which consisted chiefly in the collection of the *real minero*, furnishing the necessary means for the support of the college and discharging its other duties for the advancement of the mining interests.

Q. 243.—By what authority were you at that time collecting the *real minero*, and by what conveyance (*conducto*) did you receive it?

A. 243.—By the authority of the law; and for its collection the Junta made a contract with the house of Mackintosh, who had agents at all the places where it was collected; and after that house failed, the Junta made a contract for the same purpose with the house of Jecker.

Q. 244.—Under the authority of what government were you then executing that law, and collecting that *real*, and engaged in developing and encouraging the mining interests in Mexico?

A. 244.—I don't know when I received the report, but take it for granted that I received it in 1848. Salas came in in August, 1846. His successor was Santa Anna. The invasion of Mexico terminated the official term of Santa Anna, and I believe his successor was Herrera.

Q. 245.—Is it then your recollection that at the time you obtained your copy of the report of Lafragua, you were in the city of Mexico acting as a member of the Junta which was then engaged in collecting the *real minero* and looking after the general mining interests of Mexico, under the authority of Herrera, then President of Mexico?

A. 245.—It seems to me that when I received my copy of this report, Herrera was President; I think so, but am not positive. I am positive that I was a member of the Junta when I received the report, and that it was collecting the *real minero*.

Q. 246.—Do you still mean to say that you received your copy a short time after it was printed?

A. 246.—That is my belief; I presume I obtained a copy of it very soon after it was published.

Q. 247.—Where did Herrera reside during his presidency; where was his government?

A. 247.—I don't know whether his government commenced in Queretaro; it ended in Mexico.

Q. 248.—Have you an idea at all that in the beginning of 1848, Herrera was in the capital acting as President?

A. 248.—I think the contrary, for the American army evacuated the capital about the middle of 1848, and Herrera could not have been President in the capital during its occupation, so that if he was President in the beginning of 1848, he must have been at Queretaro.

Q. 249.—Do you wish me to believe that whilst the American army occupied the capital the Junta was permitted to collect the *real minero*, or any other revenue, or to go on encouraging the mining interests of Mexico, and that Mexican ministers distributed copies of their reports among the various officials of the capital?

A. 249.—I can reply to this question very satisfactorily, for I well remember that when the American army approached the capital the Junta sent one of its members out of the capital to have an understanding with the collectors and to collect the *real minero*. I was the person who was charged with this, and I started for my estate June 30th, 1847. As soon as the American army took possession of the city of Mexico, I went to Morelia. By that time the Junta had sent dispatches to all the collectors to make their settlements with me. From Morelia I went to Queretaro; from there to Guanajuato to get the Governor of that State to revoke an order he had made appropriating the *real minero*, and from thence I returned to Queretaro, thence to Morelia, and Mexico, and the Junta passed a vote of thanks to me for having, under such circumstances, fully collected without loss the *real minero*, by means of the drafts I sent them and which were paid by the house of Mackintosh. The American General not interfering (or mingling) with the matter—no doubt because he considered the *real minero* no part of the public revenue. This I suppose to have been his reason. I was the only member of the Junta who left during the American occupation, the other two members remained and continued without interruption in the general exercise of their duties as usual.

Q. 250.—In one word, you mean that the Americans permitted that branch of the Mexican Government which related to mining to go on as before?

A. 250.—I do; for at that time the Mexican Government had not appropriated the *Fondo de Mineria* as a part of the national revenues.

Q. 251.—When you made your excursion, down to what date did you collect the *real minero?*

A. 251.—I suppose up to about the end of 1847.

Q. 252.—When you were in Queretaro on that occasion, whom did you find there acting as President?

A. 252.—I think it was Peña y Peña.

Q. 253.—Was it before you left the city that you obtained your copy of Lafragua's report, or after your return; if after your return, how long?

A. 253.—It was after my return; but how long after, I cannot say.

Q. 254.—Do you know whether Peña y Peña, or Herrera, was President in the beginning of 1848?

A. 254.—I don't remember; Gen. Anaya was President *ad interim* at Queretaro. I now think that Peña y Peña was President in the beginning of 1848.

Q. 255.—Then it must have been under the government of Peña y Peña that the report of Lafragua was printed, and it must have been his minister who distributed it.

A. 255.—[The witness, on being shown the date on the printed volume, December, 1847, replies:] I believe that it must have been printed when Peña y Peña was President; and that if it was distributed, that it was probably distributed by the minister of Peña y Peña.

Q. 256.—Is Peña y Peña alive now; if so, where is he?

A. 256.—No, he died long ago.

Q. 257.—Who was his Minister of Relaciones at the time the report was printed and probably distributed?

A. 257.—All I can say with regard to that is, that in December, the minister with whom the Junta communicated was Don Luis de la Rosa. He died in Mexico.

Q. 258.—Do you recollect any one else who was in the ministry at that time?

A. 258.—I do not.

Q. 259.—Do you know how much it would have cost to print that book in Mexico at that time.

A. 259.—I am not conversant with matters of that kind; it would have cost more if done for the government than if done for individuals.

Q. 260.—How much do you think it would have cost the Junta to print one thousand copies?

A. 260.—It might have cost $8,000; but this is a mere guess.

Q. 261.—Do you form this opinion from what it cost the Junta to have printing done?

A. 261.—I base this opinion on an indistinct idea I have of the cost of printing some *cuadernos* of the Junta and other bodies.

Examination adjourned until Monday next, the 13th inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 11th, 1859.

CROSS-EXAMINATION RESUMED FROM THE 9TH INST.

Present: Messrs. Peachy and Yale, for the claimant; and the U. S. Attorney and Mr. Randolph, for the U. S.

The interpreter being absent, the cross-examination adjourned until Wednesday next, the 15th instant, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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WEDNESDAY, June 15th, 1859.

Present: Messrs. Peachy and Yale, for the claimants; and Mr. Randolph, for the United States.

Examination adjourned until Friday next, the 17th instant, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

FRIDAY, June 17th, 1859.

Present: Messrs. Peachy, Yale and Billings, for the claimants; Mr. Randolph and P. Della Torre, U. S. Attorney, for the United States.

Q. 263.—Are you able this morning to fix more precisely the time when you obtained a copy of Lafragua's report?

A. 263.—I can state nothing further than what I stated the other day.

Q. 264.—After the Mexican Government and army abandoned the city of Mexico to the Americans, about the middle of September, 1847, did not Peña y Peña, as Chief Justice of the Supreme Court, assume the office of President at Queretaro?

A. 264.—Since answering with regard to this the other day, I have refreshed my memory; I can now state that I remember well that Peña y Peña, as Chief Justice of the Supreme Court, became President of the Republic.

Q. 265.—Was he not succeeded in that office by Anaya, say about November, 1847?

A. 265.—He was not exactly his successor; there was a kind of interregnum during the presidency of Peña y Peña, during which Anaya was appointed President.

Q. 266.—Did not Peña y Peña resume the presidency in the month of January, 1848, and hold until after the peace was made?

A. 266.—I can't say exactly at what time he resumed the presidency, but I know he did so, as I remember he retained the office until the ratification of the treaty of peace.

Q. 267.—After that, was not Herrera elected President?

A. 267.—He was.

Q. 268.—Now, under which of these Presidents was it that you received your copy of the report?

A. 268.—It is impossible for me to state the relations of two facts to each other in point of time when I am ignorant of the date of one; I have already said that I did not know when I received my copy of that report.

Q. 269.—Have you not said that you received it a short time after it was printed, which by the note at the end of the volume appears to have been December, 1847; knowing then that it was a short time after December, 1847, can't you say who was President?

A. 269.—I believe I have stated that I must have received my copy as soon as it was published; but I have never stated precisely the date of its publication, but I believe I stated that it must have been published in 1848.

Q. 270.—You have said "I presume it was published in 1848, I infer this from a note at the end of the volume." Now, according to all the light, information, and grounds of influence you possess, who was President at the date of its publication?

A. 270.—I can deduce, argumentatively, that the *memoria* was published in 1848; and if so, and if during that year the office of President was held by Peña y Peña and Herrera, respectively, the publication must have been made when one or the other was President.

Q. 271.—Can you not say under which; whether it was in the first half or the last half of 1848?

A. 271.—I think this question is already answered; I have already said that I cannot state; I have stated from the beginning what my inferences were and that I did not remember when I received it.

Q. 272.—You were able to remember, quite precisely, that you were in Mexico, at the capital, engaged in your duties as member of the Junta when you received it. How is it that you do not remember who was President, or whether it was at the beginning or end of the year 1848?

A. 272.—I remember one because I remember that I did not receive it out of Mexico and therefore must have received it in the capital. I make this out by a negative induction; whereas with regard to the other, a positive recollection would be necessary as to who was President at the time.

Q. 273.—Have you then any positive recollection, or any ground of positive induction, fixing the time when you received the copy of this report; if so, what is it?

A. 273.—I have already stated why I infer that I received it as soon as it was published and after my return to Mexico; but I have no data that will enable me to remember when I received it.

Q. 274.—Can you swear positively that you did not receive it as late as the year 1849?

A. 274.—I remember no data at present which enables me to swear to that; but I can state that I left the Junta in the early part of 1849, and I am willing to swear that I received it before that.

Q. 275.—Is this negative or positive recollection; do you base it on any particular fact; if so, what?

A. 275.—My recollection is based solely on conversations which I had touching that report before I left the Junta.

Q. 276.—Might they not have occurred after you left the Junta; if not, why not?

A. 276.—It is possible, but I consider it very improbable;

and I believe that that report came into my possession on account of my being a member of the Junta.

Q. 277.—Then you must believe that you received it from some public officer?

A. 277.—I cannot state precisely the means by which it reached me, but I probably would not have received it when I did had I not been a member of the Junta, because I believe I received it as soon as it was published.

Q. 278.—If the date at the end of the report, showing it to have been printed in December, 1847, is not false, who was the Minister under whose charge the printing must have been executed?

A. 278.—I have no reason to believe it to be false, as I remember there were but two ministers at that time; Don Luis de la Rosa, whom I remember well, was Minister at that time; I am almost positive that there was a Minister of War, at that time; Mr. De la Rosa had charge of several ministries at that time, and it was with him that the Junta communicated.

Q. 279.—Do you not remember that he held the Ministry of Relations at that time, the same office that Lafragua had?

A. 279.—I do not remember.

Q. 280.—You have said there were but two ministers, one of whom was the Minister of War, and as Rosa did not hold that Ministry, must he not have been Minister of Relations?

A. 280.—I stated that there were but two ministers who discharged all the duties of the several ministries, and that there was a Minister of War; I am inclined to believe that Rosa then discharged the duties of Minister of Relations.

Q. 281.—If Lafragua's report was printed at Queretaro in December, 1847, then it must have been printed under Rosa's administration, must it not?

A. 281.—No doubt, if it was printed at Queretaro in December, 1847, it must have been during the administration of Rosa.

Q. 282.—Such being the case, and Rosa being the Minister with whom the Junta then communicated, then you should have received your copy from him, if you received it from any Minister at all, a short time after it was printed?

A. 282.—I have stated from the beginning, that I don't remember, precisely, when, or how, or through whom, the report came into my possession. I have given certain data by inference. I have stated that it came into my possession after my return to Mexico, and I believed, because I was a member of the Junta, but I have never ventured to say, positively, the exact time nor the means by which it reached me.

[The last question is repeated to the witness.]

A.—No doubt, if the facts supposed by the question are true, Rosa must have been the Minister. But of all the premises which the question assumes, there are but two derived from what I have stated, viz: that Rosa was the Minister with whom the Junta communicated, and that I believed I received the report shortly after it was published.

Q. 283.—Are you not mistaken in saying these are the only premises; have you not said that you know of no reason to suspect the date at the end of the report to be false but that, on the contrary, you suppose it to be true?

A. 283.—I have said that I had no reason to suppose the date to be false. I believe that I also stated that I supposed it to have been published in 1848, because the note and the date on the title-page show that it was printed in 1847, and that I supposed that the publication was shortly after the printing.

Q. 284.—Have you or have you not, any positive recollection that you received your copy of Lafragua's report from Rosa or any other Minister?

A. 284.—No.

Q. 285.—Do you know of Rosa or any other Minister distributing copies of this report to any official of the Mexican Government?

A. 285.—I have no positive recollection on the point, but I believe they must have distributed it, as it was the custom.

Q. 286.—If you bought your copy where did you buy it?

A. 286.—I stated it as possible, but not probable, that I may have bought it; but if I did buy it it must have been at the office where it was printed or some other place in Mexico where it was sold; but most probably at the place where it was printed.

Q. 287.—What "imprenta," or printing office do you refer to? describe its location.

A. 287.—I refer to the "imprenta" of Vicente Garcia Torres, situated at the ex-convent of the Espirito Santo in the street of the same name, in the city of Mexico. I state this from seeing the imprimatur on the title-page of the volume before me.

Q. 288.—If you purchased your copy at that printing office, then the note at the end which says it was printed at Queretaro is false, is it not?

A. 288.—I do not think the note states it to have been printed at Queretaro. The title-page shows it to have been printed at Mexico; it may have been printed at Mexico and published at Queretaro.

Q. 289.—Then you say, distinctly, that you see no contradiction between that note and the possibility of the printing having been executed at the city of Mexico and of your having bought your copy at the printing office there?

A. 289.—I find no such contradiction.

Q. 290.—Were copies of this *memoria* generally sold in Mexico a short time after the date of that note?

A. 290.—I do not know; I don't remember.

Q. 291 —On what account and for what purpose was it possible that such a document should have been sold in Mexico at that time?

A. 292.—One of the objects which authors generally have is to make their works known; and for such purpose, Mexico would be a better field than Queretaro.

Q. 292.—Do you mean that a short time after the date of that note, and when the American army were in possession of the capital, Lafragua might by possibility have caused this report to be sold, from the motives you have assigned?

A. 292.—I see but one reason which might have prevented him from having done so. That is, if it had contained anything offensive to Americans which would have rendered its publication dangerous while they remained there. I do not now remember if there is anything of that kind in the report.

Q. 293.—You have stated in the beginning that you thought you obtained the report in one of two ways, viz: by purchase or distribution; and you have said that it was possible, you did not think it probable, that you purchased it. Do you now incline to the belief that you got it by distribution?

A. 293.—I think it most probable that I did not obtain it by purchase, but in some other mode. I may have received it as a present. This is, however, a mere conjecture, I am very uncertain about it.

Q. 294.—After the 14th September, 1847, when Peña y Peña, a portion of the Congress, and some remnants of the army, reached Queretaro, was not the whole government of Mexico virtually dissolved for a time?

A. 294.—After Santa Anna abandoned the capital, Peña y Peña, as Chief Justice, assumed the presidency at Toluca. I do not remember what interval occurred between those events, but during that interval there was no government.

Q. 295.—Was it not then found difficult to establish the semblance of a government?

A. 295.—No; it was not very difficult.

Q. 296.—When the government of Peña y Peña was recognized at Queretaro, was it not without any regular sources of revenue and in a state of the greatest destitution?

A. 296.—It must have been very destitute of resources, for the ports occupied by the enemy produced nothing.

Q. 297.—Was it not notorious that they could not furnish full pay to the few soldiers they could collect about them, and that there was almost nothing for the officers?

A. 297.—I cannot answer in detail, but I repeat that the government was very destitute of resources, although the troops it had to maintain were but few.

Q. 298.—Do you not know that the government and those about it found the greatest difficulty in obtaining the means of subsistence from day to day?

A. 298.—I think they must have had considerable difficulty.

Q. 299.—Under such circumstances how do you account for their spending so large a sum as $8,000, or thereabouts, or even the half of it, in printing such a document as this memorial of Lafragua?

A. 299.—I desire to state that since giving my answer in which I estimated the probable cost of printing the report, I have become satisfied that I over-estimated it; I now think it could not have cost more than $4,000. I attribute the printing of it at that time to the efforts which the author made to have it done and to the efficacy of the steps he took for that purpose.

Q. 300.—Do you know of any such efforts, or is this merely a conjecture?

A. 300.—I have no special data; I found my opinion solely on my knowledge of what usually takes place in the world.

Q. 301.—What is there in it which would give this old report of Lafragua such importance in December, 1847, or a few months previous, as to justify the government at Queretaro in expending one single dollar in printing it?

A. 301.—Such a charge or argument could be applied to the greater part of the publications made by all governments, and yet they are made; with respect to the contents of this memoria I don't recollect all it contains, because since I read part of it at that time, I have not examined it until now that I have examined the part which relates to the Junta de Mineria.

[The counsel for the United States states to the witness that he requests him before the close of the examination to look over the report and to point out anything in it which he thinks may have been in the least necessary or useful for the government to have published at that time and under such circumstances.]

Q. 302.—Do you know of any other large book like this, or any other report, official document or pamphlet, of even one-fourth the bulk of this report of Lafragua's, having been printed by the government established at Queretaro?

A. 302.—I know of none.

Q. 303.—Do you know of the government established at Queretaro having had any other report made in 1846, at or about the time Lafragua made his printed report at the public expense?

A. 303.—No, sir.

Q. 304.—Was any other report made by the ministers in 1846, ever printed at any time within your knowledge; if so, which?

A. 304.—I don't remember any.

Q. 305.—Then of course you have no copies of any such at home in your library?

A. 305.—That does not follow; I have many reports in my library; I don't remember by what Minister or when made; there have been a great many printed by the Mexican Government and a great deal of money spent in printing; I don't remember whether there are any for the year 1845.

Q. 306.—In conclusion, you mean then, that the report of Lafragua is the only ministerial report of 1846 that you know to have been ever printed, and the only large job of public printing that, according to any information you possess, was done in 1847—'48, by order and at the expense of the government established at Queretaro?

A. 306.—What I stated clearly was, that I did not know of any other report of 1846 having been printed. This job of printing is the only one done by or at the expense of the government at Queretaro of which I have any knowledge or at present remember to have heard.

Q. 307.—You have stated very positively that in December, 1847, the Junta communicated with the government through Rosa—please state what sort of communications these were.

A. 307.—They related to the Administration of the Fondo.

Q. 308.—Do you remember any, and what?

A. 308.—When I was at Queretaro in 1847, I made a representation to exonerate the Fondo de Mineria from certain expenses which had formerly been paid by the Fondo de Azogue; on this subject very warm discussions took place between the Junta and the government after I returned to Mexico at the end of January, 1848.

Q. 309.—Were these communications in writing; have they been printed, and where may they now be found?

A. 309.—They were in writing; they have not been printed; the expedientes must be in the archives of the Administracion of the Fondo Minero.

Q. 310.—By what conveyance did you communicate with Rosa from the city of Mexico after your return thither about the end of January?

A. 310.—By post.

Q. 311.—Who had charge of the posts from the city of Mexico at that time?

A. 311.—I think it was Don Anselmo Zurutuza, the *empresario* of the *diligencias*.

Q. 312.—From whom did he derive the authority to take charge of and direct the posts from Mexico at that time?

A. 312.—I cannot answer positively, but I presume from the American General, and that the Government of Mexico also agreed to it.

Q. 313.—Then it is your impression that there was a line of posts or mail line from Mexico to Queretaro, authorized by both the American General and the Queretaro government?

A. 312.—I suppose so.

Q. 314.—You think then, this was the arrangement while a state of war existed between the Americans and the Mexican government at Queretaro?

A. 314.—I think so; I think it must have been with the consent of both parties. It was not a private matter, but publicly done—every one knew it.

Q. 315.—Then through the public post and without opposition from the Americans, the Junta communicated from Mexico with Rosa in the usual course of business between the Junta and the Ministry to which it appertained?

A. 315.—It did.

Q. 316.—The Americans then permitted the government at Queretaro to maintain one of its dependent offices unmolested?

A. 316.—It did; but the character of the Junta must be borne in mind in this connection.

Q. 317.—Did not the American General at that time, and as from his situation he necessarily must, prohibit all functionaries and even all individuals from holding any communication with the government at Queretaro or executing their orders?

A. 317.—I do not remember; in my answers I have confined myself to the Junta de Mineria.

Q. 318.—Please mention specifically what was transacted between the Junta and Rosa during the period I have referred to.

A. 318.—I cannot mention more than what I have stated already; the discussions which arose were about the same matter in relation to which there were discussions at Queretaro.

Q. 319.—When the Junta put a communication into the mail for Rosa at Queretaro, was it addressed openly to the Minister of such a department?

A. 319.—I don't remember; I incline to think not.

Q. 320.—How do you incline to think the communications from the Junta to Rosa were superscribed?

A. 320.—We had a respectable and influential person at Queretaro, who was attending to our interests there, and it is very probable that our communications were inclosed to him.

Q. 321.—Who was he; and is the statement that the communications were inclosed to him conjectural or inferential, or have you any positive knowledge of the fact?

A. 321.—I remember it sufficiently to be certain of it. The person I allude to was Don Felipe Nevi del Barrio. He has been for a long time Envoy from Guatemala to Mexico, and is so still.

Q. 322.—Were the communications from Rosa to the Junta superscribed with the address of the Junta or were they also sent under inclosure?

A. 322.—I think they came through Don Juan M. Flores, and were superscribed with his name. He was a member of the Junta.

Q. 323.—Was there any intention of concealing this correspondence between Rosa and the Junta; if so with what object were these communications so sent?

A. 323.—I don't think there was any such intention, I think the object was to attain greater safety.

Q. 324.—If there was no object of concealment do you not think it possible that some communications passed which were superscribed with the names of the parties respectively, *i. e.* the Junta and the Minister?

A. 324.—There may have been, but Don Felipe Nevi del Barrio had influence with Pena y Pena, and that would be the principal reason for communicating through him. This gentleman had frequent communications with Don Juan Maria Flores, for they had married sisters.

Q. 325.—What was the necessity for the Junta to resort to the influence of a foreign minister to further its objects with the President of the Mexican Republic?

A. 325.—In the controversy which then existed those who had an interest in having the Fondo Minero pay the expenses which there were no other means of paying on account of the extinction of the Fondo de Azogue, exerted themselves much to prevent the Junta from accomplishing its object, which was to exonerate the Fondo Minero from those payments. The Junta availed itself of the services of Don Felipe del Barrio because he had influence with the government.

Q. 326.—What professorships were there which it was desired to charge upon the Fondo Minero after the extinction of the Fondo de Azogue?

A. 326.—I cannot give the details from memory; all the expenses which had formerly been paid by the Fondo de Azogue were charged to the Fondo de Mineria.

Q. 327.—Were those expenses so charged, actually paid out of that fund?

A. 327. They have been, and since that they have been increased. At present the amount paid for the college alone is $65,000 per annum.

Q. 328.—As you are perfectly well acquainted with the organization of the Mineria in all its parts, and in 1848 you were one of the persons charged with the administration of all its funds, you must certainly be able to tell me what professorships those were which were charged on the Fondo de Mineria after the Fondo de Azogue was extinguished?

A. 328.—I do not see the utility of going into this question, but if the Judge and counsel desire, I will look at the actas in court and give the information required.

Q. 329.—As the number of professorships was necessarily small, and as you were so intimately acquainted with the constitution of the Mineria, can you not answer my question without consulting any book?

A. 329.—I will endeavor to.

Q. 330.—Proceed.

A. 330.—The professor and expenses attending the botanic garden; the national museum; the professorships of geology and zoology; the professorships of ideology and Spanish grammar, and of German and gymnastics. There was besides a school of practical mining at Fresnillo established shortly afterwards.

Q. 331.—Are not the mines the principal interest of Mexico?

A. 331.—It is the common and received opinion, but for my part I think in Mexico as elsewhere the agricultural interest is the more important.

Q. 332.—Was it not the duty of the Junta to advance and promote the mining interest?

A. 332.—It was.

Q. 333.—Was not the *real minero* the source from which the Junta derived the revenues wherewith to discharge that great great public duty?

A. 333.—The *real minero* was established for that purpose, but it was afterwards encumbered with heavy debt. The tribunal hypothecated it for a large amount, and justice required that it should first be appropriated to pay that amount. It was nevertheless the source from which the means of maintaining the mining college were derived.

Q. 334.—Whether in discharging the old mining debt or supporting the college or otherwise promoting the mining interests, was not the *real minero* a source of the revenues with which the Junta discharged its duties?

A. 334.—It was the only source up to the creation of the Fondo de Azogue in 1842, and it became its only source of revenue after the extinction of that fund in 1846.

Q. 335.—Such being the case do you mean still to say that the Americans did not regard the *real minero* as part of the public revenue?

A. 335.—I do say so. For that, I stated the Americans did not interfere with that fund. It was a fund belonging to the mining body as is stated in the *cedula*, or constitution of that body, and the *ordenanzas* say the same.

Q. 335½.—Was not the Junta a public body, a branch of the general administration of the country, and discharging public duties; if so, how can you say that the funds it administered were not part of the public treasury?

A. 335½.—I see no inconsistency in this. The old mining tribunal exercised judicial functions, it was thus far a branch of the public administration, but nevertheless this fund was never considered as public revenue during its time, nor did the government ever pretend to have the least control over the fund. The deputies of the mining districts examined and audited the accounts without giving any account whatever to the government, and such was the practice and belief until 1850, as I stated at my first examination. I do not mean to be understood that the tribunal existed until that time, but these opinions were acted on until 1850. This is a question on which reams of paper have been written in Mexico.

Q. 336.—I understand then that the Junta was a public body, but their revenue was a private fund?

A. 336.—It was a public body managing a fund which was a public fund, but not a part of the public treasury.

Q. 337.—Then it was a part of the public revenue appropriated specially to the interests of mining?

A. 337.—I don't so understand it to have been a part of the public revenue in the strict sense of the term, and as proof of this I will state that the decree which extinguished the tribunal allowed the contribution to continue only so long as might be necessary to extinguish the debt.

Q. 338.—As the Americans were there to subdue Mexico by destroying her resources, did it never seem to you strange that they did not meddle with a revenue which was intended to promote her mining interests, and do you assert that such was the fact?

A. 338.—It did not seem to me strange; it only confirmed the view I had taken of the matter. The American General, if he examined, must have seen that by taking that revenue he would take nothing from the government, inasmuch as it was appropriated to the payment of a particular debt and the support of the college. The result of a contrary course would have been the closing of the college and the stoppage of the payment of the debt.

Q. 339.—Were not the revenues from the customs also appropriated to the payment of a particular debt and also in part to the quicksilver fund, and yet were not all those revenues appropriated by the Americans and the payment of the debts stopped?

A. 339.—In the first place, at that time there was no Fondo de Azogue. In the second place, the revenues from the Custom House were public general revenues. These revenues were in part dedicated to the payment of particular debts, the payment of which must have been stopped. The difference between the cases is, that in one the debts were due by the nation, in the other by the mining body.

Q. 340.—Did not the Americans in the places under their power appropriate all moneys of every description raised by authority of the Mexican Government?

A. 340.—I am not sufficiently acquainted with all the details to be able to say positively.

Q. 341.—From the best of your information and knowledge of the occurrences of those times, was not that their course?

A. 341.—It was probably their general course—but I cannot state whether in some cases they did not omit some things from ignorance or some other reason.

Q. 342.—You are certain that up to the treaty of peace the Junta continued as formerly to receive the *real minero* in the city of Mexico?

A. 342.—I have stated it. I am certain of it.

Q. 343.—Did the Americans intermeddle at all with the mining interests of the country?

A. 343.—The question is so general, and the mining interests comprise, directly and indirectly, such a number of things, that it would be impossible to say whether some may not have been touched.

Q. 344.—Did they not attempt to levy a tax on the gold and silver of the country?

A. 344.—If the question is whether the American General took possession of the taxes levied on the precious metals, I answer that I believe he did. If the question be whether he levied any additional impost on them, I answer that I do not believe he did; I have not the least recollection of his doing so.

Q. 345.—If he had done so, must you not from your official position have known it?

A. 345.—It is probable.

Q. 346.—Is it not certain?

A. 346.—I believe I should have known it, but it does not follow that I would now remember it.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 18, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy, Billings, and Yale, for claimant. Mr. Randolph for United States.

Q. 347.—What was the result of the heated discussion between the Junta and the government of Queretaro?

[The witness here desires to state that the examination of the report which he was yesterday requested to make would involve much labor and take much time, and that he conceives that the utility of such examination would be entirely disproportioned to the labor it would require. The court and the counsel for the United States suggest to the witness that the object of the inquiry is to ascertain whether the book contains anything of such interest or importance to the Mexican Government as could have induced it, at such a time and under such circumstances, to make so large an expenditure, or even any expenditure at all. The witness thereupon says that before his departure he will cursorily examine the volume and indicate any parts of its contents which may strike him as likely to have induced the government to cause it to be printed at the time and under the circumstances referred to. The witness further observed that if the object of the inquiry be to ascertain the character of Mr. Lafragua, he can state that M. Turgot, the French Ambassador at Spain, in a note printed in Lafragua's memoranda with regard to the convention with Spain refers to him as "vir bonus dicendi pintus."]

A. 347.—The result has been that all the expenses which had been formerly paid by the Fondo de Azogue have since been paid by the Fondo Dotal de Mineira.

Q. 348.—During the time you were in communication with Rosa, as you have said, was there no order published by the American authorities in the city of Mexico, prohibiting the publication or enforcement of any orders of the government at Queretaro?

A. 348.—I don't remember.

Q. 349.—Do you remember nothing of an order dated Dec. 10, 1847, signed by Persifer F. Smith, at the city of Mexico, prohibiting the promulgation or enforcement of any decree or order of the Mexican Government affecting the political rights of persons in the territories occupied by the United States?

[Order is shown to witness as printed in the *American Star*, a newspaper purporting to have been published in the city of Mexico, Dec. 11, 1847. The counsel for the claimant objects to the witness being shown the newspaper.]

A. 349.—I do not remember this order, nor any of a similar character.

Q. 350.—Do you remember no order which prohibited communications of any kind between the functionaries in the city of Mexico, and the Government at Queretaro?

A. 350.—I do not.

Q. 351.—You have said that you have no recollection that the American General imposed any new tax or contribution on gold and silver other than that previously imposed upon them. Have you any recollection that the order now shown you, or any order of similar purport, was published by the American Commander in Chief?

[Another number of the same newspaper is shown to witness, dated Dec. 4, 1847, containing the alleged order referred to—which is read by the witness.]

A. 351.—I have already stated that I had no recollection of any such order. The tax collected under this order was a substitute for, and nearly identical with, the tax collected by the Mexican government. It therefore, probably, did not strike my attention.

Q. 352.—Do you mean to say that this was an enforcement of an old tax and not the substitution of a new one?

A. 352.—I merely see in it the substitute for the export duty which had always been levied on gold and silver in Mexico. It is even less onerous, for it allows the exportation of silver bullion, which had previously, as a general rule, been prohibited.

Q. 353.—Was there no order of an American General which affected or referred to, in any manner, the *real minero* to which you have testified?

A. 353.—I think not.

Q. 354.—If there had been, must you not certainly have known it?

A. 354.—I believe I should have known it.

Q. 355.—Did or did not the American General expressly relinquish that fund to the Junta?

A. 355.—I have no recollection of such a fact.

Q. 356.—If he had so done must you not have known it?

A. 356.—I believe I should; but I would state again, as I did yesterday, with regard to another question, that it would not follow, because I knew it then that I would remember it now.

Q. 357.—Have you no impression on your mind that he did relinquish the *real minero* to the Junta, and that it was only by his permission that you proceeded to collect it?

A. 357.—I have no recollection of it. What I have stated is that the American General did not appropriate it.

Q. 358.—Look at this order, and state whether you remember any such disposition of the *real minero* by the American General.

[Another number of the same newspaper, purporting to have been published at Mexico January 1st, 1848, and containing a printed order purporting to have been made by Major General Scott, is shown to witness—said order containing the following words: "The one *real* per marc on both gold and silver heretofore paid to the college of mines in this city, is relinquished to that scientific institution and may be collected as usual."]

A. 358.—I have no recollection of this order, but I am very glad to find it, for it confirms what I have said with regard to the *real minero* and shows that the American General did not take it. I was at Morelia and not in Mexico at the date of this order. The American General is mistaken however in supposing that the *real minero* was levied on gold and silver, it was levied on silver alone.

Q. 359.—Do you remember anything of the other dispositions contained in that order and affecting the precious metals?

A. 359.—I have no recollection of any of those dispositions.

Q. 360.—As you remember nothing of the taxes imposed on gold and silver by the American authorities in Mexico, nor of the fact so vital to the Junta as the seizure of the *real minero* and its restoration to the college of mining, how is it that you remember so accurately so many minute and insignificant circumstances respecting Andres Castillero and his private affairs?

A. 360.—I deny in the first place that General Scott did ever appropriate the *real minero*, and afterwards restore it. In the next place those orders of the American General did not affect the *real minero* to the extent supposed by Mr. Randolph. The assay offices where it was paid in Mexico and Pachuca were under General Scott's control, but all the rich mineral districts such as Guanajuato, Zacatecas, San Luis, Chihuahua, Durango, Guadalajara, and Sonora, paid the *real* to the collectors appointed by the Junta, who remitted it to me in drafts. To this circumstance I attribute the fact that this order did not impress itself on my memory. The reason why I remember the circumstances connected with Castillero's denouncement and the proceedings thereupon, I have already stated. One reason was the coincidence that the same order which extinguished the *Fondo de Azogue* was intimately connected with Castillero's matter, the other reason was, that having compared the actas and expedientes I had occasion to refresh my memory thereby.

Q. 361.—Can you give no better reason why you do not remember the acts of the American General affecting the mining interests and the Mining Junta, and yet remember the private matters of Andres Castillero?

A. 361.—I have already said that the orders of the American General did not much affect the interests in my charge as agent of the creditors, and his dispositions with regard to the export duties did not injure the mining interests, and that his other dispositions with regard to taxes on gold and silver coining, etc., did not, I believe, change in a perceptible degree the dispositions which governed formerly, and I think such will be found to be the case if the order shown me by Mr. Randolph be compared with that of November, 1842, which is printed in Halleck's work on the mining ordinances of Mexico.

Q. 362.—Was not the *real minero* paid to the Junta by the various assay offices throughout the republic, or did it not receive it from those offices?

A. 362.—The collectors appointed by the house of Mackintosh collected the *real* from the assay offices and transmitted it to the Junta by drafts on the house of Mackintosh.

Q. 362.—Did not the Americans take possession of the assay offices as well as the custom houses of the places they occupied?

A. 363.—I don't know to what extent they took physical possession of the assay offices, but those offices in places which they occupied were of course under their control.

Q. 364.—Then the Junta received the *real* from two distinct sources—from the assay offices which the Americans held by virtue of the relinquishment by General Scott, and from the assay offices in other parts of the republic under the authority of the government at Queretaro?

A. 364.—The Junta received the *real* from all places where it was due; I remember that the collector at Mexico was also the assayer appointed by the Junta itself; he no doubt continued as formerly.

Q. 365.—And this fund, collected from two hostile sources, the Junta went on to administer under the authority of the government at Queretaro, and in communication with Rosa?

A. 365.—I have already stated in my testimony that shortly after I left Mexico the Junta sent directions to the collectors to make their settlements with me, except the collector at Mexico, and after my return to Mexico the collectors communicated with the Junta directly as I had instructed them. The government refrained absolutely from intermeddling with the matter.

Q. 366.—As the assay offices were, with all their revenue, seized and administered by the Americans in the places occupied by them, and as the *real minero* was paid by these offices, how is it that you say the *real minero* was never intermeddled with by the Americans?

A. 366.—I stated that they did not intermeddle with it because they never appropriated the *real minero*, and because the Junta continued to discharge its duties without any interruption as they had always done. The important matter with me was that the Junta was allowed so to proceed, I therefore remember it and state it positively. The orders of the American General and other details did not concern me much.

Q. 367.—In what building in the city of Mexico did the Junta have its office?

A. 367.—In the building of Mineria, composed of three parts; in the center was the college, on the right the residence of the director, and on the left the house in which Don Vicente Segura lives. In the second court-yard of which house is the office of the Junta.

Q. 368.—Was this building or any part of it occupied by the American troops?

A. 368.—It was; but I think only the college.

Q. 369.—Speaking of the reading and approval of the report which the Junta made to the Minister of Relations in 1846, and of which you say that the document produced here by you was the original manuscript, you use the following language: "My most firm belief with regard to those matters, rests on what I see in the actas over my own rubric, and also what Segura told me recently in April last. These are not the only bases of my recollection. I also have a recollection with regard to them, but it is a confused recollection, such as the weak memory of an old man of sixty-four would retain of matters which happened in 1846." Have you any better recollection of the other matters and things mentioned in the acta?

A. 369.—With regard to the other matters, I base my recollection from what I see in the actas over my own rubric, and upon my vague recollection of those matters as I have stated. The conversation which I had with Segura as before stated, no longer aids me with regard to the other matters.

Q. 370.—How do you know that the actas which you saw in April last are in every word the same as they were written at the time at which they purport to have been written, and that they have undergone no change since the time they were written?

A. 370.—I could not have suspected that they have been changed unless I were partially demented, because there was nothing which could have suggested to me such a strange idea, for I saw the books and *cuadernos* in the possession and under the control of persons who, for the most part, were the same persons who had charge of them since the time I was there. I saw them at the same place. I saw my own rubric upon them, and the rubrics of other persons which I knew perfectly well. The contents of the actas reminded me of things which I knew, which happened to my knowledge. I also saw in them some papers which I myself had composed, knowing very well my own style, which has some peculiarities. All this constituted and constitutes for me all the evidence which the nature of the thing admits of with respect to the identity of those papers.

Q. 371.—Your memory being such as you have stated it to be generally, thirteen years having elapsed without your examining these actas, the contents of the actas consisting of a great variety of small particulars, what guarantee could you have that some things have not been left out and some things inserted since the year 1846; would the rubrics be sufficient to exclude the possibility of a change in the papers?

A. 371.—I have stated all the grounds or reasons for my belief, and which I think are sufficient to bring conviction to the mind of any reasonable man—still in answer to the question I will state that I do not consider it impossible that my rubric, or that of any other person, could be forged by a dexterous or able penman.

Q. 372.—What is a rubric?

A. 372.—It is a flourish, or arbitrary figure, which we usually put after our names.

Q. 373.—Do you know of any difficulty of imitating the rubrics which appear in these actas; could it not very easily be done?

A. 373.—I know of no special or peculiar difficulty in these rubrics which would prevent them from being forged or imitated.

Q. 374.—Might they not be imitated with the utmost facility?

A. 374.—I am the poorest expert in this matter.

Q. 375.—Do you mean that you are a poor expert to determine whether a rubric is genuine or false?

A. 375.—I mean I am a poor expert to answer with regard to matters spoken of in the last question, whether those rubrics could be forged with facility or not.

Q. 376.—Are you skilled in determining whether rubrics are false or genuine?

A. 376.—I consider myself as competent as the generality of men in the enjoyment of a sound mind who judge of the identity of handwriting.

Q. 377.—That answer is not satisfactory. It conveys nothing to my mind. I wish to know whether you consider yourself skillful in detecting imitations or counterfeits of the rubrics with which you may be acquainted?

A. 377.—I think I have answered to the purpose. I have answered well. I stated that I was as capable of so doing as the generality of men, observing or stating that in matters which depend on the use of the senses persons of a certain age are less apt than those of a less age.

Q. 378.—In a word then, you claim no particular skill in the matter of rubrics?

A. 378.—I do not.

Q. 379.—Look at the paper now shown you, and state what it is.

A. 379.—I find two papers here with writing on them.

Q. 380.—What else do you find on that paper besides the writing?

A. 380.—I find four rubrics on it.

Q. 381.—What rubrics do you find?

A. 381.—I think they are Segura's, Flores', and mine. The last one I think is Rosa's. I think I see something strange in Segura's.

[Document filed and marked "Exhibit Bassoco A., O. H. Cross-Examination."]

Q. 382.—Are not these rubrics precisely the same as those in the actas?

A. 382.—I believe they are. In the matter of identity of handwriting even experts speak with hesitation or doubtingly.

Q. 383.—If the rubrics of which these are an exact copy were not in the actas, could you swear that those actas were not in every particular different from those which were drawn up thirteen years ago, at the time the events purport to have happened?

A. 383.—I would then be able to affirm it upon the grounds of belief which would remain to me, but the most solid (*poderoso*) grounds would then be wanting.

Q. 384.—Without those rubrics could you assert with the least degree of confidence that the contents of the actas which you examined in April last, are the same with the contents of the actas which were drawn up in 1846?

A. 384.—Some of the actas I would be willing to swear to, even without the rubrics, because they were composed by myself, and I recognized peculiarities of my style. I should be obliged to examine each of the actas separately to ascertain if there were intrinsic marks of credibility to enable me to state whether it was genuine or not, and the degree of certainty with which I could testify as to its genuineness.

Q. 385.—Could or could not any examination at this day give you the least confidence that those of the actas which were not compared by yourself are identically the same with those which were drawn up in 1846, if the rubrics were wanting?

A. 385.—These hypothetical cases which are presented to me are embarrassing. If the actas should be presented to me without signatures, or without rubrics, I might think very differently of them. The reasons of belief would still be sufficient to enable me to affirm that they are genuine.

Q. 386.—Reflect well upon the answer you have just given. Remember that these actas are voluminous, and consist of a multiplicity of small details, and say whether it is possible for any man to remember for thirteen years such a series of disconnected and unimportant particulars.

A. 387.—Human belief is arrived at by considering the evidences for and against anything. I would believe these actas to be genuine because of the persons who had charge of them, the recollection of things which they remind me of, and the absence of any reason or ground for doubting their genuineness. Another reason for my belief of their genuineness, which I omitted to mention, and a very strong reason, is, that the only affair or matter referred to in these actas and in relation to which any interest whatever to falsify them could exist, is one in which I find them confirmed by five expedientes: one in the Ministry of *Relaciones*, one in the Ministry of *Justicia*, two in the College of Mining, and one in the Ministry of *Gobernacion*, besides which there is a document in the Ministry of Justice which confirms them also. The contents of the actas are interlaced and so closely connected with these expedientes and documents, and these expedientes and documents are found in so many different hands and places, that it is morally impossible they could have been falsified.

Q. 387.—You refer to the matter of Andres Castillero, now under consideration, do you not?

A. 387.—Yes.

Q. 388.—The expedientes in the matter of Andres Castillero, claiming this quicksilver mine, are then the controlling consideration which would enable you to swear to the genuineness of these actas, even if they had no rubrics signed to them. Is that what you mean?

A. 388.—That question is not a correct resumé of my answers. In addition to the grounds which I stated for believing that they are genuine, without considering the rubrics, I also stated that as no one could have had any interest to falsify the actas excepting in relation to the affair of Castillero, and as I found them corroborated in that particular by the various expedientes and documents I have mentioned, that circumstance affords a very strong ground of belief in their genuineness independently of the rubrics.

Examination continued until Monday next, at 10 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 20, 1859.

EXAMINATION RESUMED FROM SATURDAY LAST THE 18TH.

Present: Mr. Peachy and Mr. Yale, for the claimant; Mr. Randolph, for the United States.

Q. 389.—The actas are introduced here obviously for the purpose of proving the genuineness of the expedientes to which you allude; I cannot consent, therefore, that you should prove the genuineness of the actas by appealing to the expedientes. Laying aside, therefore, the expedientes and supposing there were no rubrics, would the other considerations you have mentioned be sufficient to give you the least confidence that there have been no alterations in the actas since they were made up in 1846—would you still swear to the accuracy of all these insignificant entries and memoranda of which the actas are composed?

[Question objected to.]

A. 389.—If I may be allowed to answer directly and frankly this question on the supposition that what is sought to be obtained from me is merely the truth, I will state that I have the most absolute conviction that those actas and expedientes are genuine and true, and that Lafragua's report was printed and published at the time and place it purports to have been. I have compared the report of the Junta contained in it with the original which I have brought. I find only insignificant differences in the composition. With regard to the question last put to me, it supposes an extreme case, I should then be obliged to examine each acta separately to see what evidences of genuineness it bore. I do not mean by this to detract in the least from what I have said with regard to them.

Q. 390.—Could you, under the conditions supposed, swear to the accuracy and genuineness of these actas from any examination you have made either in Mexico or here?

A. 390.—I think I have already answered the question. But, nevertheless, I consider it very hard for a witness to have to determine a purely hypothetical question. Of course, I have never made such an examination with a view to a case which has not occurred. If it should occur then I might make such an examination.

Q. 391.—I now require you to answer yes, or no, whether any examination you have heretofore made of these actas will enable you to swear to their accuracy and genuineness, laying out of view the rubrics and expedientes?

A. 391.—I am so thoroughly convinced that the actas are genuine which I have brought here that if I were asked whether they were genuine, irrespective of the expedientes and signatures, I should certainly say they were.

Q. 392.—Apart from the aid which in your mind the actas derive from the expedientes, is not the certainty of their accuracy and genuineness merely proportioned to the difficulty or improbability of the forgery of the four rubrics or flourishes of which I have handed you exact copies?

A. 392.—I think I understand the question; but it is impossible for me to exclude from my mind considerations or grounds of belief which I have, and to place myself in a purely hypothetical situation. What would be my opinion in the case supposed, I am unable to state.

Q. 393.—My present business is of a purely metaphysical character; I wish to ascertain the operations of your mind and test the value of your recollections on the subject of these actas, by examining separately the different grounds of your belief in their genuineness. Please to answer me categorically whether if a man had been skillful enough to forge those rubrics or flourishes, he might not have been able to make any changes in them he liked, without any probability of your being able to detect them from memory?

A. 393.—No, I do not believe he could.

Q. 394.—Are you not aware that from the nature of these actas, your present assertion is that of a memory impossible in any man?

A. 394.—As I understand the question it was, whether a forger could have put anything he pleased in the actas, if he had the ability to forge the rubrics. To that I still answer no. For instance, if he had stated in the acta that Castillero's matter had occurred in 1848 or 1850, I would have known it to be false.

Q. 395.—Might not the forger in the case supposed have inserted memoranda concerning Castillero, which were not in fact contained at all in the actas of 1846, or might he not have made variations in such entries, if in fact any such had been made in 1846, without, in either case, your being able to detect the fraud from your memory?

A. 395.—It would depend upon the nature of the changes or interpolations he might make.

Q. 396.—Might he not have inserted all the notes or memoranda relating to Castillero, when in fact nothing had occurred in 1846, or might he not have substituted these entries for others of an entirely different nature without your being able to detect it from memory alone?

A. 396.—I think I should have detected it.

Q. 397.—Supposing as before the rubrics to have been forged, will you now swear that no change could have have been made in those entries of 1846, concerning Castillero, varying in many essential particulars their tenor and effect without your discovering the fraud?

A. 397.—In Mexico we have a saying which I am reluctant to give, for it might be considered disrespectful though it would be responsive to the question; we say to such questions, *quien sabe;* but I will proceed to answer the question: I believe I should have discovered such changes if they had been in many essential particulars.

Q. 398.—Could *any* such essential change have been made without your detecting it?

A. 398.—There is a good deal within the limits of possibility, but I doubt it.

Q. 399.—Are you at all confident that no such change could have been made?

A. 399.—My mind is not so constructed as to enable me to tell the precise degree of confidence I would have that no one change had been made.

Q. 400.—A witness of your intelligence ought to have some skill in the use of the mental thermometer as you call it—I repeat my question.

A. 400.—I am inclined to believe I think it probable that I would have discovered any essential change, but this does not amount to an absolute conviction that I would have done so.

Q. 401.—Does not a law in Mexico prescribe in what manner signatures shall be affixed to instruments of various descriptions, determining that some shall be signed by the rubric alone, others with the surname and rubric, and others again with the full name and rubric?

A. 401.—There is a law which requires that judicial instruments shall be signed with the full name; I do not remember that the law mentions the rubrics; this is the only law which I remember prescribing the mode of signing judicial documents.

Q. 402.—Is there or is there not a law in Mexico prescribing the manner in which signatures shall be affixed to official documents and regulating the mode of doing so as I have above described?

A. 402.—There may be such a law but I do not remember, such things are rather determined by custom and regulations than by law; by regulations, I mean rules prescribed by the Executive for carrying into effect a law.

Q. 403.—Is there no law or *reglamento* in Mexico prescribing the manner in which the decrees of the Supreme Government shall be signed?

A. 403.—No doubt there is either a law or regulation on the subject.

Q. 404.—Do you not know what it is?

A. 404.—I have often read of that matter but I do not now remember what the provisions of the law are.

Q. 405.—Can you refer me to some book or authority in which I can ascertain those provisions?

A. 405.—It will be found in the collection of *decretos* of Mexico.

Q. 406.—Is there no law or regulation in Mexico prescribing the manner in which the dispatches of Ministers, communicating dispositions of the Supreme Government, shall be signed?

A. 406.—I think there is such a law or regulation, but I have but a vague recollection of it. There have been orders and counter orders on the subject.

Q. 407.—Is there not such a law or regulation in Mexico, with reference to the signing of the definitive acts of every official in the Mexican Government?

A. 407.—I cannot venture to say that there is any which embraces all the officials, but as I have said before, there are several dispositions with regard to that matter.

Q. 408.—Did you not say just now that you knew of no dispositions on this subject except those which prescribed that judicial documents should be signed with the full signatures?

A. 408.—I said first that I remembered there was a law which required the full signature to judicial documents; I afterwards stated that there were various dispositions on the subject in laws or regulations, but most commonly in regulations, but that I did not remember what they were.

Q. 409.—Was there no law or regulation prescribing the manner in which the *Junta de Mineria* should sign various instruments; if so what was it?

A. 409.—There was none; I do not make any explanations about it because I am required to restrict my answer to the question put to me.

Q. 410.—In what manner and under what authority regulating it was the Junta accustomed to sign the various instruments executed by them?

A. 410.—The communications of the Junta were signed by the President and Secretary, who affixed their full names with their rubrics. The actas we signed with our own rubrics alone. I think the authority for this was custom.

Q. 411.—Did not the Junta sometimes sign contracts, conveyances, deeds, etc.; if so in what manner?

A. 411.—Yes, they sometimes signed them. If all the members took part in it, all signed; if not, the President alone. It depended on the character of the transaction. The full name, with rubric, was always used in such cases.

Q. 412.—In those cases in which the whole Junta, as a body, was to be bound by the instrument, in what way was it signed?

A. 412.—In cases in which they all acted, they all signed the full name with the rubric.

Q. 413.—My question is not precisely as to those cases in which the members all acted, but as to those in which the Junta, as a body, was to be bound. In these latter cases whose signatures were required to be affixed, and in what manner?

A. 413.—The Junta always acted as a body. In official communications the President and Secretary signed on behalf of the whole Junta, and I believe that instruments executed before a Notary were signed by all the members.

Q. 414.—Why do you speak of instruments before a Notary when my question related to instruments, such as conveyances, contracts, etc., by which the Junta as a body was to be bound?

A. 414.—The contracts made by the Junta were few, with regard to those instruments which were not executed before a Notary; I do not remember how they were signed. I do not remember any case in which such a contract was signed by all the members, nor any in which it was signed by the President and Secretary; as I before stated, when the contract was before a Notary all signed.

Q. 415.—Was there any other mode which you have known to be observed, or for which you know of any authority, by which the Junta as a body could bind itself by writings of the class referred to, except such as were executed before a Notary?

A. 415.—The Junta did make contracts of that kind without making them before a Notary; its contract with the houses which collected the *real* were not made before a Notary.

Q. 416.—Were there any instruments so executed except those relating to commercial transactions; were there any in which the Junta bought or sold, or assumed obligations in respect to immovable property?

A. 416.—I think there were.

Q. 417.—You think, then, that the Junta might buy or sell, or charge immovable property by instruments not executed before a Notary, and that in some instances they did so?

A. 417.—I think they could buy or sell, but not hypothecate or charge; they bought and sold so little that I cannot remember; I have an indistinct recollection of their having sold a house at Pachuca; I think they also sold property at Tasco, but it was not immovable.

Q. 418.—On the whole, then, you cannot swear that the Junta did not execute any of that class of instruments relating to immovable property otherwise than before a Notary, nor in what manner they were required to be signed?

A. 418.—I cannot swear that the Junta ever did go execute a document of that kind without going before a Notary, nor how they were required to be signed, except so far as I have already stated.

Q. 419.—Under such circumstances, is it not fair to presume that there was neither law nor custom for the Junta to convey or receive immovable properly otherwise than by an instrument executed before a Notary?

A. 419.—It is not probable that the Junta would have bought or sold immovable property without the authority of government. If it were fully authorized I should not think it would make much difference whether the instrument was executed before a Notary or not. The law of December 2, 1842, shows what the powers of the Junta were.

Q. 420.—For example, authorized as the Junta were in the case of Andres Castillero, you think it made no difference how the papers were executed, whether before a Notary or not?

A. 420.—I suppose even then it was of some importance, for the Junta in that case had it done before a Notary; they considered it proper to do so, although it contained neither a sale or mortgage of immovables.

Q. 421.—You say that the arrangements with Castillero was neither a sale or mortgage of immovables; was it a deed of gift, or what was it, in your estimation?

A. 421.—In my estimation, it was a loan to encourage his enterprise.

Q. 422.—Can you give me any reason for considering it a loan?

A. 422.—I can; the Junta were giving him thereby, $5,000; they were giving him the flasks to put quicksilver in, which it had at Tasco; it was giving him retorts to distill *azogue;* and, in addition, they were to give various articles of the value of $1,000, and Castillero bound himself to pay all with *azogue*, which he was to place at Mazatlan at a price agreed upon. This arrangement is the one I have said appeared to me to be a loan.

Q. 423.—Then you mean to say, not that it was a loan which they made, but which they were going to make, when the business was broken by the decree extinguishing the *Fondo de Azogue*, you have spoken of.

A. 423.—It is true it never was carried into effect.

Q. 424.—Which of the actas are those you have alluded to as composed by yourself?

[The witness examines the actas.]

A. 424.—In that of September 21, 1846, I composed the answer given to the government; this is all in Exhibit No. 1.

Q. 425.—What are the peculiarities of style which enable you at this day to swear that that answer to the government was composed by yourself and not by any other member of the Junta?

A. 425.—This would involve a lengthy and philological discussion; it is simply a question of grammar, and rather a lengthy one. There are two schools of grammarians, who differ as to certain questions relating to the oblique cases of the personal pronoun *el* without a preposition. It might seem ridiculous to enter here upon such a discussion.

Q. 426.—The matter of your answer to the government of Mexico, having been agreed upon and settled with another member as the answer of the Junta, and not being very long, and thirteen years having elapsed, can you put your finger on anything so salient and remarkable, as will enable you to swear that it was composed by yourself and not by any other person?

A. 426.—In the sentence which commences: "*El Fondo Dotal consiste en el pago de un real por marco de once dineros que con autorisacion legal, se impuso, el cuerpo, de Mineria para formarle,*" etc., I know of but one other Mexican writer who would not have said "*formarlo.*" Four other instances of the same peculiarity of expression occur in the subsequent parts of the same letter.

Q. 427.—Who is the only other Mexican who would use "*le*" instead of "*lo*," after an active verb?

A. 427.—There was no other person connected with the Junta who would have used that word. The writer to whom I alluded is Don Anselmo de la Portilla, who is now or lately was in the United States; he is the only writer with whose style I am acquainted who would have used this form of expression.

Q. 428.—Can you tell me of any works published by him in order that I may find some specimens of his style?

A. 428.—Mr. Portilla used to write in the *Universal*, a journal published in Mexico; but it is to be observed that printers sometimes change "*le*" into "*lo*," being more accustomed to the latter. A manifest or message of Comonfort written after his arrival in the United States, was I think, written by Portilla; Portilla has also recently published under his own name, a work on the administration of Comonfort.

Q. 429.—Now is not this question as to the use of "*lo*" and "*le*," a matter of common dispute in Mexico, many others besides you and Señor Portilla, using "*le*" in the manner you have indicated?

A. 429.—It is not discussed in Mexico. I know of no other writer besides him who uses "*le*" as I have stated.

Q. 430.—Is not the decree establishing the Junta to be found in the *Ordinanzas de Mineria?*

A. 430.—It is in the edition with which I am acquainted, which was published since the old edition. It is in the edition published in 1846, and also in another edition, and I suppose in all printed since.

Q. 431.—The decree of Dec. 2, 1842, contained the whole organization of the Junta, did it not?

A. 431.—A decree was soon after made, prescribing the "*planta*" of the Junta or the officers to be employed, their duties and salaries, etc. There were also other decrees prescribing the manner of managing and using the *Fondo de Azogue.*

Q. 432.—I mean, did not the decree of Dec. 2, 1842, provide entirely for the organization of the Junta proper? I have no reference to its servants or employés, nor to the fund.

A. 432.—Yes, that decree did establish the Junta, itself, but a decree was soon after made to remove some mistakes in the first decree with regard to the rotation in the presidency and some other trifles.

Q. 433.—Under what provisions of that decree were you, as agent of the creditors, entitled to a *suplente?*

A. 433.—If it is not in that first decree it is in some of the subsequent ones; several were made.

Q. 434.—I have asked you very particularly whether there was any other decree affecting the organization of the Junta, itself; you said there was none; how could you fall into an error upon the question whether there was or was not a person entitled to represent you in that body?

A. 434.—I also stated that there was a subsequent law.

[The witness refers to the *Ordinanzas*, and points out, on p. 210, the law of January 31, 1843, as that which authorized the appointment of his *suplente* in the Junta.]

Q. 435.—Then you say, that it was not under the decree of December 2, 1842, but under that of January 31, 1843, that you, as a member of the Junta, were entitled to a *suplente?*

A. 435.—The first law says nothing about it; it was therefore by virtue of the supplemental law of January, 1843.

Q. 436.—Was it from memory, alone, that on your direct examination you gave the names of the various officers who have been employed in and about the Junta since its organization, or are they to be found in some book or directory; if so, what?

A. 436.—I believe I gave them from memory.

Q. 437.—Did you not consult a *guia de forasteros* like this now shown you, or some other book, containing the *planta* of the Junta?

A. 437.—I did not; nearly all the persons referred to in that book were "sleeping the sleep that knows no waking," when it was printed.

Q. 438.—Is not the account you gave of the *Fondo Dotal* or *real minero*, to be found in published histories or published laws of Mexico?

A. 438.—No doubt it is shown more or less extensively in various works. It is spoken of in Allaman's History, which is for sale here in California; it is also contained in the *Ordinanzas*.

Q. 439.—Did the *Fondo Dotal* or *real minero* at any time during your connection with the Junta more than suffice for the payments on account of principal and interest of the debt of $5,000,000, with which it was burdened, and for the support of the Mining College?

A. 439.—During the six years I was connected with the Junta, there was seven years' interest paid, because there were payments on account, of old interest. The college was maintained, the *Fondo Dotal* paying its proportion; some of the principal was paid and some amounts were lent to the government; after the creation of the *Fondo de Azogue*, that fund paid the additional expenses newly incurred.

Q. 440.—Then you had no surplus to apply to the encouragement or *fomento* of mining?

A. 440.—Not of the *Fondo Dotal.*

Q. 441.—Then, in effect, during the whole time you were a member, the Junta acted merely as a board of liquidation of the affairs of the old *Cuerpo Minero?*

A. 441.—No; the Junta did everything which its title implies; it administered and encouraged with funds, when that was necessary, out of funds of the *Fondo de Azogue*, while there were any, and it sustained the college out of both funds.

Q. 442.—The question which I have just put, was intended to apply only to the *Fondo Dotal;* with respect to that fund, did they perform any other function except to apply it to the liquidation of the debt and the support of the college?

A. 442.—The *Fondo Dotal* was not applied to any other purposes; but the Junta performed some of its other duties, with regard to mining interests, which did not require the use of money. For example: It attended to the organization of the mining deputies under the central system, and they communicated with the Junta; the Junta also made such reports to government on mining matters as it required.

Examination adjourned until to-morrow, at 10 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 21, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for claimant; Mr. Randolph for United States.

Q. 443.—What do you refer to when you speak of the "Organization of Mining Deputies?"

A. 443.—I refer to the "Organization of Mining Deputies" referred to in the law of December 2d, 1842, under the Central System. This system was destroyed and the Federal System substituted, when this organization was destroyed. It would be more correct to say "Mining Deputations." They were tribunals of first instance. All the authority the Junta had with regard to the deputations was based on the law of December 2d, 1842. The deputations themselves were established by the general mining ordinances.

Q. 444.—Was not the *Junta de Mineria* necessarily well acquainted with the *ordinanzas de mineria*, and well instructed in such other branches of knowledge as were necessary for their due application to the mining interests of Mexico?

A. 444.—It was not much acquainted with them. This will be more easily understood when it is considered that of the members of the Junta but one was appointed by the miners, who was not required by law to possess any special or peculiar knowledge. But the Junta, in all cases where it deemed it necessary or advisable, could require advice or information from the director of the college, who was sometimes required by some laws to possess special knowledge upon the subject referred to, and who also could avail himself of the knowledge of all the professors of the college.

Q. 445.—Was not the *Junta de Fomento y Administrativa de Mineria* the highest mining tribunal in the republic of Mexico?

A. 445.—No; it was not a tribunal.

Q. 446.—Was it not its duty to examine maturely, deliberate upon, and review the action of the various mining tribunals, to compare it carefully with the laws upon the subject, and then to give its opinion whether such action was or was not in accordance with the law, and to approve and ratify the same?

A. 246.—No, sir; nor was it a tribunal, as I have before stated.

Q. 447.—Was it not a part of the duty of the various mining tribunals to make concessions of mines to individuals on registration or denouncement of the same, as the case might be?

A. 447.—It was.

Q. 448.—If the *Junta de Mineria* was not a mining tribunal, how was it possible for it to impart to any individual a right or title to a mine?

[The question objected to, because it is not proven that the Junta could impart any title to a mine.]

A. 448.—As I understand it, the Junta could not of itself grant any rights.

Q. 449.—If the Junta could not of itself grant any rights, how could any rights to a mine come from the Junta to any individual?

A. 449.—It follows, if the Junta could not confer any rights, no one could obtain any from the Junta.

Q. 450.—It follows also, does it not, that the Junta never granted any right, title or interest in the mine of New Almaden to Andrés Castillero?

[Question objected to, because it requires the witness' opinion as to a matter of law.]

A. 450.—It follows from what I have said that the Junta as a tribunal, by its own authority, could not, in my opinion, grant any mining right to Andrés Castillero.

Q. 451.—In 1842 the miners were distributed through the different departments of Mexico just as they are now, were they not?

A. 451.—They lived in different departments then, as now.

Q. 452.—When the *Junta de Mineria* was organized, a commissioner of the miners to act as a member *ad interim* of the Junta, was chosen by the miners resident at the capital, was there not?

A. 452.—I must first remark, that the term *comisionado* or commissioner, is incorrect; the person was "*apoderado.*" This mistake in the name has probably been caused by the *Guia de Foresteros*, and the decree of January, 1843. My impression is that the first *apoderado* of the miners was appointed member *ad interim* of the Junta by the miners at the capital.

Q. 453.—Do you not think that the decree of December 2d, 1842, establishing the *Junta de Mineria*, is the best authority whether the member who represented the miners in the Junta should be called a *comisionado* or an *apoderado?*

A. 453.—If I am not mistaken, the decree calls him an *apoderado;* but even if it does not, and such a mistake occurs, the authority of the decree would not prevail against all the official and extra official documents which have been written on the subject since the decree was proposed down to this day.

Q. 454.—I repeat my question.

[Objected to by counsel for claimant, on the ground that the question has already been answered.]

A. 454.—In my opinion, it is not only not the best, but not any, authority on points where it is mistaken. As to the name of the officer in question, it is not the best authority, for it is in error; that is, if it does call him a commissioner.

Q. 455.—I call your attention to the third section of the first title of the decree of December 2d, 1842, which, translated, is in these words: "As soon as the present decree shall be published, the Supreme Government, and the creditors of the funds of the establishment, shall proceed to name their respective '*comisionados*,' and the miners resident in this capital shall on their part make a nomination of one *ad interim.*" And I also call your attention to the following words from the sixth section of the same decree: "Three months from the publication of the present decree there shall be assembled in this capital, under the presidency of the Governor of the Department, the private agents (*apoderados particulares*,) who may have been appointed in the mineral districts by the juntas of the miners, in order that they may choose an individual who is to represent them in the *Junta de Fomento*, which election having been made, and the permanent commissioner (*comisionado*) put in possession, the appointee, *ad interim*, shall cease. There shall be chosen also three *suplentes*, who, like the commissioner (*comisionado*), must be miners, or *aviadores* of mines," etc. etc. Looking at the law in the places cited, do you still persist in saying that it is not the best authority, and that the officer in question should be called an *apoderado*, and not a *comisionado?*

[Copy of the decree handed to the witness.]

A. 455.—I presented the project of the law to Gen. Santa Anna, and attended more than four sessions at which it was debated. In the first section of the law it will be seen that the officers are correctly denominated. It is as follows: "Tit. 1, Art. 1. There shall be a Junta, to be called the *Fomento y Administrativa de Mineria.* It shall be composed of an *apoderado*, agent of the miners; another of the creditors of the *Fondo Dotal*, and of a Commissioner (*comisionado*) of the Supreme Government. Their election and powers will be detailed in the following articles." The person appointed by the Government was the one who was properly called *comisionado;* the others were called *apoderados.* In the other sections of this law to which I am referred, they are erroneously called *comisionados.* As a proof of the negligence with which the material *redaccion* was done, I remark that there is a mistake in the title of the law itself, for instead of being called a decree, it is called a *reglamento.*

Q. 456.—You then repeat the same answer you made before, viz: that the decree of 1842 is not the best authority for the title of the office, and that he should be called an *apoderado*, and not a *comisionado?*

A. 456.—I do.

Q. 457.—You also say that the officer is called *apoderado* in the first article of the decree; is not the word *apoderado* used there in its generic sense of agent, and not at all as a title, or name, or designation of an officer?

A. 457.—It is there used as the name or title of an office, and to designate the office in view of the origin or source of his authorities and the duties he was to discharge.

Q. 458.—I have called your attention to two articles in the first title of the decree of 1842, in which the word "*comisionado*" is used as a distinctive title of the officer. I now call your attention to Art. 4: "The Governor of the department of Mexico shall assemble and preside over the creditors and miners in separate juntas, in order that each class shall name its respective *comisionados*, conforming in the voting to the laws in force and practiced in existing establishments." Is the word *comisionado* there again erroneously used as the distinctive title of the officer?

A. 458.—There is error in all the passages or articles in which the *apoderado* of the creditors is called by the title of *comisionado*.

Q. 459.—In support of your assertion of an error in the use of this word *comisionado*, you said that you drafted the project of this decree establishing the *Junta de Mineria;* do you declare, on your oath, that you drafted that project?

A. 459.—In support of my assertion, I stated that I was the person who presented the project of this law to General Santa Anna, in whose cabinet it was discussed; I now say the same; but it must not be inferred from this that it finally passed as I presented it. I could state its history, but it is better to confine myself to the question.

Q. 460.—What support would that give to your assertion of an error in a particular word, if you do not mean that the decree is the same as you presented it?

A. 460.—Because there was no motive to change the names—the alterations were in other particulars. I attribute the change of names to an error. In all the subsequent acts they are called *apoderados*, as I before stated.

Q. 461.—You also said, as evidence of error in the reduction, that it appeared in the copy of the decree in the *ordinanzas* shown to you that the word *reglamento* was used instead of decree, (*decreto*), and that that was an error. Look at the book which I now show you entitled "*Decretos y Ordenes* of the Provisional Government in virtue of the bases of Tacubaya"—containing decrees from July, 1842, to June, 1843, and say whether the word *reglamento* is not used therein in reference to that law and whether that is also an error.

A. 461.—Yes, the same error occurs in this book, because it was copied from the other. In Mexico those laws which establish a *cuerpo* or body, are usually called "*leya organica*" of the particular body, and the regulations are what the same body so established, or the Supreme Government details afterwards, for the better government of the institution. For this reason, I say, the law is improperly called a *reglamento*. In confirmation of this, it will be seen that this same decree requires the Junta to prepare *reglamentos*.

Q. 462.—From what other book do you say that this was copied?

A. 462.—I say this last book is a collection, and the person who made it copied this decree as he found it originally published.

Q. 463.—You mean then that the Minister Tornel made these errors when he published this decree, and that subsequent compilers have copied it?

A. 463.—Yes, sir.

Q. 464.—Do you actually mean to say from your memory, and the considerations you have mentioned that the Minister, Tornel, did make the mistakes you have referred to in the publication of that decree?

A. 464.—Yes, I think it is an error.

Q. 465.—Why may not a decree establish a *reglamento* as well as any thing else, and after the decretal words so entitle it, just as in this case, where Bravo uses these words, "I have thought proper to decree (*accordar*) the following *reglamento*."

A. 465.—I think that a *reglamento* may be established by a decree. But I insist that that this was not a *reglamento*, it was the organic law of the *Junta de Fomento*.

Q. 466.—The decree of December 2d, 1842 provides, that at the end of three months from its date, an election for a commissioner of the miners, who should be permanently a member of the Junta, should be made by the *apoderados* of the miners concerned, at the capital, did it not?

A. 466.—It did.

Q. 467.—They were also to choose three *suplentes* of this commissioner, were they not?

A. 467.—They were to choose three *suplentes* of this "*apoderado*."

Q. 468.—The *apoderados* convened at the capital were themselves chosen by juntas of the miners in the various departments, were they not?

A. 468.—They were authorized by the various deputations in the departments to meet in Mexico, and elect an *apoderado*.

Q. 469.—It was in pursuance of law and custom that the *apoderados* were chosen in the various mining localities of the departments, was it not?

A. 469.—Yes.

Q. 470.—Does not the decree of the 31st January, 1843, apply to each and every of the departments where there were mining districts?

A. 470.—No; as I understand it, the second article of that law was merely intended to supply a deficiency in the organic law; it orders that the same persons who had elected an *apoderado* at the capital, should also meet and elect his *suplente*.

Q. 471.—Is not that law addressed to all the inhabitants of the Mexican Republic, and is there any phrase in it to show that the words "Governor of the Department" apply to any one department more than another?

A. 471.—Yes; I think those words apply to the Governor of the department of Mexico; such is my recollection of it also.

Q. 472.—In Mexican decrees, when one department is intended more than another, is it not always named or clearly indicated, as by the words, "The Department of the Capital," or simular mode of designating it?

[Question objected to, because the witness is asked to give his opinion on the construction of a law, or of all the laws of Mexico.]

A. 472.—In reply to this, I say that what is certain is, that Mexican decrees, when they are properly drawn up, do express what is intended, but when they are badly drawn up they do not. Now, if I am permitted to give a reason to show that my interpretation of this law is correct, I can give one which I think will be conclusive, but if the truth is not wanted I will not go any further.

Q. 473.—This law being as you say intended to apply only to the Governor of the Department of the Capital, and not being expressly declared that that department only was intended, nor indicated precisely by some word of description as aforesaid—do you consider this as one of the decrees which are badly drawn up, and which fail to express their meaning?

A. 473.—I think it certainly might have been expressed with more clearness, but it appears with sufficient clearness from the contents of Art. 2d, that it was intended to apply to the Governor of the Department of the Capital, and that the juntas were to meet in the capital, for it was there only that the meetings of the juntas of the creditors could be held, and as the Junta of the miners is also referred to jointly with the other, is evident that it was intended both should meet at the capital.

Q. 474.—Does not the decree of January, 1843, in effect command the miners in the various departments to meet and choose one *suplente* to the *apoderados*, who, in about a month from its date, were to meet at the city of Mexico, and choose a permanent *comisionado*, and his three *suplentes* to represent the miners in the *Junta de Minería?*

[Objected to, as asking the witness his opinion on a matter of law.]

A. 474.—As I construe this second act, it only requires that the same persons who elected the permanent incumbent who was member of the Junta, should also elect his *suplente*, and this was in fact what was done according to my recollection.

Q. 475.—Is it not plain that the decree of January 31, 1842, does not refer exclusively to the miners of the department of Mexico, when it uses the words "*Juntas de accreedores y de Mineros*," inasmuch as they alone were not authorized to elect a *comisionado*, or his three *suplentes* who were to represent permanently the whole body of miners in the republic of Mexico?

A. 475.—It did refer exclusively to the Junta which had been held to appoint an *apoderado ad interim* of the miners of the whole republic, which Junta was composed of the miners resident in the capital, in doing which they had acted by virtue of the decree of December 2d, 1842.

Q. 476.—Is it not plain that it did not refer to the election required to be held by the 6th Art. of the first decree of 1842, inasmuch as the juntas referred to are to elect only one *suplente;* and under Art. 6th, title one, of the decree of 1842, the election is to be of three *suplentes*, and also of a *comisionado*.

A. 476.—The government fell into this contradiction, that by one decree it required three *suplentes* to the *apoderado* of the miners to be elected, and by the other it required only one. This error was afterwards brought to its notice, and at the election held under the sixth article of title one, of the decree of 1842, three *suplentes* were elected for the *apoderado* of the miners, so that this mistake was of no consequence.

Q. 477.—Then you mean to say that this was to be the election of a *suplente* to the *comisionado interino* of the miners during the remaining month that he was to hold office before the permanent *comisionado* came in?

A. 477.—That was probably the meaning of the decree, that as the *comisionado* was only *ad interim*, his *suplente* was to be so also.

Q. 478.—Is it not plain that the decree of January 31, 1843, in terms calls for the election of *suplentes* to *apoderados*, whereas the decree of 1842, in terms calls for the election of *suplentes* to *comisionados?*

A. 478.—This arises from the same mistake, viz: calling the person in one place *apoderado*, in another *comisionado*.

[Mr. Tobin, the interpreter, being obliged to withdraw, Mr. John P. Brodie was, by consent of all parties, sworn as interpreter.]

Q. 479.—Then the juntas of the miners in the Department of the Capital held two elections, did they not—one by which under the decree of 1842, they elected a *comisionado interino*, and another when under the decree of 1843, they elected a *suplente* of that *interino?*

A. 479.—It may be so inferred from the dispositions of the laws, and I think such was the fact.

Q. 480.—If that is what you mean, how do you understand the concluding words of Article 2d, of the decree of January 31st, 1843, to wit: "and this they shall do whenever they hold an election of principals."

[The law is handed to the witness.]

What "*proprietarios*" were these juntas of these miners of the department of Mexico ever to elect thereafter?

A. 480.—This law, as I have already explained, intended to give a *suplente* to the *apoderado interino*, and it provided that afterwards the same should be done when the principal was appointed under Article 6, of the law of 1842, but the mistake was made that in one decree three *suplentes* were required to be chosen for the *apoderado* of the miners, and in the other only one, which mistake or contradiction was corrected in consequence of a representation made by the Junta.

Q. 481—What evidence can you offer here that such a correction was ever made by the government of Mexico; where is the decree if there was one, by which the correction was made?

A. 481.—My reason for saying that such a correction was made is, that so gross a mistake could not have been made without being discovered, and from the fact which I know well, that the *apoderado* of the miners had three *suplentes*. I think, however, that there was no decree correcting this mistake.

Q. 482.—In what other mode could the government have corrected an error in the decree?

A. 482.—I presume that the Junta apprised the government of the mistake by a communication, and suggesting the manner of correcting it, and that the government *acquiesced* in the suggestion. Perhaps the decision of the government was published in some newspapers.

Q. 483.—Do you think there would be any probability of finding now in Mexico such a communication, and such a publication by the government?

A. 483.—I think it very probable it could be found if it was ever made, but most probable that the *borrador* of the communication of the Junta could be found in its archives.

Q. 484.—Were the juntas of the miners of the Department of the Capital ever authorized to elect any *comisionado* to sit in the *Junta de Mineria*, except the *interino* whom they must already have elected at the date of the law of 1843, and to whom you say they were by that law to choose a *suplente?*

A. 484.—The law of 1843 did not derogate from the law of

1842. They therefore, always complied with the law of 1842, by electing a permanent *apoderado* and three *suplentes*.

Q. 485.—Perhaps you do not understand me. I mean, was the Junta of the miners of the department of Mexico alone, at any time authorized to choose a *comisionado* except provisionally to choose the *interino*, for whom you say by the law of 1843, they were to choose a *suplente?*

A. 485.—The decree of 1843 provided such a *suplente* should be elected; but they may not have done so, because the election was very near, and perhaps the creditors only appointed a *suplente* under that law. It may have happened that the miners, seeing an election so very near, may not have elected a *suplente*, but waited for an election of the principal. The miners, resident in the department of Mexico, had no authority to elect any other *apoderado* than the *interino* first or provisonally elected by them, nor did they ever elect any.

Q. 486.—You mean, then, in your answers heretofore on this subject, that the juntas which, under the law of 1843, were called on to elect a *suplente* to the *interino*, were the same body which had elected the *interino?* I so understand you, but ask the question.

A. 486.—It was. The same body which had elected the *interino* were, by the law of 1843, required to elect a *suplente*. I think, however, that they did not in fact do so.

Q. 487.—Then the truth is, that that same body, *i. e.*, the miners resident in the department of Mexico, elected a *comisionado* but once, but from time to time continued to elect an *apoderado* or agent to represent them in the general meeting of the *apoderados* or agents of the miners residing in the various departments?

A. 487.—The miners resident in the department of Mexico elected only a *comisionado* or *apoderado interino*. I don't know whether they elected his *suplente* as required by the law of 1843. They did not elect *apoderados* or delegates to the general Junta of miners, which was composed of delegates of the miners of the various departments, for they came unto that body in *propria persona;* but what arrangements were made as to their voting at the elections of a permanant *apoderado* to the *Junta de Fomento*, I do not know. The Junta of miners, resident in Mexico entirely ceased then after electing the *interino*, unless they met to elect a *suplente* under the law of 1843, as to which, I am ignorant.

Q. 488.—Then it was not law and custom, both before and after the decree of January, 1843, for the miners, resident in the various departments, including that of the Capital, to meet by their *apoderados* in a general Junta to consider of matters affecting the mining interests at large?

A. 488.—On the contrary, the general Junta of miners in Mexico, at the time of the existence of the mining tribunal, elected the members of that tribunal, examined their accounts, and received from it reports of its transactions; but this was before the establishment of the *Junta de Mineria.*

Q. 489.—Were there not such general juntas of the *apoderados* of the miners after the establishment of the *Junta de Mineria?*

A. 489.—Only for the purpose of electing the *apoderado* to the *Junta de Fomento.*

Q. 490.—These general juntas for that purpose were required to be held every two or three years, were they not?

A. 490.—Yes, whenever there was an election; this occurred every three years.

Q. 491.—Then in the various mining districts, there was required to be held an election for an *apoderado* every three years?

A. 491.—Yes; it must have been so.

Q. 492.—Then there was no necessity of supposing any mistake or contradiction in article second, of the decree of January 31st, 1843; that election would fully satisfy the words to which I have called your attention, "*Y lo verificaran tambien en lo sucesivo cuando hagan la eleccion de proprietarios,*" would it not?

A. 492.—The meaning of those words is this: The miners have not yet nominated a *suplente;* let them do so, and in future let them continue to do so whenever they nominate a principal. I still maintain there is a mistake in the law; the mistake in requiring them by this decree to elect one, while the previous decree required them to elect three.

Q. 493.—Is it not perfectly plain that the juntas were then to elect a *suplente* in precisely the same cases that thereafter in future they were to elect *suplentes,* and also that in future they were only to elect *suplentes* to the local *apoderado* who should represent them in the general Junta of *apoderados,* and hence that you are entirely wrong in saying that by this law they were to elect a *suplente* to the *comisionado interino,* the truth being that they were merely to elect a *suplente* to a local *apoderado?*

A. 493.—No; that law neither directly or indirectly refers to the *apoderados* sent from the various mining departments to the general *Junta de Mineros.*

Q. 494.—I do not wish any mistake to occur between us; after the 31st January, 1843, were the mining juntas of any department to hold any election except for the local *apoderado,* as I have denominated him?

A. 494.—They must have met to elect their *apoderado* to send to Mexico and also to elect the mining deputations.

Q. 495.—After January 31, 1843, were the juntas of the miners in the departments to elect any *suplente* to an *apoderado* except the *suplente* to the *apoderado* who went to the general Junta in Mexico?

[Question objected to, because it assumes that they were to elect a *suplente* to their *apoderado*, which is denied to be the fact.]

A. 495.—No; I know of no law which provided for anything of that kind.

Q. 496.—Does not this law of 1843, require an election of a *suplente* in every instance where there is an election of a principal; if it does and you were right in saying that *apoderados* to the general Junta were elected every three years, does not this law also require an election of a *suplente* every three years?

A. 496.—It does require such an election in every instance where there is an election of a principal. But the *apoderado* who was to be elected every three years was the *apoderado* to the *Junta de Fomento.* The law did not require any *suplente* to be elected to the *apoderado* to the *Junta General de Mineros.*

Q. 497.—But was not the *comisionado* of the miners, whom you call their *apoderado*, himself elected every three years by a Junta General, composed of *apoderados* from the various mining districts, and hence that these last *apoderados* had also to be elected every three years before they could meet in a Junta General?

A. 497.—Yes.

Q. 498.—Now these last *apoderados* being the only principals that you know of, whom the various mining districts would continue to elect after January, 1843, are not their *suplentes* the only *suplentes* which after January, 1843, the mining districts would continue to elect?

A. 498.—I deny the premises—*nego suppositum*—I deny that those *apoderados* had any *apoderados* at all. The powers of attorney sent from the mining districts to Mexico, might have contained an authority to substitute other persons than the one named as *apoderado.*

Q. 499.—Again I say, if those local *apoderados* were the only principals that you know of having been elected in the various mining districts after 1843, must not their *suplentes* have been the only *suplentes* elected?

A. 499.—I reply as before; you speak of *suplentes* of which I have no knowledge.

Q. 500.—Does not the law of 1843 call for or contemplate the election of *suplentes* of certain *apoderados* to take place from time to time indefinitely in the future, and are not these local *apoderados* and their *suplentes* the only ones which you can suggest as being by any means intended?

A. 500.—I cannot make this question agree in any way with the law of 1843. The question appears to refer to local *apoderados* and the law to the *apoderados* of the *Junta de Fomento.* I cannot therefore make it agree with the law.

Examination adjourned until day after to-morrow the 23d inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 23, 1859.

EXAMINATION RESUMED FROM THE 21ST INST.

Present: Messrs. Peachy, Billings, and Yale, for claimant; Mr. Randolph, for United States.

Q. 501.—In a former answer you used these words in reference to the decree of January 31, 1843: "Now if I am permitted to give a reason to show that my interpretation of these words is correct, I can give one which I think will be conclusive; but if the truth is not wanted I will not go any further." As all our labor is to discover the truth, if possible, you will now give what reasons you think proper.

A. 501.—Shortly after I made that statement I gave the reasons why I considered my interpretation the true one; the reason I then gave was, that the provisions of this article embraced copulatively the juntas of the miners and of the creditors, and it being evident that the Junta of the creditors could only be held at the capital, it followed that the Junta of the miners to which the provisions of that article applied was also to be held at the capital; I now add that the third article favors my interpretation; it says: "The *apoderados suplentes* shall receive their salary in full, when the separation of the principals for fifteen days is made necessary for their convenience, but no salary when the absence of the principal is occasioned by sickness." Neither of the provisions in this article could be applied to the *apoderados* named by the mining deputations, solely for the elections to be held every three years; for such elections could not continue for the length of time contemplated by this article; that is, for a long time, and because as the principals received no salary, it is difficult to conceive how their *suplentes*, if they are referred to in the article, could receive any; But the contents of the article are perfectly applicable to the *apoderados* who acted in the *Junta de Fomento*, whose office was permanent, and who had a salary fixed by law. It may also be added that as well by the ordinances as by the decree of December 2d, 1842, it was provided, that it was not necessary that the persons who came from the mineral districts to make the election should come in person; it was sufficient if they sent a power to persons resident in the capital to act for them; from which it follows that they required no *suplentes.*

Q. 502.—Now, having delivered you explanations at length, please answer my questions categorically, yes or no. Do you know of any election having been held by any Junta under the second article of the decree of 1843?

A. 502.—As I stated yesterday, a *suplente* was no doubt appointed in accordance with that article to the *apoderado* of the creditors, and I do not remember that there was any appointed to the *apoderado* of the miners, but I think it was probably left until the election which was to take place under Art. VI, Title 1, of the organic law.

Q. 503.—Please answer me not whether it is probable, but distinctly yes or no, whether in fact an election for a *suplente* was held by the creditors under the second article of the decree of 1843?

A. 503.—My duty is to state what is true as true, and what is doubtful as doubtful; I have complied with that duty.

Q. 504.—Is it true or doubtful that such an election was held by the Junta of the creditors?

A. 504.—It is certain that the creditors elected a *suplente.*

Q. 505.—Did that election occur after January 31st, 1843, and in pursuance of the second article of the decree of that date?

A. 505.—I presume it did.

Q. 506.—A supposition is no answer; do you recollect that it was a fact?

A. 506.—The fact that a *suplente* was given to me I remember, and I consider it certain that it must have been in compliance with the second article of the decree of 1843; but it would be hard to swear that it was done under that decree, as at that time there were so many decrees and laws on the subject; I have no doubt of the fact however.

Q. 507.—No one knows better than you do the difference between an inference and a recollection. Please to say whether you have a recollection of the fact that such an election was held, and whether you can swear to it.

[Counsel for claimant objects to the question on the ground that it has already been answered; that the witness has said that he remembers that a *suplente* was given him, and he added that whether that *suplente* was elected under the decree of 1843, or under some other decree, he is unable to state, but is of opinion that it took place.

The counsel for the United States, objects to the interruption, and to the statement in presence of the witness of his previous testimony, as obstructing the cross-examination and having the effect of leading the witness.]

A. 507.—I understood the question to be whether the election had been held under this particular decree or not. As there were so many orders and decrees about that time I could not venture to swear that the election was held solely under this particular decree. But I remember that an election was held; I remember distinctly that my *suplente* was elected.

Q. 508.—Was the election you refer to held after the 31st January, 1843, or before?

A. 508.—It was held after that date.

Q. 509.—Where, at what place, and by whom, was the Junta convened that made the election?

A. 509.—The image of the thing does not present itself to my mental vision as clearly as what I now look at; my recollection of it is confused and indistinct.

Q. 510.—How is it that you, who were a member of the Junta, chosen by the creditors, can swear that you had a *suplente*, but have no better recollection when, where, and how, you obtained such an associate?

A. 510.—I see nothing inconsistent in this; there are even other reasons in addition to what Mr. Randolph has stated, why I should remember; I was a creditor myself, and represented several creditors, and have no doubt my vote was solicited for that election, and I consider it indubitable that I was one of the majority. Nevertheless, I do not recollect distinctly the fact, and I do not think it anything remarkable, but rather a common thing for me to be unable to remember the circumstances distinctly.

Q. 511.—Can you refer me to any of the numerous orders and decrees under which the election, as you say, might possibly have been held? as yet I know only of the decree of 1843.

A. 511.—I did not say there were numerous decrees, but *various* decrees. I think I have stated, already, that the *planta* was established by a decree, although it might have been done by a *reglamento;* but the same decree made some changes in the organic law of 1842; this is the decree which I distinctly recollect.

Q. 512.—As the decree to which you now refer had nothing to do with the election of *suplentes*, how could its existence raise any doubt in your mind as to whether your *suplente* had been elected under the decree of 1843?

A. 512.—The doubt was suggested to me by the facility with which various decrees were made; and, as an instance, I cited this one.

Q. 513.—Do you know of any decree after the 31st January, 1843, touching the election of *suplentes* to the *comisionado* of the creditors?

A. 513.—I do not.

Q. 514.—You have said, on your direct examination, that you had two *suplentes* at different times. For what reason, when, and under what law, was your second *suplente* appointed?

A. 514.—The reason was, that I was elected twice; at each election I was obliged to have a *suplente;* I was elected three times, but the third time I declined to act; my first election was for three years, and my term ended in 1845; my second election was for 1846—'48; my second *suplente* must therefore have been elected in 1846. The provisions of the law of January 31, 1843, were sufficient to authorize his election.

Q. 515.—Was that law in fact the authority under which your second *suplente* was elected?

A. 515.—The law of 2d December, 1842, and that of January 31, 1843, combined, were the authority under which my *suplente* was elected.

Q. 516.—If you are certain that this was the authority for the election of the second *suplente*, why were you not equally certain that it was the authority for the election of the first?

A. 516.—I do not think that my answers as to the first expressed any doubt; all I said was, that I would not venture to swear that there was no other decree or disposition with regard to it.

Q. 517.—Will you venture to swear that there was no other decree or disposition with regard to the election of your second *suplente?*

A. 517.—I can swear that I am entirely ignorant of any.

Q. 518.—Had you or had you not any *suplente* during the first two months, or thereabouts, that you were in office?

A. 518.—I think I have already stated, but if not, I now state that, soon after I was appointed (I cannot fix the precise date) I had a *suplente*.

Q. 519.—Can you say whether, or not, you had one within about two months; and whether you had one before the election called for by the Sixth Article of Title 1 of the decree of Dec. 2, 1842?

A. 519.—I believe I had one before that election; I cannot swear that I had one within two months; but I am satisfied that I had one before the election referred to.

Q. 520.—Is this a recollection of the fact or is it an inference?

A. 520.—It is an inference; but it is so well supported that it is equivalent to a recollection.

Q. 521.—Please state briefly, if you can, what the supports are which make this inference equivalent to a recollection?

A. 521.—The decree so often referred to, of the 31st Jan.; the interest which the person seeking that place must have had to obtain it at once; and the desire I must also have had to have a *suplente* to enable me to leave Mexico when I chose.

Q. 522.—According to my understanding, there are but three juntas of miners mentioned or contemplated by the decrees of December 2, 1842, and January 31, 1843. 1st. The Junta or meeting of the miners resident at the capital which appointed the *comisionado interino.* 2d. The juntas of the miners in the mineral districts to appoint *apoderados* to go to the capital and elect the *comisionado proprietario.* 3d. The Junta of the above-named *apoderados* when they assembled at the capital to make the said election. Is that your understanding also? If you suppose any other Junta of miners to have been intended by those decrees, please state what it was.

A. 522.—These were the only three juntas contemplated by those laws; I understand the laws precisely in the manner stated in the question, except that the agent was an *apoderado* and not a *comisionado*; and that the *apoderados* were not obliged to go to the capital but could authorize persons to act for them.

Q. 523.—To which of those three juntas of the miners does the decree of January 31, 1843 refer, when it uses these words: "*se reunisan de luego a luego las juntas de acreedores y de mineros*"?

A. 523.—It refers, as I have stated before, to the Junta of *Mineros* resident in the capital and who held the first election for *apoderado* in the *Junta de Fomento y Administrativa de Mineria.*

Q. 524.—Are you not certainly mistaken in that respect for these reasons: 1st. Because that Junta was evidently a provisional body, which exhausted its functions in electing the *comisionado interino.* 2d. Because there is no decree shown calling it into existence again, and because no elections were to be held by it in the future for any purpose immediately connected with the *Junta de Fomento*?

A. 524.—I am not mistaken, because this article speaks to the Junta of residents who had held the first election so that they should at once elect a *suplente* for the person they had just appointed to the *Junta de Fomento*. With respect to what it says as to the future, that is addressed to future juntas which were to hold elections according to the provisions of the organic law of Dec. 2, 1842.

Q. 525.—You then answer that the decree of 1843 refers to the first and third classes of juntas I have mentioned, viz: To the provisional Junta of the miners of the capital, and then to the juntas of the *apoderados* chosen in the mining districts wherein they should meet in the future?

A. 525.—I do; as to the present it refers to the first class, and in speaking as to the future, it refers to the third class.

Q. 526.—Are you not wrong in saying that the juntas mentioned in the second article of that decree are in any event the juntas of the second class, that is, the juntas of the *apoderados*, because: 1st. That Junta was always designated as the *Junta General*. 2d. Because, as soon as they could assemble in the capital, they were by the law of 1842, to elect a new *comisionado* and three *suplentes?*

A. 526.—I am not mistaken; I have foreseen that objection; I have already stated that the government had fallen into that contradiction, and that the error was cured by the government after communications had passed between it and the *Junta de Fomento*.

Q. 527.—I understood you to say that those communications might have passed; do you now mean to say they actually did pass?

A. 527.—I do; those communications did pass.

Q. 528.—The decree of January 31, 1843, was to clear up doubts in the construction of the law of 1842, yet you say that it contains a new mistake and contradiction in calling for the election of one *suplente* to the *comisionado* of the miners, who already had three under the organic law; and that this new mistake was subsequently corrected by the communications you have referred to. Is not all this wholly incredible when you reflect that the doubts to be resolved by the law of 1843, were proposed by the Junta itself?

A. 528.—This decree of 1843, in its first article, corrected a mistake which had been committed in the organic law, attributing it to a typographical error. In the second article it endeavored to fill a void in the organic law. With regard to the other suggestion, that it appears improbable that a law passed to correct errors should contain others, it is improbable but not impossible. It has just happened that a law passed imposing a tax of one per cent. on capital, required a declaratory law to explain it, which in time required another to explain *it*.

Q. 529.—As you were a member of the Junta at that time, perhaps you can tell me what were the points submitted for elucidation to the government, and which gave rise to the decree of 1843.

A. 529.—I suppose I have just answered the question; all that I remember is that one was to fill a gap in the organic law; the other was to correct a typographical error.

Q. 530.—As you drafted the original project of the decree of 1842, perhaps you can explain why three *suplentes* are provided for in the sixth article, title one, of that decree, so that they might act as advisers to the *apoderado* of the miners whenever the Junta might desire to consult them.

A. 530.—I did not understand the previous question as referring to the points which the Junta suggested and which gave use to the law of 1843. As to them I remember nothing. I supposed we were talking about the law itself and not about what preceded it.

Q. 531.—The last supposition seems to me wholly impossible, because the question is perfectly plain in its terms, and was repeatedly explained to you by the court and the interpreter; and, also, because your answer was exactly responsive to the question—nevertheless, I will repeat the question: What were the points which the Junta submitted for elucidation by the government, previous to the decree of January, 1843, and which gave use to that decree?

A. 531.—One point was, that the organic law required the election to be held every three years, and yet required an election to be held in 1844, which was only two years; this mistake arose from the delay which occurred after the project was submitted, and before it passed,—it was represented that this was a typographical error. It was also represented to the government that there was no provision in the organic law for a *suplente* to the *apoderado* of the creditors. These are all the points I recollect, but I remember these two points well.

Q. 532.—Why have you answered the last question with the Book of Decrees in your hand, notwithstanding that the court, at the suggestion of the counsel for the claimant, instructed you to speak from memory alone?

A. 532.—I did not use the book to give the reasons, but to give the explanation. If I had been required not to use it, I would not have done so.

Q. 533.—Were the three *suplentes* provided for in Art. VI, Tit. 1, of the decree of 1842, *suplentes* to the *comisionado* of the miners alone?

A. 533.—They were *suplentes* of the *apoderado* of the miners alone.

Q. 534.—If that was so, why was their number precisely the same as the number of the members composing the Junta, and why are they authorized to supply the place of the *proprietarios* or principals in the plural?

A. 534.—Because the number was of no consequence, as they had no vote. They were not all three to represent the principal, but each in turn, when it became necessary. I see nothing wrong in the expression *proprietarios* in the plural, because it might be said that the Ministers of the President of the United States should do so and so, and yet the meaning might be that only one Minister of each President should do it.

Q. 535.—How long had the $5,000,000 debt of the mining body been accumulating?

A. 535.—It was accumulated by the old mining tribunal; how long it had been accumulating I do not exactly remember—probably from near the beginning of the century.

Q. 536.—What sort of evidences of debt did the creditors hold?

A. 536.—The members who composed the mining tribunal gave them an authentic act, or instrument in writing, executed before the Notary of that body.

Q. 537.—When the *Junta de Mineria* took charge of its liquidation in 1842, was not this debt held by a great many different persons?

A. 537.—In the first place, the Junta did not take charge of its liquidation, for it was already liquidated; it was distributed among a great many persons.

Q. 538.—Did all the holders of this vast debt reside in the capital, or, like the miners, in various places?

A. 538.—They did not all live in the capital; those who did not live there were represented by persons who did reside there.

Q. 539.—Had not the creditors, for a long time before the organization of the *Junta de Mineria*, been in the habit of meeting in concourse at the city of Mexico?

A. 539.—I would just like to be informed what the question means by "in concourse?"

Q. 540.—It means the same as is meant by the word "*concurrir*" in Spanish; I do not mean a technical *concurso* of creditors.

A. 540.—The creditors never met by authority, except when they met in pursuance of the decree of May 20th, 1826, to appoint an *apoderado* to represent them in the establishment created by that decree. I confine myself to the time which elapsed from the extinction of the tribunal to the establishment of the *Junta de Fomento*.

Q. 541.—Had not the creditors before 1826 been in the habit of meeting for the purpose of electing a "*syndico procurador?*"

A. 541.—No, sir.

Q. 542.—Look now at Art. IV, of the regulations attached to the decree of 1826, to which you have referred, and say what is the meaning of these words: "*Que se acarstombro en los concursos de acreedores con respecto al syndico procurador*"?

A. 542.—The meaning of this article is, that the creditors should not vote *per capita*, but according to their interest, in the manner usual when the creditors elected a *syndico procurador*.

Q. 543.—Then it does not mean that the creditors of the mining body had been accustomed to hold general meetings at the capital before 1826?

A. 543.—That is not to be inferred from it at all; nor was such the fact, as I have already stated.

Q. 544.—At the meetings of these creditors under the law of 1826, might not the creditors, like the miners, be represented by *apoderados?*

A. 544.—I so understand it; both could be so represented.

Q. 545.—Does not the seventh article, title one, of the decree of 1842, call for a *Junta General* of creditors in the same terms that it calls for a *Junta General* of miners, and were not those juntas in both instances to be composed of *apoderados* from various places?

A. 545.—It means that both should have *juntas generales;* the creditors were to present themselves personally at the capital, and the Junta of the creditors was to be composed of the creditors themselves; but any one of the creditors might authorize a proxy to represent him.

Q. 546.—Was it not customary for the creditors living elsewhere than in the capital—for example, in the other principal cities of the republic—to hold meetings and appoint an *apoderado* to this general Junta, so that the same *apoderado* would represent many creditors?

A. 546.—No, sir; that was not the custom, nor could it have been.

Q. 547.—Why could it not have been?

A. 547.—Because they were all, or nearly all, represented at Mexico. There was perhaps not one who was not so represented; that was the only place where their rights could be represented in this matter.

Q. 548.—You say that the non-resident creditors never agreed upon a common representative, but each one had his own agent?

A. 548.—Yes, sir.

Examination adjourned until to-morrow, at 11 o'clock, A.M.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, June 24, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for claimant; and Mr. Randolph, for the United States.

Q. 549.—Does not the second article, as well as the first, of the decree of January 31, 1843, refer to this seventh article of title one of the decree of 1842, and is it not plain that the *apoderados* and *suplentes* spoken of are those of the creditors and miners respectively, and who continually thereafter (*en los sucesivo*) were to meet every three years at the city of Mexico in *juntas generales?*

[The witness desires to say that in a printed report of the deposition of yesterday he has observed some errors, which he desires to correct. He is advised by the court that the authentic record of his deposition is the written paper that will be signed by him, and that before being called on to sign the same, opportunity to correct and explain the same will be afforded.]

A. 549.—The second and third article of the decree of 1843, confirm and amplify the seventh article of the decree of 1842. They refer to the same subject, inasmuch as they refer to the election, as well by the Junta of creditors as by the Junta of miners, of an *apoderado* to represent them in the *Junta de Fomento*. The *apoderados* and *suplentes* spoken of, are those who formed a part of the *Junta de Fomento*. The articles referred to do not refer to *apoderados* or *suplentes* to the *juntas generales*.

Q. 550.—Does not the second article of the decree of January 31, 1843, in calling for the immediate election of a *suplente*, intend to prescribe a legal mode of meeting the difficulty suggested at the end of Art. VI, Tit. 1, of the decree of 1842, viz: that some places might be too poor, or too remote, to send an *apoderado* to the *Junta General* at the capital, and would need a substitute to the *Junta General*. Is not the *suplente* mentioned in the second article of the decree of 1843 that substitute?

A. 550.—Article second of the decree of 1843 has no reference to the matters mentioned in article six of the decree of 1842. By the latter, the juntas of the mining districts were authorized to elect an *apoderado* to the *Junta General;* or if they were too poor or too remote to send one, to authorize a resident of Mexico to represent them in the general Junta. This I stated several times yesterday, but in the printed report I have seen, I am made to say that the *apoderado* of the Junta of the mining districts could name his own agent or proxy. This was not the fact. The agent was named, not by the *apoderado*, but by the Junta of the mining district itself, in cases where by reason of poverty, or remoteness from the capital, they could not procure an *apoderado* to go to the capital.

Q. 551.—I am very loth to multiply questions on the same point, but I must ask you whether the sixth article of title one of the decree of December 2, 1842, does not require each mining district in all cases to name an *apoderado*, and whether the matter you have just now spoken of was not to meet cases in which the *apoderado* was unable to come, and whether this agent, proxy, or *apoderado*, resident in Mexico, was not to all intents and purposes a *suplente?*

A. 551.—As I understand it, such a person could in no case be called a *suplente*, because the person resident in Mexico who might be appointed to represent the mining district, would be as much an *apoderado* as the *apoderado* elected by the Junta of the district itself. They were not two things which could exist simultaneously; one or the other only could exist at the same time.

Q. 552.—Then you say it was not the law that one should be named in the mining districts at all events, and that the other should take his place in the Junta only when he was unable to come?

A. 552.—The law does not contemplate two beings at the same time. It requires an *apoderado* to be chosen in each mining district, and permits two modes of appointing him.

Q. 553.—The result of the whole in my understanding is, that the amendatory decree of January 31, 1843, refers, as I have suggested to you, to the seventh, and also the end of the sixth article of title one of the decree of 1842, and hence no more gives you, as *comisionado* (or *apoderado* if you please) of the creditors, one *suplente*, than it gives one more to the representative of the miners, for whom the law had already, as you say, provided three. Am I right or wrong?

A. 553.—I think that this construction of the law is entirely erroneous.

Q. 554.—Was it not the fact that you had no *suplente* for yourself specially, at all, but in your absence you were represented by some one of the three *suplentes* chosen by the Junta General of the miners, chosen under the sixth article of title one of the decree of December 2, 1842; and that those three persons were *suplentes*, as well as *consultores*, for the whole *Junta de Fomento?*

A. 554.—I had a *suplente* for myself, specially; I was not represented by one of the three *suplentes* chosen by the Junta General of the miners under the sixth article of the decree of 1842. Those three persons were *consultores* but were not *suplentes* for the whole of the *Junta de Fomento.* I could show from what I have already stated that this must be so, but I think it unnecessary.

Q. 555.—You say also, categorically, that the *comisionado* appointed by the government had no *suplente* specially for himself, and that, in his absence, he was never represented by one of the three *suplentes* chosen by the Junta General of miners?

A. 555.—I have so stated, and say so still.

Q. 556.—Please give me the names of the three persons first chosen as *suplentes* by the Junta General of the miners; and the names of those chosen at the second election in 1845, when the *Junta de Fomento* was renewed?

A. 556.—I have already said, in this deposition, that I did not remember the names of all of them, and still less, the elections at which they were chosen; I have mentioned the names of those I remembered.

Q. 557.—In the years 1843, 1844, and 1845, you, as a member of the Junta, were in the habit of meeting and advising with three *consultores*—who were those three persons?

A. 557.—That question is already answered; I will only add, we very seldom advised with the *consultores*.

Q. 558.—Give me the names of those three persons, or admit that you do not remember them.

A. 558.—This question is, I conceive, already answered; I will say, however, that I do not remember the names of the persons who were *suplentes* and *consultores* during those three years.

Q. 559.—Who were the *consultores* during the years 1846, 1847, and 1848? mention their names.

A. 559.—I do not remember them.

Q. 560.—Please repeat the names of the persons you have mentioned that you may now remember, as having at any time held that office.

A. 560.—El Doctor Don Luis Gordoa, Don Francisco Faguaga, Don Selo de la Rea, Don Joaquin Rosas, Don José Del Motte.

Q. 561.—Are any of those persons alive; if so, which?

A. 561.—Rosas is alive, and I believe De la Rea is also alive; the other three are dead.

Q. 562.—Is it the same Don Joaquin Rosas whom you have named as one of your own *suplentes?*

A. 562.—It is.

Q. 563.—Did he hold the two places at the same time, or how?

A. 563.—I believe not.

Q. 564.—Are you not certain whether he did or not? explain how it was if you please.

A. 564.—I am not certain; I think so.

Q. 565.—Was it ever the case that one individual was the *suplente* of two members of the Junta at the same time?

A. 565.—That is precisely the reason why I think that Rosas was not my *suplente* at the time he was one of the three *suplentes.*

Q. 566.—Please give me no more reasons, but only your recollections; and tell me when Rosas was your *suplente*, and when that of the miners; and how he came to hold both offices.

A. 566.—I do not think he held both offices at the same time; I remember that he was my *suplente* in 1846; he came to hold both offices by being elected to them and by being competent to hold them when appointed.

Q. 567.—Don't you recollect any other year when he was your *suplente?*

A. 567.—I suppose he was my *suplente* in 1847 and 1848, as that was the natural order of things, if nothing unusual happened; I do not remember, distinctly, any positive fact which would enable me to swear that he was my *suplente* during those years.

Q. 568.—What are the distinct, marked, and positive facts which enable you to swear that he was your *suplente* in 1846?

A. 568.—Because I remember having seen his *rubrica* on actas of that year; and I remember, also, that he filled my place when I set out for my *Hacienda* in May, 1846.

Q. 569.—You refer to his rubric in the actas which you have produced in support of this claim of Andres Castillero; do you not?

A. 569.—I do.

Q. 570.—Can you not recall any distinct, marked, or material fact which will enable you to swear to the year in which any of the other persons you have mentioned acted as *suplentes?*

A. 570.—If I am not mistaken, in December, 1846, it was necessary to call a meeting of the *consultores* to determine with regard to an application of the government for money, and I think that those summoned were Faguaga, Del Motte, and Gordoa; what I am uncertain about is, the date of this event.

Q. 571.—With the aid of those circumstances, do you or do you not swear that those persons were *suplentes* in that year?

A. 571.—I can only swear that I believe it was as I have stated; nothing more.

Q. 572.—I call your attention now, to the borrador of the acta of the session of April 23, 1846. In your answer to Question 93, as corrected by yourself, you say that Don Tomas Ramon del Moral exhibited to the Junta a letter addressed to him by Don José Joachim de Herrera, who had been President of the republic, in which was stated a part of the contents of two letters received by him from Castillero. How do you know that Herrera's letter to Moral contained parts of one, two, or three, or any number of letters received by him from Castillero?

A. 572.—From what I remember of the contents of Herrera's letter to Moral.

Q. 573.—Does the letter of Herrera express that it was made up of parts of two letters of Castillero?

A. 573.—I think so; that is my recollection of it.

Q. 574.—Have you any distinct recollection at all, of such a letter, independently of what you read in that borrador?

A. 574.—The recollection I have is, that at that time some letters were presented to the Junta which came from Castillero. This is all the distinct, independent recollection, without regard to what I have seen in the borrador.

Q. 575.—As none of the *expedientes* to which you now refer state whether Herrera's letter to Moral was made up of parts of different letters from Castillero, and as your own recollection is merely that some letters from Castillero were shown, how could you come back at the end of several days and have a correction made in an answer which you had given, specially and precisely, amending it so as to say that Herrera's letter to Moral was made up of parts of two letters from Castillero to Herrera?

A. 575.—I can't recollect what reminded me of this fact; I have seen the copy of the letter of Herrera somewhere, and I have read a good deal about the matter.

Q. 576.—As a copy of the alleged letter has been in this court in this case nearly seven years, why did you not leave it to speak for itself instead of giving its contents as a part of your own recollection?

A. 576.—Because, having seen that my answer was inexact, I wished to have it made exact.

Q. 577.—When you are asked your own personal recollections, do you think it proper to make your statements precisely exact, by adding that of which you have no recollection, and of which you have subsequently read in some paper?

A. 577.—I do not think it would be proper to do so; if I were asked for my personal recollection, I would think it improper to state anything derived from another source; but I cannot exactly specify how I came to remember the correction—from what source my recollection of the correction came. The copy of Herrera's letter I have often read, and even lately in the papers which have been presented here.

Q. 578.—In the interval between your original answer and the correction you made, had you held no conversation with any one in regard to the matter; if so, with whom?

A. 578.—I don't remember.

Q. 579.—After the close of our examinations here, daily, are you not in the habit of discussing with some one, the accuracy and correctness of the answers you have given; if so, with whom?

A. 579.—After I read the printed report of the testimony, I generally speak to almost every one about it with whom I converse.

Q. 580.—Who are they?

A. 580.—The Messrs. Barron, Mr. Negrete and his nephews, Mr. Brodie, Mr. Danglada, Mr. Ortiz, with Mr. Peachy, with Mr. Huber, with Mr. Billings, Mr. Emmet, the two Messrs. Young, with Mr. Price, with Mr. Green.

Q. 581.—Had you conversed with these persons or some of them, as to that correction, before you made it?

A. 581.—I think not; what I generally speak of to them is the mistakes I notice in the printing.

Q. 582.—Do you swear that you did not speak with any of those persons about that correction before you came into court to make it?

A. 582.—I do not swear it.

Q. 583.—Please tell me how the fact was, one way or the other?

A. 583.—I do not remember distinctly and cannot state positively; some of those gentlemen may have shown me a paper which, on examination, suggested to me the correction, or my attention may have been called to some paper which refreshed my memory with regard to it.

Q. 584.—Are you not afraid when you converse with so many persons about your answers, and afterwards come here and make explanations and corrections, that you will get some of their recollections mixed in with your own in this deposition?

A. 584.—I believe this is the only substantial correction that has been made; others have been made with regard to what I saw in print; the corrections I made with the interpreter can be examined to see if there are any substantial ones.

Q. 585.—You have said that it appears by the actas of the 4th May, 1846, that the Junta asked him what kind of assistance he wanted; was he in the capital on that day?

A. 585.—If I remember right, Castillero had not then arrived in the capital; at least, I think he had not presented himself to the Junta, so that this statement of the Junta must have been made to Don Tomas Ramon del Moral for Castillero.

Q. 586.—Then when the borrador says that Castillero was asked what aid he required, it means that Don Tomas Ramon del Moral was the person addressed by the Junta?

A. 586.—It means that Castillero was asked through Moral; the Junta might have said to Moral: "ask him what aid he wants," although he was absent.

Q. 587.—Have you the least recollection in the world whether that question was put to Castillero or to Moral, and are you not swearing entirely from conjecture and from the borrador before you?

A. 587.—I remember distinctly that the question was put, but I have no personal recollection independently of the papers as to whether it was addressed to Castillero personally or to Moral.

Q. 588.—Have you any personal recollection whatever of the time when Andres Castillero reached the city of Mexico, whether he was or was not there on the 3d, 4th, 5th, and 6th May, 1846?

A. 588.—I have no personal recollection on the subject.

Q. 589.—In the borrador of May 6th, it is stated that Andrés Castillero personally appeared before the Junta. Independently of that paper have you the slightest personal recollection whether he came there on that day?

A. 589.—That he presented himself on that day, I do not remember, but that he did present himself before the end of May I do remember.

Q. 590.—Is that recollection supported by any other circumstance you can now call to mind; if so, what?

A. 590.—Yes; all the occurrences of that month support each other; I can give some particulars: knowing that the dispositions of the Minister, Iturbe, were in May, and that they prevented what was agreed with Castillero from being carried into effect, I have no doubt that the transactions with Castillero took place before the end of May.

Q. 591.—These generalities enable you to swear positively that Castillero came personally before the Junta?

A. 591.—No; there is something more, I remember to have seen him; up to that time I had never seen him.

Q. 592.—Can you swear, from any recollection you have independently of the papers, that he made a verbal statement to the Junta of the discovery, denouncement and then condition of the mine, etc., etc., as is set out in the borrador?

A. 592.—Excluding from my mind all the papers, I can swear that Castillero presented himself to the Junta and related that he had discovered this mine in Upper California and spoke of the richness of the ore, and proposed to the Junta to take shares in the mine.

Q. 593.—Was his verbal statement all; did he exhibit no other evidence of his title to the mine; if so, what?

A. 593.—I remember that he spoke of having secured it; but I do not recollect whether he presented any written paper touching what he had done here.

Q. 594.—Do you not remember his presenting at any time a written paper, showing what he had done here and as evidence of his title?

A. 594.—I do not remember.

Q. 595.—In April last, when you were examining the papers of the old Junta, did you find no paper which had been presented by Andrés Castillero, showing what he had done here and his title to the mine, and no entry in any borrador or book of actas, noting that such a written paper had been presented?

A. 595.—I only remember to have found copies of the letters from Herrera to Moral, and of that from Castillero to Moral, and the propositions of Castillero; and, in one of the *espedientes*, a dispatch of the Governor of California. I don't remember having seen any papers presented by Castillero about his denouncement here.

Q. 596.—Did you not bring copies of all the papers and of all the borradores which you could find touching this business of Castillero?

A. 596.—Yes, sir.

Q. 597.—Then you know of nothing more than of this verbal statement having been made before the Junta by Andrés Castillero; how could the Junta recommend to the government or itself consent to grant such extraordinary favors to any man on his own mere verbal statement?

A. 597.—He not only made a verbal statement, but he wrote part of it when he presented his propositions, and the Junta saw all this confirmed by the specimens of cinnabar and the flasks of quicksilver, and on the faith it was bound to place in the reports of Moral, and by the relation which Moral and Castillero must have made as to the dispatch of the Governor of California to the Minister of Relations, all this, taken together, did not allow the Junta to entertain a doubt of what Castillero said, and was enough to satisfy it, that what had been desired for entire centuries, viz: the discovery of a rich quicksilver mine had actually occurred, and, therefore, it recommended to the favorable consideration of the government all the petitions of Castillero.

Q. 598.—In all these things you do not pretend that Castillero submitted any written evidence of his title, or anything more than his own verbal statement. Do you say seriously that the Junta and the government, especially in May, 1846, would have invested large sums of money for which the only security would be the sufficiency of the title of Andrés Castillero to this mine?

A. 598.—I have already stated the grounds which the Junta had for its action in addition to Castillero's verbal statement, and the money which the Junta proposed to loan him, instead of being a considerable amount, was a trifling and miserable matter.

Q. 599.—How can you say the sum was trifling when the government and the Junta were at that time in the utmost penury?

A. 599.—I mean to say, that compared with the means of the Junta it was perhaps a considerable amount, but in itself, and considering the great purpose to which it was to be devoted, it was really trifling.

Q. 600.—Laying aside the absurdity of the Junta or the government investing any money at such a time on such a security, was not the Junta prohibited by law from investing any of the *azogue* fund in a quicksilver mine on such evidence as was afforded by a few stones of cinnabar and a small flask of quicksilver?

A. 600.—The law said nothing for such a special case as that stated by the question; but the laws relative to the management of the *Fondo de Azogue* were sufficiently ample or liberal, as is proven by the fact that the Junta spent some thousands of dollars in working quicksilver mines in Guanaguato, which yielded it nothing, and that in merely exploring for quicksilver it spent a matter of about $30,000.

Q. 601.—Did not the law require the Junta to use the utmost diligence in verifying the quality of the mine it proposed to encourage, and also to send intelligent persons out to make an examination of them and report upon them?

A. 601.—I believe so.

Q. 602.—Such being the case, how was it possible for the Junta, without such exploration and without any further knowledge than that derived from the sources you have mentioned, to invest any money in this enterprise of Castillero?

A. 602.—The specimens he presented in addition to the faith which Castillero's statement was entitled to, for all the reasons I have given, was a better ground for action than a report of any expert, who perhaps might be interested, and the attempt to send one so far as to California would have been nonsense. Finally, the approbation of the government was sufficient to relieve the Junta from responsibility.

Q. 603.—The law also required that the Junta should invest no money in a mine without taking first sufficient security and reserving a payment of five per cent. per annum interest; how could the Junta invest money without complying with these requirements?

A. 603.—This is fully answered by what I have said in my preceding answers. Mr. Randolph may have observed in the communication to the government what is said about interest.

Q. 604.—When Andrés Castillero presented his proposition he stated that he had denounced and taken possession not only of the mine but of an extension of three thousand varas in all directions; what evidence did the Junta or the government have as to whether this was public land or private land that he had taken possession of?

A. 604.—As I understand, he referred to land taken possession of to work the mine, to *pertinencias mineras;* these are granted indifferently, whether the land is public or private, by the ordinances.

Q. 605.—Would it not make a great difference whether it was private or public land, when the question was one of approving an extension of three thousand varas in all directions; is there anything in the *ordenanzas* which would help that case?

A. 605.—I do not know that there is anything in the *ordenanzas* specially applicable to the case, but there is an article which opens the door to the munificence of the sovereign or government in extraordinary cases.

Q. 606.—Is there any article in the *ordenanzas* or laws of Mexico which opens the door of the munificence of the sovereign to give or approve, as a mining right, an extension of three thousand varas in all directions on another man's land?

A. 606.—I do not know that there is.

Q. 607.—Then how was it that the Junta or the government did not first inform themselves whether this three thousand varas to be approved was on public or private land?

A. 607.—I remember the communication from the Junta does not speak of three thousand varas in all directions, but merely three thousand varas.

Q. 608.—Then, as you remember, the Junta only supposed that it was recommending the approval of three thousand varas in one direction only, amounting to fifteen *pertenencias* as calculated by Segura in his letter?

A. 608.—I think so. I think the Junta does say that the three thousand varas amounted to fifteen *pertenencias*, but I do not remember whether it does not also recommend the approbation of all that had been done. It was the intention of the Junta to grant Castillero all he asked, but from the contents of this dispatch it appears that the Junta, with respect to the mining grant, referred to an extension of three thousand varas containing fifteen *pertenencias*, as the dispatch itself says.

Q. 609.—You have said that the *Junta de Fomento* had but quite a limited knowledge in mining matters; had they not enough with the aid of the three *consultores* who were all practical miners, and of the directors of the college and all the professors, to calculate how many *pertenencias* were contained in an extension of three thousand varas in all directions from a given point?

A. 609.—It does not appear that in this matter the Junta availed itself of the knowledge of those persons.

Q. 610.—But in the report which you say the Junta made to the Minister of Relations, José M. Lafragua, about this matter, I read that the petition of Andrés Castillero was examined with the utmost care; was that false, or what sort of care would it be that would not calculate the amount he petitioned for?

A. 610.—It appears to me that their examination of this point was not very careful.

Q. 611.—If they made no examination at all as to his title, and did not even require the production of any written evidence of it, and were not careful as to the quantity of land he petitioned for, in what respect could it be said that they diligently inquired into his petition?

A. 611.—They probably confined themselves to an examination of the truth of the fact and of the utility of the discovery to the republic, and to what related to the loan.

Examination adjourned until to-morrow at 10 o'clock, A. M.

W. H. Chevers, Clerk.

San Francisco, June 25, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for the claimant; and Mr. Randolph, for the United States.

Q. 612.—If Castillero had presented a written title paper, in which it appeared that the land he asked belonged to the retired sergeant, José Reyes Berreyesa, or any other individual, and if the *Junta de Fomento* had had sufficient mining knowledge, or sufficient aid from any quarter to calculate the area expressed by three thousand varas in all directions, and had found that, estimated in a square, it amounted to 9¾ square miles, English measure, and estimated in a circle, it amounted to 7⅔ square miles, English measure, do you consider it within the range of possibility that the Junta would itself have consented, or have recommended to the government to approve such a monstrous concession to Andres Castillero, of land which he himself declared to belong to a private citizen?

[Question objected to, as presenting a hypothetical statement to the witness.]

A. 612.—The question rests upon three or four suppositions, and I could not state with certainty, or even probability, what the action of the Junta would have been, but I think the Junta would have recommended that the largest possible quantity should be granted for the purpose of mining, but I don't think it would have advised the granting of private land absolutely, but merely for the purpose of mining. This is my conjecture.

[Answer objected to, because it gives an erroneous construction of the law.]

Q. 613.—Did you understand my last question?
A. 613.—I think I did.
Q. 614.—Have you not the highest degree of moral certainty, that under the circumstances supposed in the question, neither the *Junta de Fomento*, nor any branch of any civilized government in the world, would have consented to, or recommended the approval of such a concession, either as a mining right, or in full dominion?

[Objected to on same ground as the last.]

A. 614.—It seems to me very probable that it would not have advised it.

Q. 615.—Are you not absolutely certain that it would not have done so; would you have done so as one of the Junta?

[Objected to.]

A. 615.—I think it is sufficient for me to say that I think it very improbable; I cannot say what reasons might have influenced me; I cannot certainly say what I might have done.

Q. 616.—Can you recall any circumstance to your memory which could have rendered it possible for you, as a member of the Junta, to have consented to such a concession under such circumstances?

[Objected to, on the ground that it does not appear from any evidence in this case, that a tract of land of 3,000 varas in all directions would be included in the land of José Reyes Berreyesa, but the contrary appears; and, secondly, the hypothesis goes upon a fact which, if true, shows that the United States have no interest in this land.

The counsel for the United States offers to attach to this objection a copy of the act of possession.]

A. 616.—There would have been no objection to granting any amount of vacant land, considering the situation of this department, its sparse population and the importance of the discovery; I would have been liberal in granting vacant land, but as to private land I would have been much more circumspect. I do not now remember any particular circumstance which would have induced me to make the concession of three thousand varas under the circumstances supposed.

Q. 617.—Answer me further, whether there is the least possibility that the Junta, or yourself as a member of it, could have recommended to the government to grant Andrés Castillero two square Spanish leagues of land, being thirteen and one-half square English miles, upon the surface of the mining possession aforesaid, viz: of three thousand varas in all directions, and Castillero representing in his petition that the mine was on the land of a private individual, and nothing appearing to show that the whole of the said two leagues would not also be on the land of a private individual?

[Question objected to, on the further ground that it does not appear that the Junta recommended the approval of the petition for two *sitios.*]

A. 617.—I would not myself have recommended anything without first ascertaining whether it was all private land or not.

Q. 618.—If certain papers were here presented to you, from which it appeared that Castillero presented a petition to be confirmed in a mining possession of three thousand varas in all directions from a certain mine, and presented also a title paper showing that said mine was on private property, and petitioning also for a grant of two square leagues, as a colonist, on the surface of said mining possession, and that the Junta thereupon recommended to the government to approve the said mining possession and grant the said two leagues of land, would you not at once say that the story was impossible; that the Junta never did any such thing; and that the papers were forged?

A. 618.—I think the only safe way for a witness to answer a hypothetical question is to say that he don't know what he would have thought under the circumstances supposed. In the case supposed, I would not say the papers were false; the data given in the question would be insufficient to warrant me in saying so.

Q. 619.—You have said that Don Tomas Ramon del Moral was director *ad interim* of the College of Mining in 1845; is that a personal recollection, or do you gather it from the papers, borradores, etc.?

A. 619.—I remember it personally, but I do not mean to say that he was director during the *whole* year.

Q. 620.—Tell me briefly at what time of the year and under what circumstances?

A. 620.—I think Mr. Tornel was banished in that year by Herrera's government, and Mr. Del Moral took his place.

Q. 621.—Have you any personal recollection that Del Moral presented the specimens from the *criadero*, or mine, or do you gather that from the papers?

A. 621.—I remember very well having seen at that time the samples in the office of the Junta on the table. As to whether Del Moral brought them himself, or sent them, I cannot say; but that they came from him I am certain.

Q. 622.—Have you any personal recollection that the Junta sent a dispatch to have them assayed, and of the answer, or do you gather that from the papers?

A. 622.—I have a personal recollection of those facts, for I remember that it was by the reply of the director of the college that we learned the *ley* or quality of the metal.

Q. 623.—Have you any personal recollection that the Junta asked Castillero what aid he wanted, etc., or do you gather that from the papers?

A. 623.—I have a personal recollection, aided by the papers. If I had not seen the papers I might have forgotten it; I now remember it personally.

Q. 624.—Have you any personal recollection that immediately after making this inquiry the Junta wrote to the Minister of Justice, informing him of the discovery, and that the said inquiry had been made of Castillero, or do you gather that from the papers?

A. 624.—I remember personally that the Junta did address a communication to the Minister of Justice informing him of the discovery and what had passed between it and Castillero. I have already stated what my personal recollections on these matters are.

Q. 625.—Have you any personal recollection that the Minister of Justice wrote to the Junta, acknowledging the receipt of their communication, and expressing pleasure at its contents?

A. 625.—As to my personal recollections, I refer to what I have stated already. It is better to rely on that, for now, after having read so much, and so many questions having been addressed to me, it is difficult to define the precise limits of what comes to me from reading the papers, and what from my personal ideas or recollection.

Q. 626.—Nevertheless, please answer my question.

A. 626.—I cannot state positively whether I would have had that recollection if I had not seen the papers.

Q. 627.—Have you any personal recollection that Castillero made any verbal proposition to the Junta when he appeared before them, or do you gather that from the papers?

A. 627.—I remember it very distinctly.

Q. 628.—Have you any personal recollection that the Junta told Castillero to make his propositions in writing, and that he did so, or do you gather that from the papers?

A. 628.—I cannot now state whether I remember it personally, or from the papers; before last April, when I commenced to examine the papers, I could have answered this question.

Q. 629.—Have you any personal recollection that the Junta transmitted the propositions to the government, recommending their approval, or do you gather that from the papers?

A. 629.—I remember personally that the Junta transmitted to the government Castillero's propositions, speaking in favor of them, but as to the manner and to what extent it spoke in favor of them, I could not have stated without having seen the papers.

Q. 630.—Do you mean to say that you have no personal recollection of the terms of Castillero's propositions, nor of the terms of the Junta's recommendation?

A. 630.—With regard to the propositions, I remember personally their substance, but could not have remembered their details without having seen the papers; I do not remember the terms in which the Junta recommended these proposals to the government.

Q. 631.—On your direct examination, you testified to the terms of an agreement between Castillero and the Junta corresponding accurately with his propositions, as set out in the papers in this case. Did you state those terms from your personal recollection, or did you gather them from the papers?

A. 631.—The prominent parts of the agreement to which I testified, I stated from my personal recollection.

Q. 632.—You have said that the Minister of Justice wrote to the Junta approving of Castillero's proposition; have you a personal recollection of such a communication, or do you gather it from the papers?

A. 632.—I remember personally that the government approved what the Junta had agreed upon with Castillero.

Q. 633.—Was the agreement you speak of verbal or written; if written, where is the writing?

A. 633.—I do not know if it was written or not. It is very certain that the points and instructions to the Notary were in writing; I don't know where that writing is; it may be in the archives of the Junta if they have preserved it.

Q. 634.—If it was there how could you have overlooked it when you were looking, in April last, for everything relating to Castillero?

A. 634.—I did not look for anything myself, I merely compared documents shown me by the parties in whose behalf I am testifying. I made no search myself.

Q. 635.—Was there, or was there not, any writing of this agreement drawn up and signed by the Junta and Andres Castillero?

A. 635.—I have stated all that I have to say on that point.

Q. 636.—I repeat the question.

A. 636.—I repeat the answer.

[The Court instructs the witness to answer the question.]

A.—I remember no writing except the propositions of Castillero.

Q. 637.—You have said that the Minister of Justice sent a dispatch to the Minister of Relations concerning the grant of two leagues of land to Castillero. Have you any personal recollection of that fact, or do you gather it from the papers?

A. 637.—I cannot distinguish whether I remember it personally or it comes to me from what I have read.

Q. 638.—How could you have any personal knowledge of such a fact as to whether the Minister of Justice sent a dispatch to the Minister of Relations?

A. 638.—I believe that if at the time at which it happened I had seen it in writing, or had heard of it from persons connected with it and had preserved that recollection, I might then very well say I had personal knowledge.

Q. 639.—Have you now any personal recollection that you then saw or heard of that dispatch, and if not, how could you swear in your direct examination that such a dispatch was sent?

A. 639.—I have no clear and distinct recollection of having seen or heard of that dispatch; it is not strange that I should be unable to distinguish knowledge derived from one source from that of another.

Q. 640.—Is not your last remark true of all the matters and things contained in the papers which, in April last, were shown to you in the city of Mexico, and which you were brought here to testify to?

A. 640.—It is not true of all those things; I have mentioned some facts with regard to which I have even given the reasons why I remember them distinctly.

Q. 641.—On the 2d day of your direct examination you said that the Minister of Justice sent a dispatch to the Minister of Relations, in order that the latter might decide as to the grant of two leagues of land to Andres Castillero; but after your direct examination was concluded you came back and corrected that, and said that the dispatch was that the Minister of Relations should in effect execute a grant already made by the President—did you make that correction from a personal recollection, or from an examination of the papers, or from conversations which you had in the mean time held with any person, and if the latter, with whom?

A. 641.—It is entirely indifferent whether the Minister of Justice told the Minister of Relations to execute the title or whether he told him to resolve or decide upon the matter. I am almost certain that I made the correction from an examination of the papers; I think the idea came to me from a paper which I saw, and which I think it would not be difficult to find; it was not suggested to me by any conversation.

Q. 642.—If the two expressions were so entirely indifferent what possible motive could you have had to make the correction?

A. 642.—Because it is always better to do a thing in the best manner, rather than in another manner which might possibly be sufficient. I thought it best to express the matter perfectly rather than imperfectly.

Q. 643.—Did the correction make any change in the sense or effect of your statement; if so, what?

A. 643.—I have already stated that I consider it a trifling matter; as to the difference, the correction speaks for itself.

Q. 644.—What is the difference which the change of expression made by that correction would make in your statement of the action of the government upon Castillero's petition, according to your understanding of that matter?

A. 644.—My idea is, that in one case the Minister of Relations granted the application, and in the other ordered it to be carried out.

Q. 645.—The difference being so essential as in the one case you would be saying that in the one case the President had made a grant, in the other that he had not, but that a grant *was to be made* by the Minister of Relations; what could you possibly mean by saying that the expressions were indifferent, and the difference trifling?

A. 645—It is clear that the difference was of no importance, for my mistake could give no existence to, or could have no effect upon, the facts which actually took place and which have passed. I could not change facts which have already occurred. God himself could not.

Q. 646.—We are trying here to learn what has passed, and for that purpose you have been put upon the stand. Would it not make a great difference if the dispatch had merely required a grant to be made by the Minister of Relations, and it should turn out that the Minister of Relations had done no such thing?

A. 646.—If such a thing had happened there would have been a difference, but, as it has not happened, there is no difference. The fact is, that the government ordered those two leagues to be granted.

Q. 647.—And what did the Minister of Relations do on this order—if you know?

[Last answer objected to, as giving a construction to the title papers in this case.]

A. 647.—He gave his orders to the proper authorities to execute the order granting Castillero two leagues.

Q. 648.—Do you make that statement from personal recollection, or from the papers in this cause, or from information derived from conversations. If the latter, with whom?

A. 648.—My principal knowledge of it comes from what I have read. I don't know what part of my knowledge is derived from what I have heard. It is impossible for me to distinguish the various sources from which I have derived my knowledge of the fact. The principal source is undoubtedly the papers.

Q. 649.—And it was because the matter had proceeded so far as that, that you said it made no difference which expression you used?

A. 649.—Yes.

Q. 650.—After you left the Junta, in 1848, when was the first time that you have a distinct personal recollection of having had your attention called to your copy of Lafragua's report?

A. 650.—I cannot state the time precisely, but the occasion I remember. It was when I was told in Mexico that here it was considered apocryphal.

Q. 651.—When was this, and by whom were you told it?

A. 651.—I think it most probable I was told it by Couto, after his return from this place. He told me of many strange things he had heard here about this case. At a rough guess it may have been about a year ago.

Q. 652.—Did you have any conversation with Eustace Barron, William E. Barron, or Emilio Pardo, about the matter?

A. 652.—I spoke with Mr. William Barron, with Mr. Pardo, and with Mr. Billings. I spoke to Couto first, and afterwards with Mr. Billings.

Q. 653.—Mr. Couto having left here in November last, are you not mistaken as to the time when you first spoke to him about this matter?

A. 653.—Mr. Randolph insists that I shall give a date for everything. I hazarded a rough guess. I may be wrong. I know it was after his return, for he told me that it was said here that his report was false, and even that there was no such man as Lafragua.

Q. 654.—About how long after this conversation did you find the book; and where did you find it?

A. 654.—I think a considerable time elapsed after that conversation before I found the book. I had it in my library for a long time previously, and I think I did not look for it in consequence of my conversations with Billings and Barron.

Q. 655.—You had a great many other reports and documents in your library, had you not?

A. 655.—Yes, sir.

Q. 666.—You have said that when you return to Mexico, you are to receive a compensation to be fixed by yourself; have you agreed upon any basis for the estimate of the amount; if so, what?

A. 666.—I will receive what I consider I should ask. There is no other basis.

## DIRECT EXAMINATION RESUMED.

Q. 667.—You have said, in your cross-examination, that you could explain your connection with the project of the law of 1842. Please give that explanation.

A. 667.—The decree of May 20, 1826, had left the *apoderados de los acreedores* and of the miners disconnected from their constituents, for nothing had been provided with regard to their re-election. We (the creditors) desired to remove them—to create a fund for the acquisition of quicksilver, and to create another for the discharge of the debt. For these purposes, we (the persons principally interested) prepared a project, which, as I have already stated, I prescribed to the government of Santa Anna, who appointed a miner to be associated with me, and that we should act in concert. But as we were unable to agree, I abandoned the project in the Ministry of the *Hacienda*, and after the expiration of several months the project was published as a law by the Minister of War—but much altered—for they had stricken out all that related to the discharge or extinction of the debt—of which they left little more than the name of "*amortisacion.*" For these reasons we only attained two of the objects we were seeking. This project was published, accompanied by another decree imposing certain duties on common cotton goods. This is the law of December, 1842.

Q. 668.—[*To the Court.*]—Will you be good enough to state again what is the precise difference between your original statement, as taken down by the court, with regard to the dispatch of the Minister of Justice, and the statement with regard to that dispatch, as corrected by you?

A. 568.—My understanding of the difference is, that in one case the Minister of Justice informed the Minister of Relations that the grant had been made, and directed him to give the necessary orders for its execution; while, in the other, he merely referred the matter to the Minister of Relations for the resolution and decision of the President. In the one case the *acuerdo* of the President had already been obtained. In the other, the *acuerdo* was to be obtained after the reference to the Minister of Relations.

JOSE M. DE BASSOCO.

Examination concluded.

Sworn to and subscribed this 14th July, 1859, before me,

OGDEN HOFFMAN,
U. S. District Judge.

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JULY 14, 1859.

The answers of the witness having been read over to him, he desires to correct the statement as taken down by the Judge in answer to Q. 347. The witness states that what he said in reply to that question was, "that if the object of the inquiry be to ascertain the *character* of Mr. Lafragua, I can state that M. Turgot, the French Ambassador to Spain, refers to him as *vie tomes*," etc; but that he, the witness, did not intend to express any opinion in regard to it.

The witness, in like manner, corrects the answer to Q. 401, by striking out the word "*oficial*," in the last part of said answer, and substituting the word "*judicial*."

He also makes a similar correction in his answer to Q. 408.

The witness also, in like manner, corrects his answer to Q. 468, as taken down by the Judge, by stating that he does not know the mode in which the deputies (*apoderados*) were elected, or voted for, in the various departments.

The witness, in like manner, corrects the answer to Q. 515, by stating that the laws therein mentioned were the only authority under which *both his suplentes* were elected.

The witness, in like manner, corrects his answer to Q. 526, by substituting for the word "foreseen" the word "anticipate." The interpreter states that the word used by the witness was "*prevenida*," which means, to anticipate—forestall—or answer by implication.

The witness, in like manner, corrects the answer to Q. 530, by stating that the *suplentes* referred to acted as advisers to the Junta, and not to the *apoderado* of the miners.

The witness, in like manner, corrects his answer to Q. 531, by stating that he did not mean to say that the Junta represented to the government that the error was typographical—but the government so stated in the preamble to the law it subsequently made.

The witness, in like manner, corrects his answer to Q. 542, by stating that the government subsequently explained that the meaning of the law was that the voting should be according to their interests. By the Mexican laws, the voting for a *Syndico Procurador*, which took place at the first *concurso* of creditors, and before their claims were established, was *per capita*, and not according to their interests. I am not sure, however, that this was the mode of voting for a *Syndico Procurador*. I am entirely ignorant how they voted. They may have voted according to their interests. In 1833, a heated discussion arose as to the mode of voting by the creditors, and the government was consulted. The government decided, or interpreted the law, as I have stated. This was not done by a decree, but by official communications from the government to the Junta, which was "the Establishment of *Mineria*." These dispatches may still exist in the archives of the *Junta de Fomento* which succeeded to the Establishment of *Mineria*.

The witness, in like manner, corrects his answer to Q. 653, as taken down by the Judge, by stating that what he said he was told by Couto was, that it was stated here that Mr. Lafragua had never been here, *i. e.* in San Francisco, or that the person who had represented himself as Mr. Lafragua was not really Mr. Lafragua.

The witness adds that he did not state, on his cross-examination, that Couto told him that it was stated here that there was no such man as Lafragua.

In compliance with the request made to the witness to examine the *memoria* of Lafragua and state what portions of it, in his opinion, were of sufficient importance to justify or induce the government to expend one dollar on printing or publishing it under the circumstances:—

The witness states that it has some interesting matter, because it contains the discussions which occurred between the American and Mexican governments before the war. Also, *informes*, or reports from nearly all the administrative bodies or corporations in Mexico, in which they give an account of what they had done, and state what they desired to be done in the future.

The subjects to which I have referred can be found on pages 5 to 60, and 118 to 245 of Lafragua's report.

JOSE M. DE BASSOCO.

Sworn to and subscribed before me, this 14th July, 1859.

OGDEN HOFFMAN,
District Judge.

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### NOTE BY THE JUDGE.

The signing and correcting of the foregoing deposition, given by the witness on cross-examination, was deferred to so late a day in consequence of the engagements of the interpreter in interpreting the testimony of other witnesses in this cause, whose examination has been proceeded with during the interval.

# EXHIBIT BASSOCO, NO. 1. O. H.

[Page 1, red ink.]

*Sesion de* 23 *de Abril de* 846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del 20, se dio cuenta don las comunicaciones siguientes:

1$^{a}$. Del Minist$^{o}$. de Justicio fha 17, del corriente autorisando á la Junta p$^{a}$. q. pueda comprometer en Jueces Arbitros el asunto del cobro de 8,000$^{p}$. á D. Joaquin Llaguno como fiador de D. Man$^{l}$. Gonzales.=Que se formen las instruccio=p$^{a}$. D. Eduardo Penny.

2. Del mismo f$^{ha}$ 20, contestando haber transcrito al Minist$^{o}$. de Hacienda la comunicacion en q. se pide se den ordenes efecutivas á las Aduanas de Mazatlan y Guaimas, p$^{a}$. la entrega de la mitad del d$^{ro}$. de averia consignado p$^{a}$. el pago de lo q. adende el Gob$^{no}$. á la Junta.=A su Exped$^{te}$.

3. Del E. S. Gobernador de S. Luis Potosi acompañando certificados de haber sacado de las minas de Guadalcazar 586 quintals de azogue á fin de q. se le satisfaga el premio de 5$^{p}$. p$^{r}$. quintal concedido por la ley manifestando q. los interesados suplican el pronto [Page 2, red ink.] pago con objeto de prporcionarse un aparato de Distilacion.=Que informe la mesa de fomento.

4. Del Juzgado Min$^{o}$. de Zimapan quejandose del Juez de letras de aquel Partido.=Que se incerte con recomendac$^{n}$. al S$^{or}$. Gobernador del Departam$^{to}$.

Dos de la direccion g$^{ral}$. de industria f$^{has}$. 20 y 22 del corriente acusando recibo de las ultimas libranzas del 3 p$^{o}$o. de importacion con la diferencia de un centavo.=A su espediente el prim$^{o}$. y á la contad$^{a}$. el segundo.

Otro del Adm$^{or}$. de Hermosillo manifestando la razon por q. no ha podido remitir las cuentas del 1 p$^{o}$o. q. se le piden.=A su esped$^{te}$.

Otro del Arquitecto D. Ant$^{o}$. Villard presentado una lista de las obras que en su concepto deben hacerse en el Colegio p$^{a}$. su reposicion y conservacion importantes 250$^{p}$.=Que el Tesorero informe en vista de las obras q. se proponen.

Se leyo un informe de la contaduria sobre una cuenta del encargado de la recandacion en Guadalajara comultando se estrañe al Ensayador y Adm$^{or}$. q. la certificaron sin verla.=La Junta acordo de con- [Page 3, red ink.] -formidad agregando q. al oficiarse al S$^{r}$. Ensayador mayor se le acompañe el certificado de q. se trata pidiendole lo devuelva p$^{a}$. q. remitiendose al encargado se reponga la cuenta y q. lo mismo se diga á la Direccion de Rentas respecto del Adm$^{or}$.

Otro informe de la contad$^{a}$. haciendo la distribucion de las libranzas del 3 p$^{o}$o. venidas ultimam$^{te}$. de Tampico importantes 311$^{p}$. 64 centavos.

Se dió cuenta con un dictamen de la mesa de fomento sobre no haber elegido Presidente el Juzgado de Mazapil. La mesa opina q. se pregunte ¿como no hay mineros q. sepan leer y escribir cuando en Feb$^{o}$. de este año volaron 23 en volacion secreta mediante cédulas.=La Junta acordó de conformidad.

La Secret$^{a}$. digo q. consta en los espedientes relativos de Tasco ser cierto q. D. José Zamora ha dejado de abonarse los 10$^{p}$. semanarios q. le asignó la Junta como Adm$^{or}$. desde q. en 30 del pasado ofrecio no cobrariá d$^{ha}$. asignacion si liquidada la cuenta de todo el año resultaba utilidad á favor de la Junta y manifestó tambien q. la mesa respectiva de la contad$^{a}$. habia informado en 14 de [Page 4, red ink.] Marzo estar conforme en q. la utilidad de 4,000$^{p}$. q. dedujo d$^{ho}$. Zamora está deducido con esactitud.

La Junta acordó q. puede abonarse d$^{ha}$. cantidad desde Agosto hasta fin de Dic$^{e}$. del año pasado.

Habiendo remitido el Profesor del Colegio D. T. Ramon del Moral unas muestras de Sinabrio del presidio de Sta. Clara en Californias, se acordó q. se pasen al S$^{r}$. Director con copia de las cartas del S$^{r}$. Castillero q. las remite p$^{a}$. q. se hagan los correspondien$^{tes}$. ensayes.

Se dio cuenta con una lista q. presentó la mesa de Administracion de los asuntos pendientes y acordó.

Prim$^{o}$. Que se reclame á D. Enrique Mackintosh el cobro de los abonos q. debe hacer el ensayador D. Mariano Cataño.

2. Que se recuerde al S$^{r}$. D. Diego José Perez Fernandez las cantidades y contestaciones q. ofreció dar desde 1$^{o}$. de Marzo haciendo q. el oficio se le entregue en propria mano.

[3 Rubrics.]

Y 3$^{o}$. Que se repita al Sr. D. Miguel Moso el oficio en q. se le preguntó, si esta en corriente el pago de reditos de los 8,000$^{p}$. q. reconocer sobre su Hacienda de San Sebastian.

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[Page 5, red ink.]

Secretaria
de la } Año de 1846.
Junta de Mineria.

BORRADORES DE LAS ACTAS DEL MES DE MAYO.

[Page 6, red ink.]

*Sesion del dia* 2 *de Mayo de* 846.

Concurrieron los S. S. Bassoco y Flores y despues de aprovada la acta del dia anterior se leyó una comunicacion de D.

Manuel Mariano Cortazar de 22 del pasado á la que acompaña el Ynventario de las existencias q. recibió en la mina de Atargea. La Junta acordó que entre tanto informa la mesa de fom$^{to}$. se le conteste que se vera al S$^{r}$. Echeverria y bien p$^{r}$. su conducto ó dirigiendose á Queretaro se le remitira din$^{o}$. p$^{r}$. el correo del Miercoles.

Se presento el S$^{r}$. Lic. D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas p$^{r}$. la contad$^{a}$. manifestó q. teniendo q. marchar á Yxtlahuaca de donde ha sido nombrado Juez de Letras presentaria sus proposiciones para el pago de lo q. adenda á cuyo efecto vendria el Lunes á terminar la liquidacion respectiva.

[3 Rubrics.]

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[Page 7, red ink.]

## *Sesion del* 4 *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco leida y aprobada la acta anterior se dio cuenta con las comuniciaciones siguientes:

1$^{o}$. Del Jusg$^{do}$. de Pachuca f$^{ha}$. 30 del pasado manifestando la falta de polvora q. sufre aquel Mineral.=Se acordó q. se inserte al Gob$^{no}$.

2$^{o}$. Del Distrito de Nieves f$^{ha}$. 25 del p$^{do}$. contestanda á la circular N$^{o}$. 3.=Que informe la mesa de fomento.

3$^{o}$. Del de Bolaños participando la renovacion de su Presidente conforme á la orden del Gob$^{no}$. y se dio el mismo acuerdo.

4$^{o}$. Del Adm$^{or}$. de Morelia D. José Maria Cortez escusandose de no haber remitido las cuentas del 3 p$^{o}$o.=Que informe la contad$^{a}$.

5$^{o}$. Del Coron$^{l}$. Don Mig$^{l}$. Mono manifestando q. aunq$^{e}$. reconoce sobre su Hacienda de S. Sebastian 8,000$^{p}$. al S$^{r}$. Fagoaga aun no estan designados los indibiduos á quienes deba pagarse.=Que se traslade esta comunicacion al S$^{or}$. Fagoaga.

6$^{o}$. De D. Eujenio Bermejillo f$^{ha}$. 24 en Morelia á anplando el encargo q. se le dió para q. cobre en aquella ciudad á D. José M$^{a}$. Cortez quien le ofreció q. dentro de 15 dias entregaria sus cuentas.

[Page 8, red ink.]

7$^{o}$. Del E. S. Director del Colegio insertando el informe de la Junta facultativa del mismo sobre el resultado del Ensaye q. hizo de las muestras de cinabrio remitidas p$^{r}$. D. Andres Castillero de Californias. Se acordó q. se inserte al Sup$^{mo}$. Gob$^{no}$. manifestandole no haberse recibido esta contestacion hasta el dia de ayer y q. se ha contestado al S$^{r}$. Castillero manifieste la clase de proteccion ó auxilios q. necesita pª. el buen exito de su empresa y repitiendole pr. ultimo los premios q. se han pagado al azogue nacional extraido en Guadalcazar.

La Adª. Maritima de Tampico remitio el indice de libranzas pr. el 3pºo. valiosas 469p. 87 centavos.=Que se recojan las letras de la Tesoreria.

Se leyo una comunicacion de D. Julian de los Reyes fha. 29 del pasado avisando de enterado de haberse pagado su libranza anterior de 2,930p. y haber girado otra de 2,000 pesos q. con dos importantes 2,500 dirigidas pr. D. Vicente de Bustos entiende q. no se presentaran otras que las q. correspondan al Azogue q. se recoja en Abril y hasta el 24 de Mayo en que cesa el privilegio.=Se detuvo el acuerdo hasta vir el dictamen de la [Page 9, red ink.] mesa de fomento.

Cuatro comunicaciones de D. José Zamora fha. 2 del corriente acompañando con la primª. las memorias nums. 17, las Estados y el corte de caja numº. 4 pertenecientes al mes pasado. Recibo y á la contadª. En el 2º: avisa q. necesita 250p. pª. la raya de la presente semana.=De enterado y participa en los dos ultimos haber girado las letras num. 18 y 19 las q. se mandaron pagar.

Se dio cuenta con un informe de la contadª. designando las letras q. corresponden á la Direccion gral. de Yndustria de la ultima remesa de Veracruz la q. quedaron restando 11 centavos.=Se acordó de conformidad.

Dos informes de la mesa de fomento de los q. en el 1º. consulta se eleve á la Supmª. aprovacion la acta de eleccion de su Presidente y se acordó de conformidad y el otro sobre la comunicacion del E. Sr. Gobernador de S. Luis Potosi remitiendo los certificados q. acreditan haber explotado los mineros de Guadalcazar 900qq. de Azogue.=La mesa opinó q. debe mandarse satisfacer pr. el premio q. les corresponda á 5p. quintl. la suma de 4,500 y q. viniendo endosados los 2,000p. q. pertenecen á D. [Page 10, red ink.] Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza q. avisa hoy haber girado pr. dhª. cantidad.=La Junta acordó de conformidad y se mandó pagar dicha letra.

[3 Rubrics.]

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## *Sesion del* 6 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco, y aprovada la acta del dia 4, se acordó pasár un oficio al E. S. Ministro de Justicia manifestando q. aunq. la Junta no se cree comprendida en la circular de 5 del corriente q. previene la suspension de pagos, consulta sin embargo, se debe suspender los q. tiene q.

hacer p$^{a}$. el desempeño de la Administracion q. le confio la ley dada p$^{a}$. el fomento de las minas de Azogue.

Acordó igualmen$^{te}$. admitir las propuestas q. hizo el Sr. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del Sueldo q. disfruta [Page 11, red ink.] como Juez de Letras del Partido de Yxtlanaca la cantidad de 50$^{p}$. hasta el completo del pago de su denda, q. liquidada ha resultado, ser de 1,400$^{p}$. comenzando á hacer sus enteros desde 1°. de Julio.

Se presentó el S$^{or}$. D. Andres Castillero é informó vervalm$^{te}$. sobre el descubrim$^{to}$. denuncio y estado actual de la mina de Azogue situada en el mineral de Sta. Clara de la Alta California invitando á la Junta á tomar acciones en la comp$^{a}$. q. ha establecido p$^{a}$ su laboreo con otras medidas q. pide recabe del S. Gob$^{no}$. en fomento de la empresa. La Junta acordó q. el S$^{r}$. Castillero presente p$^{r}$. escrito sus indicaciones p$^{a}$. q. tomandolas la Junta en consideracion resuelva lo conveniente.

Quedó encargado el S$^{r}$. Bassoco de contestarcon el S$^{r}$. D. Pedro Echeverria sobre situar en su Hacienda de Muchitlan los 300$^{p}$. mensuales q. deben remitirse p$^{a}$. el amparo de las minas de Atargia.

[3 Rubrics.]

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[Page 12, red ink.]

## *Sesion del dia* 7 *de Mayo de* 846.

Concurrieron los S. S. Segura, Flores y Bassoco, y despues de aprovada la acta anterior se dió cuenta con las siguientes comunicaciones.

1$^{a}$. Del Jusg$^{do}$. de Asientos contestando la circular N°. 3.=Que informe la mesa de fomento.

2. Del Apoderado en Guanajuato remitiendo una letra de 5,281$^{p}$. 4$^{r}$. 3 g$^{rs}$. p$^{r}$. productos de Min$^{a}$. del mes de Abril.=Que se reconosca la letra se hagan los asientos y se acuse el recibo.

3. Del de Pachuca de 5 del corriente con otra letra de 976$^{p}$. p$^{r}$. productos del dicho mes.=Se dio el mismo acuerdo.

4. Del de Guadalajara avisando de enterado de la nota en q. se le dijo cual era la responsabilidad de los encargados.=A su espediente.

5. De los S. S. Maning y Mackintosh participando q. habiendose retirado del cobro del d$^{ro}$. min$^{a}$. en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintosh.=De enterado.

6. Del Directo de la comp$^{a}$. del Mineral del Monte consultando sobre las leyes q. arreglan la propiedad de los Estrangeros ser las minas.=Se acordó q. se pase á informe á los S. S. consultores de la Junta.

Ella confirmó la inteligencia de se acuerdo p$^{a}$. q. se abonen al Sr. Zamora 10$^{p}$. semanarios solo hasta el fin de [Page 13, red ink.] la ultima semana del año pasado.

Se presento p$^{r}$. ultimo la cuenta de lo recandado p$^{r}$. las viviendas del Colegio en el mes anterior y se mandó pasar á la contad$^{a}$.

[3 Rubrics.]

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[Page 14, red ink.]

*Sesion del dia* 9 *de Mayo de* '46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del dia anterior se dio cuenta cou los oficios sig$^{tes}$.

1°. Del Minist$^{o}$ de Justicia del 7 del corriente acusando recibo de los Estados anuales de Yngresos y Egresos q, se le remitieron.

2. Del mismo participando haber pasado al de Hac$^{da}$. el aviso q. sobre escaces de polvora da el Jusg$^{do}$. de Pachuca.=Que se incerte al mismo Jusg$^{do}$.

3. Del comisionado en Guanajuato f$^{ha}$. 4 del corriente remitiendo la contestacion q. dio el Adm$^{or}$. de Rentas sobre un certificado q. se le pidió.=Que pase á la Contad$^{a}$.

4. De la Direccion g$^{ral}$. de Yndustrta acusando recibo de las ultimas letras y avisando estar corriente en la liquidacion.

Se leyó un informe de la Contad$^{a}$. sobre la contestacion q. debe darse á las escusas q. alega el Adm$^{or}$. de Rentas de Mor$^{a}$. D. José M$^{a}$. Cortez para no remitir sus cuentas pendientes y los productos del 1 p$^{o}$o. q. deben existir en aquella oficina.= La Junta acordó de conformidad con respecto á q. se ocurra á los S$^{res}$. Vintadores de aquella Ad$^{a}$. por conducto del S$^{r}$. Bermejillo y q. asi se diga al S$^{r}$. Cortez.

[Page 15, red ink.]

La Tesoreria dio ouenta de q. habiendo ocurrido á la g$^{ral}$. no se le entregaron p$^{r}$. orden del S$^{r}$. Ministro las ultimas letras venidas de Tampico valiosas 469 pesos 87 centavos ni la de dos mil y pico de San Blas p$^{r}$. la mitad del derecho de averio.= Que se agreguen los avisos á sus Espedientes avisandose de las primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento prim$^{o}$. sobre la comunicacion del Jusg$^{do}$. de Nieves de 25 del pasado en contestacion á la circular N$^{o}$. 3 consultando se le pida el acta á q. hace mencion y q. diga el n$^{o}$. de Suplentes y existen en aquel Jusg$^{do}$.=La Junta acordó de conformidad. Segundo consultando q. habiendose elejido de nuevo en este año el Jusg$^{do}$. de S$^{ta}$. Rosa no tiene que renovar ninguno de sus miembros.=La Junta acordó de conformidad.

[3 Rubrics.]

[Page 16, red ink.]

## *Sesion del dia* 11 *de Mayo de* 1846.

Concurrierron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del dia 9, se dió cuenta con comunicaciones del E. S. Ministro de Hacienda f$^{has}$. 6 y 8 del corriente pidiendo noticias en la prim$^{a}$. sobre los productos q. ingresan á sus Areas y en la 2$^{a}$. de los q. han tenido los ramos consignados para el fondo de azoguez. Se acordó q. se den ambas advirtiendo al Minist$^{o}$. habiendose recibido sus comunicaciones juntas, el 9 á las dos de la tarde se ocupa de contestar, datalladam$^{te}$. los pormenores á q. se contras.

3. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias q. se le encargaron.=A su espediente.

4. Del Jusg$^{do}$. min$^{o}$. de Hidalgo remitiendo el acta de su instalacion.=Al Gobierno si no tiene nulidad.

5. Del de Temascallepec remitiendo el acta de eleccion de un suplente.=Que informe la mesa de fomento.

6. Del Comisionado en Zacatecas f$^{ha}$. 2 de Mayo remitiendo una libraza de 6,224$^{p}$. 4½$^{r}$. p$^{r}$. productos de Mineria del mes pasado y un recibo de 25$^{p}$. del alumno Aya a.=Que se reconosca la letra se hagan los asientos y se acuse recibo.

[Page 17, red ink.]

7. Del de Zimapan remitiendo otra de 136$^{p}$. 2$^{r}$. 5$^{grs}$. productos del mes de Abril.=Se dio el mismo acuerdo q$^{e}$. al anterior agregando q. se cobre la letra.

8. Del de Guadalajara f$^{ha}$. 5 del corriente avisando haber puesto en la casa de los S$^{res}$. Maning y Mackintosh, 160$^{p}$. p$^{r}$. abonos q. ha hecho el S$^{r}$. Garay. Se acordo q. se cobren y q. la mesa informe sobre abonos pendientes.

9. Del S$^{r}$. D$^{n}$. Demetrio Montes de Pea participando haber hablado con D. Pedre Anda p$^{a}$. el reconocim$^{to}$. de la mina de Clavellinas y q. avisara el resultado.=A su espediente.

10. Tres de D. Jose Zamora f$^{ha}$. 9 cel corr$^{te}$. acompañando con el prim$^{o}$. las memorias No. 18 de la negociacion de Tasco.=Recibo y á la Contad$^{a}$. Participando en el 2$^{o}$. que en la presente sem$^{a}$. vá á comenzar la nueva obra y q. p$^{a}$. la raya necesita de 300$^{p}$.=De enterado y avisando en el ultimo haber girado una letra bajo el N$^{o}$. 20 valiosa 260$^{p}$.=Que se pague.

[3 Rubrics.]

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[Page 18, red ink.]

## *Sesion del dia* 13 *de Mayo de* 846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovado la acta del dia 11, se dió cuenta con dos oficios del Minist$^{o}$. de Justicia f$^{ha}$. 9 del corriente participando la aprovacion Suprema de las actas de elecciones de Presid$^{te}$. del Juzg$^{o}$.

de Zacualpan y de un suplente del de Asuntos.=Se acordó q. se meenten á los respectivos Jusgados.

Se leyó una comunic$^{n}$. de D. Man$^{l}$. Mar$^{o}$. Cortazar f$^{ha}$. 5 del corr$^{te}$. remitiendo las memorias n$^{um}$. 3 y 4 de la mina de la Atargea y avisando haber sacado 23 carg. de metal y no haber recibido la libranza correspond$^{te}$. á este mes.=La Junta acordó q. se solicite una letra de 300$^{p}$. sobre Queretaro girada á fabor del S$^{r}$- Cortazan en cuyo acuerdo salbó su voto el Señor Flores á virtud de q. habiendose consultado al Gobierno se deben hacerse los pagos por el ramo de Azogues entre tando no debe hacerse ninguno. Se acordo tambien q. se diga al S$^{r}$. Cortazan q. anote en todas las memorias el n$^{o}$. de carg. q. se sacan en cada Semana y noticia del Ensaye de su ley siempre q. halla motivo p$^{a}$. creer q. hubiese variado.

Por último se dio cuenta con un informe de la mesa de Ad$^{mor}$. sobre [Page 19, red ink.] los abonos mensuales hechos p$^{r}$. el S$^{or}$. Garay al Comisionado en Guadalajara manifestando q. con los hechos queda cubierto hasta el mes de En$^{o}$. de este año y q. se debe cobrar la cantidad de los 160$^{p}$. q. ha recibido el S$^{r}$. Blume sin otro descuento q. el corr$^{te}$. de cambio de plaza abonandolos á la cuenta del S$^{r}$. Garay.=La Junta acordó de conformidad.

[2 Rubrics.]

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[Page 20, red ink.]

*Sesion del dia* 14 *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovado la acta anterior se dio cuenta con las comunicaciones sig$^{tes}$.

1. Del Ministerio de Justicia f$^{ha}$. 9, acusando recibo del oficio en q. se le comunicó el descubrim$^{to}$. de la mina de Azogue en Californias.

2. Del E. S. Gobernador de San Luis f$^{ha}$. 9 del corr$^{te}$. remitiendo certificados q. acreditan haberse explotado en las minas de Trinidad y San Andres 78$^{qq}$. de Azogue.=Que informe la mesa de fomento.

3. Otro del mismo y en la misma f$^{ha}$. acompañando tres certificados q. acreditan la estracción de 53$^{qq}$. de azogue de la mina de San Antonio en Guadalcazar y se pasó á informe de la misma mesa.

4. Del Jusg$^{do}$. de Sombrerete f$^{ha}$. 5 del corriente incertando la resolucion de la E. Asamblea de Zacatecas p$^{a}$. q. d$^{ho}$. Jusg$^{do}$. no obedesca la Sup$^{ma}$. Orden comunicada p$^{r}$. la Junta sobre renovacion de Suplentes.=Se acordo q$^{e}$. se incerte al Minist$^{o}$. dandole noticia de q. en solo este Departam$^{to}$. ha habido dicha resistencia.

5. Del de Jesus Maria avisando su installacion y contestando la circular N$^{o}$. 3.=Que informe la mesa de fom$^{to}$.

6. Del encargado de la recaudacion en [Page 21, red ink.] San Luis Potosi acompañando una letra de 351$^{p}$. 15 centavos p$^{r}$. productos de mineria en el mes de Abril. Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

7. Tres comunicaciones f$^{has}$. 28 de Abril del encargado en Chihuahua remitiendo una letra de 770$^{p}$. 3$^{r}$. p$^{r}$. productos de aquella capital y de Jesus Maria, en el mez de Marzo una cuenta que le pidio la contad$^{a}$. Que se reconosca la letra se hagan los respectivos asientos se acuse el recibo y se pase la c$^{ta}$. á la oficina respectiva.

8. De Don Man$^{l}$. Garcia del Valle acompañando la renuncia q. hace de la plaza de primer escribiente de esta oficina. Se acordó q. se eleve al S. Gob$^{no}$. informandole q$^{e}$. es de admitirse.

9. D. D$^{n}$. Ygn$^{o}$. Rono solicitando la bacante de seg$^{do}$. escribiente de la misma.=Que se reserve.

Se dio cuenta con un informe de la contad$^{a}$. sobre la comunicacion del comisionado en Guanajuato f$^{ha}$. 4 del corriente sobre remision de docum$^{tos}$. en el espediente del S$^{or}$. Robles.=La Junta acordó de conformidad en todo lo q. propone á escepcion de la ultima indicacion q. hacia sobre pedir á los S. S. Tesorero y Adminis-[Page 22, red ink.]-trador de Guanajuato duplicado del certificado de entero q. hizo el S$^{or}$. Robles de 60$^{p}$. por el cuarto trimestre del prestamo p$^{a}$. el pago de la denda de los Estados Unidos.

[3 Rubrics.]

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[Page 23, red ink.]

## *Sesion del dia de* 18 *de Mayo de* '46.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprovado la acta del dia 16, se dio cuenta con las siguientes comunicaciones.

1$^{a}$. Del E. S. Gobernador de Jalisco f$^{ha}$. 28 del pasado devolviendo informado el avancel de derechos del Jusg$^{do}$. de Bolaños. Y de acuerdo la Junta con dicho informe se mandó elevar de conformidad al S. Gob$^{no}$.

2. Del de S. Luis Potosi acompañando una instancia de D. Andres Barroeta para q$^{e}$. se le pague el premio corresp$^{te}$. á 19 quintales 1$^{a}$., 19$^{eb}$., 6$^{o}$., de azogue en plotades del Nuevo Almaden y pedenal en el Durasno.=Ynforme la mesa de fomento.

3. De la comp$^{a}$. restanradora del oro quejandose de la falta de Polvora.=Que se incerte al Sup$^{o}$. Gob$^{no}$. con recomendacion.

4. Del Comisionado en Zacatecas f$^{ha}$. 12 del corriente acusando recibo de los docum$^{tos}$. q. se le remitieron p$^{a}$. el cobro de la denda al S$^{r}$. Llaguno.=A su Espediente.

5. Del de Guadalupe y Calvo avisando haber remitido las cuentas q. se le piden.=Que informe la mesa de Adm$^{on}$.

6. Del S$^{or}$. Juez 2$^{o}$. de lo civil pidiendo una noticia relativa al credito q. tiene en el fondo dotal el menor Elguea.=Que informe la contad$^{a}$.

7. De D. Miguel Quinones f$^{ha}$. 16 del presente [Page 24, red ink.] pidiendo se de orden al S$^{or}$. Zamora para q. le proporcione la cantidad necesaria p$^{a}$. satisfacer al J$^{ral}$. de Tasco las costas del testimonio de los antos que señala la parte.=Que se de la orden.

8. De Don José Zamora 5 comunicaciones de f$^{ha}$. 16 remitiendo en la prim$^{a}$. las memorias num. 19.=Recibo y á la Contad$^{a}$.

Participando en el 2$^{o}$. que necesita p$^{a}$. la raya de 300 pesos. =De enterado. Avisando en el 3$^{o}$. q. de los 1,270 frascos p$^{a}$. azogue q. hay en aquella negociacion solo habrá uno q. otro con alguna f$^{aya}$. y q. deben valorisarse á tres pesos cada uno por pieza pues q. estan valuados á dos calculandolos por fierro. =Que se manifieste esta diferencia al S$^{or}$. Castillero y al Gob$^{no}$. cuando se aprueven sus propuestas. Y remitiendo en los dos ultimos el aviso de haber girado la letra N$^{o}$. 21 valiosa 200$^{p}$. la 22 de 140.=Que se paguen.

Se leyó una instancia del S$^{or}$. Don Tomas Ramon del Moral sobre q. se le designe la gratificacion de q. debe disfrutar por los meses q. sustituyó la Direccion del Colegio y leido el Dictamen q. la mesa de fomento estendió en la solicitud pendiente ante el Gob$^{no}$. la Junta acordó q. se inserte esta al Minist$^{o}$. con copia del mensionado informe y de los articulos de la [Page 25, red ink.] ley sobre suplencias de los individuos de la Junta y de su Oficina.

Se dio cuenta con los 8 informes siguientes de la mesa de fomento.

Prim$^{o}$. Sobre q$^{e}$. se manden satisfacer 394$^{p}$. 4$^{r}$. $2\frac{1}{2}^{grs}$. á D. Andres Barroeta por premio de 78 quintales 3$^{a}$., 15$^{eb}$., $1\frac{1}{2}^{o}$., de Azogue q. acredita haber estraido de las minas de la Trinidad y Sn. Andres en Guadalcazar.=La Junta acordó q. se suspenda la resolucion de este asunto hasta q. el Gob$^{no}$. resuelva.

Seg$^{do}$. Sobre q. se satisfagan 265$^{p}$. p$^{r}$. premio de 53 quintales de azogue estraidos p$^{r}$. D. Demetrio Toscano de la mina de San Ant$^{o}$. en Guadalcazar en el q. recayó el mismo acuerdo q. en el anterior.

Tercero. Sobre q. se pida la aprovacion Sup$^{ma}$. de la eleccion de un Suplente q. ha hecho el Jusgado de Temascaltepec.=La Junta acordo de conformidad.

Cuarto. Comultando se aprueve la eleccion de Presidente y su Suplente hecha p$^{r}$. el Jusgado de Bolaños y q. el Gob$^{no}$. Sup$^{mo}$. prevenga á los Colegas q. servieron el año pasado continuen haciendolo en este.=La Junta acordó de conformidad. Y opinando en el ultimo q. se pida al Juzgado de Jesus M$^{a}$. en Chihuahua q. remita la acta de su instalacion q. elija otro [Page 26 red ink.] Suplente si solo ha electo dos que se le designe el fondo de q. conforme á la ley debe hacer sus gastos y q$^{e}$. se le manden los documentos y noticias q. pide.=La Junta acordo de conformidad á esepcion de la remesa de un ejemplar de las ordenanzas de mineria.

[3 Rubrics.]

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[Page 27, red ink.]

### *Sesion del dia* 22 *de Mayo de* 1846.

Concurrieron los S. S. Segura y Bassoco y despues de aprovada la acta del dia 18 se dio cuenta con las comunicaciones siguientes.

1$^{o}$. Cinco del Minist$^{o}$. de Justicia f$^{has}$. 16, 19 y 20 del corriente participando en la prim$^{a}$. haber admitido la renuncia q. hizo de la plaza de primer escribiente de esta oficina D. Manuel G. del Valle.=Se acordo que se incerte al interesado; en el segundo acompaña á informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de Min$^{a}$. y se aprueve la asignacion hecha al S$^{rio}$. y dependientes del Jusgado de Jesus Maria.=Que informe la mesa de fomento. En el tercero avisa estar aprovada el acta del instalacion del Jusg$^{do}$. de Hidalgo de Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el ultimo haberse incertado al Minist$^{o}$. de Hacienda la solicitud de la comp$^{a}$. restauradora del Mineral del Oro sobre escases de polvora.

2. Del Jusg$^{do}$. de Ojo caliente acompañando el acta de renovacion de un suplente.=Ynforme la mesa de fomento.

3. Del de Guanajuato contestando el informe de la contad$^{a}$. relativo é la cuenta de Clavellinas.=Que informe dicha oficina.

4. Del Presid$^{te}$. del Juzg$^{do}$. de Mazapil f$^{ha}$. 5 del corriente haciendo dimision de su [Page 28, red ink.] empleo.=Que se eleve con apoyo al Gobierno.

5. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.=Que se le den espresivas gracias.

6. Del E. S. D. Demetrio Montes de Oca participando q. D. Pedro. Anda de suficientes conocim$^{tos}$. é intachable honrades

se ofrece á reconocer la mina de Clavellinas por la gratificacion de 200 pesos.=Que proceda á la visita y libro contra la Junta, d$^{ha}$. cantidad el S$^{r}$. Montes de Oca.

7. De la visita g$^{ral}$. de oficinas del Departam$^{to}$. de Michoacan sobre haber pedido las cuentas al Adm$^{or}$. suspenso de aquella Aduana y q. hara se concluyan á la mayyr brevedad.=A su espediente.

8. Del Comisionado en Guadalajára remitiéndo una letra de 837 pesos un real 3$\frac{1}{2}^{grs}$. por los productos del d$^{ro}$. de min$^{a}$. pertenecientes al mes de Abril.=Que se reconosca la letra se hagan los respectivos asientos y se acuse recibo y se de orden p$^{a}$. cobrar los 160$^{p}$. del S$^{r}$. Garay.

9. Otra del mismo f$^{ha}$. 15 avisando haber recibido 160$^{p}$. del S$^{r}$. Garay por abonos de los meses de Feb$^{ro}$. á Mayo.

10. Del de Durango remitiendo una letra por valor de 1,038 pesos 7$\frac{1}{2}^{grs}$. productos de Min$^{a}$. del mes de Abril y la cuenta por menorizada del año anterior.=Que se reconosca la letra se hagan los asientos correspondientes se pasen los docum$^{tos}$. á la conta- [Page 29, red ink.] -duria y se acuse el recibo.

11. Del de Culiacan f$^{ha}$. 1$^{o}$. de Mayo remitiendo una letra de 605 pesos 2$^{r}$. por productos de Cosalá en Marzo.=Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

12. Otro del mismo y de la propia f$^{ha}$. acompañando una letra de 103$^{p}$. 7$^{r}$. 6-8 p$^{r}$. productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo ensaye de Culiacán y las cuentas ultimam$^{te}$. pedidas.=Que se reconosca y cobre la letra se hagan los correspondientas asientos y se acuse el recibo.

13. De D. Manuel Mariano de Cortazar f$^{ha}$. 17 del corr$^{te}$. en Queretaro acusando recibo de los 300 pesos q. se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria para tomar posecion de la mina de Providencia.=Se acordo q. con la ultima orden de suspencion de pagos apenas podrá remitir los 300 pesos mensuales de su compromiso de amparo y q. informe la mesa sobre las memorias q. ha remitido.

Se leyeron por ultimo dos solicitudes para la plaza de 2$^{o}$. escribiente de la oficina q. hacen D. Joaquin Urrutia y D. José Garcia de Arana-=Se acordo que se reserven.

[2 Rubrics.]

[Page 30, red ink.]

## *Sesion del dia* 25 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Rosas y despues de aprovada la acta del dia 22 se dio cuenta con las comunicaciones siguientes.

1. Del encargado de la recaudacion en Guanajuato f$^{ha}$. 22

del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año sus barreages y la cuenta g$^{ral}$. de los derechos.=Se acordo q. se pasajen á la Contad$^{a}$.

2. Del de Zacatecas f$^{ha}$. 19 adjuntando la cuenta g$^{ral}$. de Zacatecas y Sombrerete y se le dio el mismo transmite.

3. Del mismo f$^{ha}$. 18 adjuntando una libranza de 107$^{p}$. 2$^{r}$. $\frac{5}{8}$ por derechos colectados en Sombrerete en Abril.=Que se reconosca y cobre la letra se hagan los respectivos asientos y se acuse el recibo.

4. Del Adm$^{or}$. de la Ad$^{a}$. Maritima de San Blas avisando haber girado á favor de la Junta una libranza importante 65$^{p}$. 86 centavos p$^{r}$. la mitad del derecho de averia.=Se acordo q. el Tesorero ocurra por ella á la general.

5. Cuatro comunicaciones de D. José Zamora f$^{ha}$. 23 avisando en la 1$^{a}$. q$^{e}$. necesita de doce almadanetas. Que se compren Remitiendo en la 2$^{a}$. las memorias n$^{um}$. 20.=Recibo y á la contad$^{a}$. y avisando en las otras dos [Page 31, red ink.] haber girado la letra N$^{o}$. 23 valiosa 100$^{p}$. y la la 24 que importe 200.= Que se paguen.

6. Un oficio del E. S. Ministro de Justicia f$^{ha}$. 20 aprovando las propuestas de D. Andres Castillero q$^{e}$. elevo la Junta al S. Gobierno y avisando q$^{e}$. habia pasado al Minist$^{o}$. de la gobernacion la Solicitud de dos citios de ganado mayor como colono sobre su propiedad minera.

La Junta acordó q$^{e}$. se procediese en el acto à estender el convenio judicial correspond$^{te}$. y q$^{e}$. se solicitase la letra de los cinco mil pesos sobre Mazatlan o Guadalajara en lo que conveno el S$^{or}$. Castillero y ultimam$^{te}$. q$^{e}$. por el correo del Miercoles se nen las ordenes correspondientes á Tasco para q. entregue el Adm$^{or}$. á la orden del S$^{or}$. D. Tomas Ramon del Moral todos los frascos para azogue q$^{e}$. se hallen en buen uso en aquellos almacenes los q$^{-}$. abonará á su cuenta á razon de doz pesos cada uno.

[2 Rubrics.]

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[Page 32, red ink.]

### *Sesion del* 26 *de Mayo de* 846.

Concurrieron los S. S. Segura, Flores y Rosas y despues de aprovada la acta de 25 se dio cuenta con un informe de la contad$^{a}$. manifestando q. la Escritura cuya f$^{ha}$. desea saber el S$^{or}$. Macedo fué otorgada ante el Escribano D. Fernando Tamayo en 20 de Abril de 1807.=La Junta acordó q. se participe al Jusgado.

Se leyeron otros tres informes de la mesa de administracion 1$^{o}$. sobre la note de 28 del pasado de D. Enrique Mackintosh opinando q$^{e}$. debe esperarse á q$^{e}$. embie el barreage q$^{e}$. se le tiene pedido.

2. Que se repita al S$^{or}$. Olasenaga fiador de los abonos del S$^{r}$. Lebrija un recuerdo sobre los 50p. del mes de Set$^{e}$. procsimo q. no ha remitido y p$^{r}$. ultimo q. se recuerde tambien al S$^{or}$. D. Diego Moreno remita el importe de las perlas del S$^{r}$. Garay q. se le dieron para su venta ó las devuelva por medio de persona de su confianza.=La Junta acordó de conformidad.

[3 Rubrics.]

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[Page 33, red ink.]

### *Sesion del dia* 27 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Rosas, y despues de aprovada la acta del dia 26, se leyo un oficia del E. S. Gobernador de Michoacan participando q. habia dado orden al suspenso Admor de Rentas para q. dentro de 15 dias presente sus cuentas pendientes y entere las cantidades q. resta y q. avisará del resultado.=A su espediente.

Se leyeron tres informes de la mesa de fom$^{to}$. 1$^{o}$. consultando se pida la aprovacion Sup$^{ma}$. de la eleccion de un suplente del Jusgado de Ojo caliente con arreglo á la ultima circular de la materia y la Junta acordó de conformidad.

2$^{o}$. Sobre la consulta del Gob$^{o}$. relativa à una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y q. se aprueve la asignacion de 30p. mensuales hecha al S$^{rio}$. del de Jesus Maria. La mesa opina q. se consulte al Gob$^{no}$. q. no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden a 20r. y respecto al Sueldo q. se diga estar derogado el Decreto q. lo establecio dejando solo derechos de arancel.=La Junta acordó de conformidad.

3$^{o}$. Sobre la ultima comunicacion de D. Manuel Mar$^{e}$. Cortazar y el inventario q. acompaña de la mina de Atargea. La mesa de opina q. se pase á informe á la contad$^{a}$. y asi se acordó.

[2 Rubrics.]

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[Page 34, red ink.]

### *Sesion del dia* 28 *de Mayo de* 846.

Concurrieron los S. S. Segura y Rosas, y aprovada la acta del 27 se dió cuenta con las cuatro comunicaciones q. siguen.

1$^{o}$. Del Minist$^{o}$. de Just$^{a}$. fha de ayer incertando la de Minist$^{o}$. de Hacienda de la misma fha en q. manifiesta q. intimado el bloqueo á los Puertos de Veracruz y Tampico no es de esperarse q. continue el curso de las libranzas de aquellas Aduanas por lo q. el Gob$^{no}$. ha dispuesto q. la Junta reserve sus existencias p$^{a}$. los gastos q. le son proprios y los del Colegio suspendiendo por á hora todo pago p$^{a}$. la explotacion de azogue.=La Junta acordó q. informe la mesa de fomento.

2. Del comisionado en S. Luis Potosi acompañando la eta y nota de barreage de la plata ensayada en el mes pasado.=A la contad$^{a}$.

3. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacan la orden p$^{a}$. q. el Adm$^{or}$. suspenso de aquellas Rentas presente su cuenta dentro de 15 dias pasados los cuales se encargará un empleado de hacerlas á espensas del mismo.=A su espediente.

4. De los S. S. Manning y Mackintosh [Page 35, red ink.] fha 27 manifestando q. la firma del S$^{r}$. Garcia Granados es tan solo la de un apoderado del S$^{or}$. Stahlknuht.=A su Espediente.

[1 Rubric.]

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[Page 36, red ink.]

## *Sesion del dia* 29 *de Mayo de* 846.

Concurrieron los S. S. Segura, Flores, y Rosas, y despues de aprovada la acta del dia 28 se dio cuenta con una comunicacion del E. S. D. Fran$^{co}$. Fagoaga contestando al ultimo oficio q. se le puso sobre el credito de 8,000p. q. tiene impuestos en la Hacienda de San Sebastian.=La Junta acordó q. se reserve acompañadose al Espediente para cuando halla tomado algunos informes el S$^{or}$. Rosas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa á la suspension de pagos del fondo de azogue. La mesa consulta 1$^{o}$. q. se incerte dicha comunicacion al E. S. Gobernador de S. Luis Potosi con respecto al pago de los premios de azogue q. habia acordado se pagasen por 2,000 pesos á D. Timoteo Toscano por 269 á D. Demetrio Toscano y 471, 4$^{r}$. 8$\frac{1}{2}$ g$^{rs}$. á D. Andres Barroeta por los premios del azogue nacional q. han estraido á razon de 9p. quintal y q. si no se satisfiro la prim$^{a}$. cantidad á D. Timoteo Toscano fué porque no se presentó oportunamt$^{e}$. y á los demas por haber venido cuando estaba ya comunicada la orden de suspension.

Segundo, q. se comunique la misma orden á D. Man$^{l}$. M$^{ar}$. Cortazar manifestandole q. si puede benificiar algunas existencias de azogue lo verifique para cubrir el amparo.

[Page 37, red ink.]

Tercero. Que se incerte iqualm$^{te}$. al E. S$^{or}$. D. Demetrio Montes de Oca con el objeto de q. se sirva mandar suspender la visita de la mina de Clavellinas pero q. se en virtud de lo anteriorm$^{te}$. acordado hubiese hecho algun gasto se le satisfará inmediamente.

En virtud de haber admitido el Sup$^{o}$. Gob$^{no}$. la renuncia q. hizo D. Manuel Garcia del Valle de la plaza de primer escribiente de la S$^{ria}$. y q. admitio el Sup$^{o}$. Gob$^{no}$. la Junta acordó se manifestase al Minist$^{o}$. del ramo q. conforme á la ley tocaba el ascenso al escribiente 2$^{o}$. de la misma D. Man$^{l}$. Couto para ponerlo en posecion si el Gob$^{no}$. esta de acuerdo.

Se acordó tambien de acuerdo con lo informado por la Contad$^{a}$. el pago de 25p. al Escribano Calapis por la actuado en la Escritura de convenio q. se habia tenido con D. Andres Castillero para auxiliar su empresa de azogues de la mina de Sta Clara en la Alta California comprendido en el oficio de suspension de todo pago de este ramo.

[2 Rubrics.]

[Page 38, red ink.]

## *Sesion del* 30 *de Mayo de* 1846.

Concurrieron los S$^{res}$. Segura, Flores y Rosas, y despues de aprovada la acta del dia 29 se dio cuenta con una comunicacion del Min$^{o}$. de Hac$^{a}$. fha 28 en q. pide informe sobre si estan disponibles los 2,125p. 10$\frac{1}{2}^{gs}$. pertenecientes al fondo de la nueva carcel de Guad$^{a}$. la Junta acordó que se le conteste inmediamente haciendole una breve resena del origen de este fondo perteneciente al de azogues y que se le indique q. estando pendiente el asunto en el consejo la Junta puso en deposito iregular en una casa puerte de comercio dicha suma con la condicion de que seria debuelta en Guad$^{a}$. en la misma moneda en q. hubiese sido recibida al mes de q. se le participan la devolucion y ofreciendo ampliar el informe si asi lo creyese convenienta el ministerio.

La S$^{ria}$. manifesto q. el S. D. Tomas Ramon del Moral exponia á la Junta que retiraba la solicitud q. tenia presentada sobre asignacion de sueldo ó gratificacion por el tiempo q. sustituyo la direccion del colegio en el año pasado.

El S. D. Joaq$^{n}$. Velasquez á nombre del E. S. Director del colegio manifesto q. [Page 39, red ink.] nesesitando en Londres de la cantidad de mil p$^{s}$. y sabiendo que la Junta tenia algun dinero en la casa de los S$^{res}$. Baring Herm$^{s}$. le suplicaba se mandase habonar á dicha casa por valor de 72 lib$^{s}$. esterlinas, 7 chelines, 6 peniques por cuenta de alg$^{s}$. objetos encargado por el Colegio á dichos S$^{res}$. y que girase una lib$^{a}$. á favor del mismo S$^{or}$. Velasquez por valor de 111 lib$^{s}$. 9 chelinas, 7 peniques, para el completo de mil p$^{s}$. con el cambio actual de 44$\frac{1}{8}$. La Junta acordo se diese la orden y se girado dicha libranza por cuenta de las dos letras de á 500 lib$^{s}$. cada una que giraron contra aquella casa los S$^{res}$. Maning y Mackintosh en 30 de Nov$^{l}$. de laño pasado.

[1 Rubric.]

[Page 40, red ink.]

## Sesion del 21 de Set$^{e}$. de 1846.

Concurrieron los S. S. Segura, Flores y Bassoco, y despues de aprovada la acta del dia 18 se dio cuenta con las comunicaciones q. siguen.

1. Del Ministerio de Relaciones fha 19 insertando el oficio del Minist$^{o}$. de hacienda en q. acrediendo á las indicaciones de la Junta participa q. el Sup$^{o}$. Gob$^{no}$. ha dispuesto q. las existencias del fondo de azogue continuen empleandose como se habia mandado en fomento del Cologio y pidiendo en clase de prestamo del fondo dotal le cantidad de veinticinco mil pesos.

Los SS. Bassoco y Flores estuvieron de acuerdo en q. se debia representar manifestando al Gob$^{no}$. q. un q. se entendiera q. la Junta desconosca la urgente necesidad q. hay de q. todos contribuyan á la defensa nacional del modo q. les sea posible sin embargo considerando el origin y actual situacion del fondo dotal no se cren con facultades suficientes de sus comitentes para emplearlo en ningun otro objeto de aquellos á que lo destiriò la ley y despues de una de tenida desension asi se acordó no obstan- [Page 41, red ink.] -te las observaciones q. espuso el S$^{r}$. Segura el q. salvó su vote presentando una protesta q. pidio constase en el acto y manifestó q. remitiriá al Ministerio juntam$^{et}$. con el ofició acordado.

La Junta acordó en cuanto a lo primero q. se unerlase en el acto dicha protesta y con respecto á lo 2$^{o}$. q. el S$^{r}$. Segura podia remitir como individuo de la Junta las comunicaciones q. creyese convenientes pero q. la Junta no podia autorizar las protestas q. hiciese contra los acuerdos de la mayoria. En consecuencia la protesta de q. se trata es la Siguiente=El que suscribe aunque con sentim$^{to}$ se ve en el caso de protestar q. su opinion difiere de la de sus apresiables compañeros. La suya es q. en las presentes penurias y aflictivas circunstancias en q. se encuentra el erario público debe proporcionarse al Sup$^{o}$. Gob$^{no}$. el prestamo q. solicita del fondo Dotal propiedad de los mineros en cantidad de veinticinco mil pesos: q. no habiendo esta cantidad en arco se remita á la Tesoreria la existencia y se complete el dho prestamo con el primer din$^{o}$. de q. pueda desponer la Junta: q. jusga acusado antes de obedecer la orden del Sup$^{o}$. Gob$^{no}$. el hacerle esas muy bue- [Page 42, red ink.] -nas observaciones q. obran á favor del mismo fondo y de los intereses del propio Gob$^{no}$. porqu$^{e}$ en la Sabiduria de este se han pesado y el fiel de la balanza inclinado asia el bien publico cuando peligra por la guerra mas injusta el mas presioso de los dones cual es el de la independencia nacional le han hecho dictar una orden q. en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente: q. este es su voto el q. pide quede consignado en el acta del dia como tambien q. el reparto q. se esta haciendo debe suspenderse para q. estos cantidades se emplen en el prestamo solicitado y que si se continua haciendo se entienda tambien q. salva su voto en dho acuerdo.

Se dió cuenta en seguido con un oficio del Iral. de Guanajuato incertando la solicitud de D. Ygnacio Porter como uno de los interesados en la venta de la mina del Toro para que se satisfagan trescientos cincuenta pesos q. se le restan:=La Junta acordó q. informe la mesa de fomento.

Otro de D. Fernando Polels fha 18 acompañando una letra de cuatro mil novecientos cincuenta pesos siete reales un grano por productos de min$^a$. [Page 43, red ink.] del mes de Agosto. Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Del Comisionado en Pachuca fha 19 acompañando en libranza mil quinientos cincuenta y nueve p$^s$. un real por producto liquido de los derechos de min$^a$. en el mes pasado y recayó el mismo acuerdo que en el anterior. Finalm$^{et}$. otro de 16 del corriente del comisionado en San Luis remitiendo la cuenta y nota del barreage del ultimo trimeste.=Se acordó pasarla á la Contaduria.

Se acordò que constase en la acta como dictamen de los SS. Flores y Bassoco el oficio q. en contestacion se puso al Gobierno y dice asi:=" Esta Junta recibio ayer Domingo 20, el oficio q. V. E. se sirve pasarle con fha 19, transcribiendo el del E. S. Ministro de Hacienda del mismo dia en el cual se comunica a la Junta q. el E. S. Gral. en Gefe en ejercicio del Sup$^o$. Poder ejecutivo habia tenido á bien acordar en vista del oficio de fha 12, se de al fondo establecido para el fomento de las minas de azogue el destino á q. esta consignado en beneficio de la instruccion publica, pero q. siendo las graves penurias del erario tan conocidas y perentorias el [Page 44, red ink.] Supremo Gobierno necesita q. del fondo Dotal se le haga un prestamo de vienticinco mil pesos en la inteligencia q. se acordará el pago á la mayor brevedad.

Por nada del Mundo quisiera la Junta q. ni por un momento pudiera penjarse q. ella desconose la urgente necesidad de q. todos los q. tengan en algo la Nacionalidad Mejicana se apresuren á concurrir en su defenza del modo q. á cada uno sea posible pero cree tambien q. faltaria á la confianza q. los mineros y acredores al fondo Dotal depositaron en sus mandatarios y aun se haria indigna del aprecio del mismo Sup$^o$. Gob$^{no}$. si dijara de hacer las observaciones que pasa à manifestar.

El fondo Dotal consiste en el pago de un real por marco de once dineros q. con autorisacion legal se impuso el cuerpo de mineria para formarle y q. como caudal propio suyo segun los terminos de la cedula respectiva le ha administrado por medio de sus representantes con entera inhibicion de las rentas publicas del Estado. Bajo tales garantias solicitó y le prestaron varias personas cantidades considerables à deposito irregular con hipoteca del mismo fondo debiendo hoy à estos Capitales mas de 18 años de reditos. Esto es lo q. constituye la deuda del cuerpo [Page 45, red ink.] de la q. dimana q. forme parte de la Junta el Apoderado de los acredores.

Esta legerisima indicacion es bastante à nuestro juicio para probar q. el fondo Dotal es una propiedad particular q. esta en el caso de ser tratada y grabada como las demas sin q. aparesca motivo para q. este sugeta á otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion no la ha ocupado en cantidad alguna desde 1842, no obstante q. en el mismo periodo ha tomado varias q. forman una crecida suma del fondo de azogue q. por su naturaleza es Nacional y publico.

Sin embargo de la incolumidad del fondo Dotal durante aquel t$^{po}$. y á pesar de los esfuerzos con q. la Junta ha procurado mejorar su administracion consiguiendo en ella mejoras de no poca importancia; de tanta trasendencia y de tan funesto influjo fueron las ocupaciones sufridas en tiempos anteriores q. no ha podido relevarse del avatimiento y postracion en q. le pusieron.

La hipoteca es buena; lo administracion pura y bastante economica y sin embargo el precio de los creditos bajo en demasia cuyo mal solo se debe á la causa q. dejamos indicado.

Esta consideracion S$^r$. C es la q. [Page 46, red ink.] mueve á la Junta á preferir q. los individios y corporaciones q. tienen Capitales en el fondo sean grabados mas bien por otras contribuciones ó derramas q. no en los creditos q. aqui tienen puesto q. sobre la erogacion q. en ellos sufririan habrian de resentir en lo sucesivo el funesto resultado de q. su valor bajase aun mas de lo q. hasta el dia ha bajado. Los Apoderados de Mineros y acredores no tienen ciertamente mas facultades respecto del fondo Dotal en virtud de las leyes de la creacion de este cuerpo q. las de administrarle y aplicarle á los objetos q. ellas mismas demarcan, y ni unos ni otros pergaran q. sus mandatarior han cumplido con su deber si dejaren de presentar estas observaciones a una administracion tan ilustrada como la presente. Repite pues q. solo el deseo de llener cumplidamente sus deberes es lo q. la precisa à espresar lo q. lleva manifestado; por lo demas como particulares se han prestado y estan dispuestos à hacer en las criticas circunstancias del dia todo lo q. el estado de sus negocios les permita.=La Junta protesta à V. E. las seguridades de su distinguida consideracion y aprecio.

[3 Rubrics.]

[Page 47, red ink.]

### *Sesion de 5 de Noviembre.*

Asistieron los Señores Segura, Flores, y Bassoco, y leida y aprobada el acta del dia anterior se dio cuenta con un oficio del ministerio de Relaciones fecha del 3 pidiendo se le remita dentro de ocho dias nominas exactas de los trabajos de la Junta desde 1845, con las indicaciones que creyere oportunos: La Junta acordo que en vista de los apuntes de la memoria formada por el Señor Carrere se dirijan dichas noticias al Ministerio agregandose los sucesos posteriores hasta el presente mes.

[3 Rubrics.]

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[Page 48, red ink.]

### *Sesion de 9 de Nov$^{e}$. de 846.*

Asistieron los S$^{res}$. Segura, Flores, y Bassoco, y despues de aprobada el acta del 5 se dio cuenta con las cinco comunicaciones siguientes del administrador de Tasco, con la primera remite las memorias n$^{os}$. 23 y una Coleta de beneficio q. se labó á maquila=recibo y la contaduria, participa en la segunda que remitira las barras á Cuernavaca el mastes de esta semana =el enterado, dice en la tercera q. en la semana anterior se habian labado los ultimos 900 qq$^{s}$. del metal de Trinidad que las trabajos se habian aumentado con dos paradas y q. p$^{a}$. la semana actual necesitava de 900p$^{s}$.=de enterado. En las dos ultimos avisa haber girado bajo los n$^{os}$. 72 y 73 dos lib$^{s}$. valiosos 400p$^{s}$. y la otra 100p$^{s}$.

Comenzo á lerse la memoria q. ha de presentarse al Gobierno y quedaron aprovados los dos capitulos q. tratan de oficina y de Jus$^{o}$. mineros y se acordo q se oficie al S. Otero preguntandole el estado q. tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Adm$^{or}$. de la aduana maritima de Veracruz fecha 2 en q. participa no haber podido conseguir del girador de la lib$^{a}$. n$^{o}$. 884 q. se respaldo otra en su remplaza en cuya virtud habia dado conocimiento del asunto desde 10 de Set$^{e}$. ofreciendo avisar el resultado=noticiese á la cont$^{a}$. y a su espediente.

Otro del S. D. José Joaquin de Rozas, [Page 49, red ink.] fecha 5 avisando q. ha prevenido á su dependiente D. Ant$^{o}$. Gutierres de Cuernavaca reciba las barras q. se le han de mandar de tasco y q. avisara el importe de las 6a de polvora q. mando á la misma negociacion.

Otro de D. Cayetano Buetron fecha 5 remitiendo mil trescientos sesenta y dos p$^{s}$. nueve granos por productos del derecho de mineria del mes pasado=recibo y á la cont$^{a}$. p$^{a}$. los debidos asientos.

Otro de D. José Zamora fecha 2 avisando q. con el arriero José Apolonio se le remitan los 10 qq de azogue e la misma cantidad de sulbato q. tiene pedida=que se mande entregar.

De D. Man$^{l}$. Mariano Cortazar fecha en Rio blanco á 25 del pasado remitiendo la ultima memoria de la mina de Atargea=á la cont$^{a}$. y avisando q. esta pronto el S. Rule á otorgar la fianza por el importe de las existencias q. se entregaron á Cortazar en dicha mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el total de 98p$^{s}$. 6r$^{s}$. á q. aciende la memoria=la Junta acordo q. se diga al S. Rule q. se ha de venir pronto á Mejico podra otorgar aqui la escritura de fianza pero q. se tarda la estienda ante las autoridades de aquel mineral ó nombre un apoderado. Que [Page 50, red ink.] se oficie al S. Segura p$^{a}$. q. entregue el anterior oficio y recabe la respuesta del S$^{r}$. Rule. Que se diga al S. Cortarzar nombre su apoderado p$^{a}$. q. firme la escritura: Que la Junta no puede pasar conforme al convenio por el pago al ciudador de nueve semanas si no solo por tres y q. dificultandose la libranza se le entregara el importe de la memoria deducidos los 36p$^{s}$. de dicha partida al comisionado q. mande cuando venga á firmar.

[3 Rubrics.]

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[Page 51, red ink.]

*Sesion del dia* 13 *de Nov$^{e}$. de* 846.

Concurrieron los S$^{res}$. Segura, Flores, y Bassoco, y despues de aprovada la acta del dia 11 se acordo que se enterasese de una vez los tres tr$^{os}$. de la contribucion de casas por lo perteneciente al colegio.

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[Page 52, red ink.]

*Sesion del dia* 16 *de Nov$^{e}$. de* 846.

Concurrieron los S$^{res}$. Segura, Flores, y Bassoco, y despues de aprovada la acta del dia 13 se dio cuenta con las comunicaciones siguientes.

1$^{a}$. Del Comisionado en Guanajuato remitiendo una letra de 5639p$^{s}$. 7r$^{s}$. productos de mineria en el mes de Oct$^{e}$.

2$^{a}$. Del de Zacatecas remitiendo otro de 4145p$^{s}$. 2r$^{s}$. 9 g$^{s}$. p$^{r}$. los del mismo mes.

3$^{a}$. Del de Durango incluyendo otra de 1349p$^{s}$. 44 cent. correspondientes á la misma epoca.

4$^{a}$. Del de Zimapan fha 1$^{o}$. de Nov$^{e}$. acompañando otra de 373p$^{s}$. correspondientes al mes anterior=q. se reconoscan dichas letras se hagan los correspondientes asientos y se acuse el recibo.

5$^{a}$. Del de Zacatecas remitiendo otra de 123p$^{s}$. 6r$^{s}$. 3g$^{s}$. p$^{r}$. los productos de Oct$^{e}$. én Sombrerete.

Y otra por ultimo remitiendo el balance y la nota p$^{r}$. menorisada de lo colectado p$^{r}$. el derecho de mineria en aquella ciudad en el 2$^{o}$. t$^{ro}$., del presente año=recibo y á la Contadieria.

Concluida la lectura de la memoria q. tubo lugar en los dias anteriores se aprobó acordandose que se remita igualmente=al Supremo Gob$^{o}$. [Page 53, red ink.] un oficio pidiendo se espidan por el Min$^{o}$. de Hac$^{da}$. las ordenes respectivas p$^{a}$. q. concluido el bloqueo se pidan directamente p$^{r}$. las aduanas de Veracruz y Tampico las correspondientes lib$^{s}$. á favor de la Junta facultando á esta p$^{a}$. q. pueda negociar un prestamo p$^{a}$. accedir á los gastos del Colegio y los mas urgentes del ramo de azogue, acordando p$^{r}$. ultimo q. el S. Presidente la lleve al S. Min$^{o}$. p$^{a}$. su mas pronto despacho.

[2 Rubrics.]

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[Page 54, red ink.]

### *Sesion del dia 5 de Dic$^{e}$. de 46.*

Concurrieron los S$^{res}$. Segura, Flores, y Bassoco y despues de aprovada la acta del dia 2, se dio cuenta con las dos comunicaciones siguientes del Ministerio de Relaciones fecha de ayer acusando recibo en el primero de las noticias q. se le remitieron p$^{a}$. la memoria autorisando á la Junta p$^{a}$. conseguir con el menor gravamen posible las cantidades q. necesite p$^{a}$. cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo vajo el concepto de que se han dado las ordenes convenientes para q. desde luego y en cuanto se levante el bloqueo de Veracruz se remitase directamente á la Junta libranzas p$^{r}$. el 3 p. cent. de importacion hasta el completo de 80,000 p$^{s}$. anuales.

Agrega ademas q. en el caso de no obtenerse oportunamente dicho prestamo la Junta supla las cantidades necesarias del fondo dotal en calidad de reintegro p$^{r}$. el de azogues del q. se se reemboleara tan luego como reciba algunas cantidades de las aduanas ó q. se realise el indicado prestamo.

Los S$^{res}$. Flores y Bassoco manifestaron [Page 55, red ink.] que estando prefijado el destino del fondo dotal la Junta no tenia facultad para distraerlo á otros objetos ni en calidad de prestamo. El S. Segura espuse que estando en las facultades del Gobierno dictar la medida de q. se trata era de parecer su obsequiase la orden solicitandose desde luego con empeño el referido prestamo cuidando de recabar las ordenes convenientes para q. vengan las libranzas por valor de 50,000 p$^{s}$. anuales del puerto de Tampico tan luego como se vea libre de la invacion anglo americana en consecuencia la mayoria de la Junta acordo se diese al Gob$^{o}$. la contestacion en los terminos indicados por los S$^{res}$. Flores y Bassoco, y el S$^{r}$. Segura pidio constase en la acta su voto agregando ademas que espondria las razones en que se fundaba y las remitiriá al Gobierno.

El segundo oficio se contrae á exitar el celo de la Junta pª. q. promueva todo lo conducente á fin de proporcionarse el prestamo de los dos millones de pesos para la compra del azogue español pª. el q. la faculto el decreto de 17 de Febrero de 43 y se acordo tomarlo en [Page 56, red ink.] consideracion el lunes proximo.

[3 Rubrics.]

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[SELLO.] *Secretaria de la Administracion del Fondo de Mineria:*

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital, y encargado del archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que los Borradores de las actas de la Junta de Fomento y Administrativa de Mineria existen y forman parte de los Archivos de esta Oficina. Que entre dichos Borradores se encuentran los de las actas de dicha Junta por los meses de Abril, Mayo, Setiembre, Noviembre y Deciembre del año del 1846. Que los Borradores de cada uno de dichos meses estan cosidos por separado y que tienen escrito cada uno en la primera pagina lo siguiente: Los Borradores de Abril.=" Secretaria de la Junta de Mineria: Año de 1846.=Borradores de las actas del mes de Abril." Los de Mayo: " Secretaria de la 'Junta de Mineria. Año de 1846.=Borradores de las Actas del mes de Mayo." Los de Setiembre: " Secretaria de la Junta de Mineria. Año de 1846. Borradores de las actas del mes de Setiembre." Los de Noviembre: "Secretaria de la Junta de Mineria. Año de 1846.=Borradores de las actas del mes de Noviembre;" y los de Deciembre=" Secretaria de la Junta de Mineria.=Año de 1846.=Borradores de las actas de la Junta de Fomento y Administrativa de Mineria desde 2 á 30 de Diciembre del presente Año."

Certifico que las precedentes y anexas paginas numeradas por mi con tinta encarnada del 1 al 4 inclusive son una verdadera y exacta copia ó calco en papel transparente del Borrador de la acta de dicha Junta de la Sesion del dia 23 de Abril de 1846, y que las precedentes y anexas paginas numeradas por mi con tinta encarnada desde el cinco al trienta y nueve inclusive, son verdaderas copias ó calcos en papel transparente de los Borradores de las actas de dicha Junta de las sesiones del mes de Mayo de 1846, incluyendo la pagina de la Carátula de la misma, que las precedentes y anexas paginas numeradas por mi con tinta encarnada desde el Cuarenta al Cuarenta y seis inclusive son verdaderas y exactas copias ó calcos en papel transparente del Borrador de la acta de dicha Junta de la Sesion del dia 21 de Setiembre de 1846 que las precedentes y anexas paginas numeradas por mi con tinta encarnada del Cuarenta y siete al cincuenta y tres inclusive son verdaderas y exactas copias ó calcos en papel transparente de los Borradores de las actas de dicha Junta de las Sesiones de los dias 5, 9, 13, y 16 del mes de Noviembre, de 1846; que las precedentes y anexas paginas numeradas por mi con tinta encarnada del Cincuenta y cuatro al Cincuenta y seis inclusive, son verdaderas y exactas copias ó calcos en papel transpraente del Borrador de la acta de dicha Junta de la Sesion del dia 5 de Diciembre de 1846.

En testimonio de lo cual doy el presente en la Ciudad de Mexico, hoy 30 de Marzo de 1859.

MAN$^{L}$. COUTO, S$^{rio}$.

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Yo Vicente Segura Administrador del Fondo de Mineria: Certifico que D. Manuel Couto, cuyo nombre aparece en el precedente certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria á cuyo Archivo pertenecen los Borradores de las actas de la Junta de Fomento y Administrativa de Mineria: que dicho Couto ejerce el empleo de Secretario en la fecha de su Certificado que su firma es verdadera y merece toda fé y credito.

En testimonio de lo cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de Mexico á 30 de Marzo de 1859.

[SELLO.] VICENTE SEGURA.
[Rubric.]

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[SELLO.] El que suscribe Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio, certifica, que D. Vicente Segura y D. Manuel Couto, son, Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de dicha Oficina, estan al cargo del Secretario y por ultimo que las firmas constante al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de los espuesto doy el presente firmado por mi y sellado con el sello del Ministerio, en la Ciudad de Mexico á treinta y uno de Marzo de mil ochocientos cincuenta y nueve.

[SELLO.] P. ALMAZAN.
[Rubric.]

Josè Miguel Arroyo, Yntendente honorario de Ejecito y Oficial mayor 1°. del Ministerio de Relaciones exteriores de la Republica Mexicana.

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56.

[SELLO.] Certifico que D. Pascual Almazan es oficial mayor del Ministerio de Fomento, Colonizacion, industria y comercio de la propria Republica y la anterior firma es la suya que usa en los documentos que autoriza.

MEXICO, Abril 1° de 1859.

J. MIGUEL ARROYO.
[Rubric.]

D^ros^. 4p^s^.

[SELLO, confining ribbon.]

JOSE M. DE BASSOCO.

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No. 110.

CONSULATE OF THE U. S. OF AMERICA,
Mexico, April 2d, 1859.

I, the undersigned, Consul of the United States of America, for the city of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J. Folio 52. Fees $2.

[SEAL.] In testimony whereof I have hereunto set my hand and affixed the consular seal the day and year first above written.

JOHN BLACK, U. S. Consul.

## EXHIBIT BASSOCO NO. 2, O. H.

Ministerio de Hacienda,
Seccion 1ª.

El Exmo. Sr. Presidente interino se ha servido dirigirme el decreto que sigue.

"Mariano Paredes y Arrillaga, general de division y presidente interino de la República mexicana, á los habitantes de ella sabed:

Que considerando que la salvacion de la República en las circunstancias criticas en que la ha puesto la invasion extrangera, es el primer deber del gobierno:

Que todos los intereses se hallan comprometidos, y que en vano se pretenderia salvarlos, si ante todo no se salva la nacion:

Que para defender y asegurar el territorio nacional, tanto en la frontera, que ha sido invadida, como en otros puntos amenazados, se necesita indispensablemente atender à los gastos que se erogan en las tropas que el gobierno ha puesto en movimiento, y en las demas que se estàn levantando y organizando y que deben marchar con prontitud à los puntos à que el mismo gobierno se propone destinarlas.

En atencion à que por el ruinoso sistema de contratos no se proporcionan los recursos necesarios, y sí se empeñan por mucho tiempo todas las rentas de la nacion, como actualmente sucede, por hallarse gravados todos sus productos, y sin que el Gobierno cuente con la mas pequeña suma de que poder disponer:

Despues de haber procurado hasta aquí por todos los medios que han estado à su alcance, y aun por el mismo de los contratos, atender à cubrir los gastos mas urgentes, introduciendo en ellos las economías que ha sido posible en el corto tiempo que lleva de establecida la actual administracion:

Considerando que aun ese mismo sistema funesto ha venido ya à ser impracticable, y es cada vez mas ruinoso, y exigiéndose condiciones mas onerosas à medida que faltan garantías que ofrecer:

Queriendo tambien establecer el crédito nacional, que se halla completamente destruido, sobre bases seguras y unifomes, liquidando la deuda flotante contra el erario publico, asignando fondos suficientes para su pago, y haciendo éste compatible con las atenciones precisas de la nacion.

Discutido detenidamente este grave asunto en Junta de ministros, he venido en decretar lo siguiente.

1°. Se suspende provisionalmente el pago de toda clase de créditos que gravitan sobre las rentas del gobierno general y cualquiera otro pago que se esté haciendo acutualmente por decretos ú órdenes expedidas hasta esta fecha.

2°. Todas las oficinas de las rentas generales de la República, pasaràn al ministerio de hacienda, inmediatamente que reciban este decreto, una razon circunstanciada de todos los pagos que se les hayan mandado hacer, y suspendan en cumplimiento del artículo precedente, expresando las sumas que tengan pagadas y lo que falte que satisfacer.

3°. Con presencia de los datos que remitan dichas oficinas en virtud del artículo anterior, el gobierno determinarà el pago, en el modo y órden que sean mas convenientes, conciliando los derechos de los interesados con la marcha de la administracion pública.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio del Gobierno nacional en México à 2 de Mayo de 1846.=*Mariano Paredes y Arrillaga.*=A D. Francisco Iturbe."

Y lo comunico à V. para su conocimiento y efectos correspondientes.

Dios y Libertad. México, Mayo 2 de 1846.

YTURBE.
[Rubric.]

## EXHIBIT BASSOCO, NO. 3. O. H.

EXTRACTOS *de Memoria de la primera Secretaria de Estado y del despacho de Relaciones Interiores y Esteriores de los Estados Unidos-Mexicanos, leida al soberano congreso constituyente en los dias* 14, 15, *y* 16 *de Diciembre de* 1846, *por el ministro del ramo, C. José Maria Lafragua. Mexico:* 1847. *Imprenta de Vicente G. Torres.* 1847.

[Page 65.]

* * "En el Estado de San Luis Potosi, se hallan en proporcion los metales que se benefician, y el azogue que se estrae, y en la alta California se ha descubierto un criadero, cuya ley sobrepuja á la de la mejor mina que se conoce, la de Almaden, la cual no produce mas de un trece por ciento, cuando la nuestra, en los ensayos practicados en el Colegio de Mineria de esta Capital, sube á un treinta y cinco y medio por ciento." *

[Page 66.]

* * "Yo recomiendo al soberano congreso que fije su atencion en este ramo, haciendo de la esplotacion de nuestro

azogue, una verdadera empresa nacional, cuya importancia no se puede encarecer demasiado, bien sea creando un fondo, ó bien dictando otras medidas oportunas." * *

[Page 118. Documentos Justificativos.]

## Num. 52.

(Pag. 64.)

"SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA. }

Exmo. Señor:—En cumplimiento de la superior orden de V. E. de 3 del presente, contraida á que esta Junta le dé cuenta de los asuntos confiados á su cuidado desde la época en que lo hizo en el año de 1845, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al congreso general de la nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años, y de la situacion en que hoy se encuentran, con las reflexiones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes;" * *

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* * * "La Junta en 21 de abril, próximo pasado, pasó á la facultativa del colegio unas muestras de cinabrio que presentó D. Tomas Ramon del Moral á nombre de D. Andres Castillero, vecino de la Alta California, con una esposicion en que pide se le auxilie para trabajar una mina que ha descubierto en la mision de Santa Clara, conocida por los antiguos indios, quienes sacaban de ella el bermellon para pintarse el cuerpo. Hecho el ensaye por el profesor de química, resulta que los metales en comun produjeron la estraordinaria ley de 35½ por 100, lo que se participó al gobierno en 5 de mayo, manifestándole que se habia preguntado al Sr. Castillero cuales eran los auxilios que necesitaba de la Junta.

Este Señor presentó su solicitud en forma, y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducida á que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirviesen en los reconocimientos hechos anteriormente, y todos los frascos para azogue que tiene en el negociacion de Tasco. El Sr. Castillero se obligó por su parte á entregar dicha anticipacion en azogue, á razon de cien pesos quintal dentro de seis meses de su salida en el puerto de Mazatlan. Este convenio fué aprobado por el supremo gobierno en 20 del mismo; pero á virtud de la declaracion hecha por los Estados-Unidos del Norte, cuando iba ya á recibir la libranza sobre Mazatlan, el ministerio pasó la órden de 19 de setiembre de este año, mandando suspender todo pago del ramo de azogues, á escepcion de los gastos alimenticios del colegio y la oficina." * * *

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* * * "No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder á la alta confianza con que la honró el gobierno. Una parte de ellos van especificados en la presente nota, y las demas se hallan consignados en las memorias, informes, y multitud de comunicaciones que obran en ese ministerio. Por ahora únicamente se reducirá á asegurar lo que consta de esos documentos, á saber: que el espiritu de la empresa se llegó á estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias, y ya tambien por particulares; que en el de San Luis Potosi, el azogue que se estrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del estrangero; que en la Alta California, en el presidio de Santa Rosa, ha llegado á descubrirse un gran criadero, por el Sr. D. Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayes practicados en el colegio de Mineria que la que dan los frutos comunes sube á un 35½ por 100, cuando los de la mejor mina que se conoce, que es la de Almaden, no pasa de un 13 por 100; y en fin, que por todos los datos que sa han reunido, se puede esperar descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ha podido llevarla á cabo, porque se le privó de uno de sus fondos del 1 por 100 de la circulacion de la moneda sin sustituirle otro, y porque del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el gobierno en los apuros del erario, ha usado de los restantes. El mal se ha agravó hasta el estremo lamentable de quedarse sin ninguno, por la órden de 10 de mayo ultimo, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la Junta no se detendrá á pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado." * * *

## EXHIBIT BASSOCO NO. 4, O. H.

SECRETARIA DE LA JUNTA DE
FOMENTO ADMINISTRATIVA DE MINERIA.

EXMO SENOR.—En cumplimiento de la superior orden de V. E. de 3 del presente contraida á que esta Junta le dé cuenta de los asuntos confiados á su cuidado desde la epoca en que lo hizo en el año de mil ochocientos cuarenta y cinco, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al Congreso general de la Nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años y de la situacion en que hoy se encuentran, con las reflecciones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes; pero si bien abunda en los mas sinceros deseos de dar todo el lleno debido á tan importante encargo, el corto termino de ocho dias que le fijó V. E. casi le quitarian la posibilidad de verificarlo con la extension y propiedad debidas, á no ser por los trabajos hechos por su secretaria á principios de este año para que se presentaren al gobierno, y que aprovecha ahora en consideracion á la importancia vital, por no decir necesidad, de que el procsimo congreso pueda imponerse desde luego por el respetable conducto de V. E. del resultado de las leyes, dadas para el fomento y arreglo del importante ramo de la Mineria, y de dictar medidas adecuadas para hacer efectiva la proteccion, que reclama como nunca hoy, la industria minera acaso la mas nacional de Mejico, y sin duda la capiosa é inagotable fuente de su riquesa publica. La Junta agradeciendo la invitacion de V. E., aunque carece todavia de algunos datos y documentos que podria conseguir, si contase con mas tiempo, se apresura á obsequiar sus deseos, reservándose ampliar mas oportunamente algunos puntos, que solo indica por ahora, confiada en que la premura del tiempo disculpará las faltas en que abunda su esposicion, asi como el olvido de algunos otros que no haya tenido presentes, ó á quienes no haya dado la importancia que se merecen, ó el desarrollo de que son susceptibles, prescindiendo de las de metodo, estilo, y redaccion inhevitables en todo escrito, al que faltran la lima y la meditacion necesarias.

### DE SU OFICINA.

La Junta de fomento y administrativa de Mineria, instalada en 24 de Diciembre de 1842, para cumplir con lo prevenido en el articulo décimo del decreto de su organisacion, remitió al ministerio respectivo en Noviembre de 843, el proyecto de reglamento, que hacia formado para la mas económica y fiel administracion de los fondos, que se le confiaron; pero el gobierno teniendo presente que no podia llenar sus importantes atenciones sin las manos necesarias para su desempeño, decretó en 30 de Deciembre la planta de sus empleados, y le devolvió el proyecto en Julio de 44 para que lo formase de nuevo con arreglo á las disposiciones posteriores.

Ella en Enero del mismo solicitó la aprobacion del articulo 29 del reglamento propuesto, sobre que á cada fondo se llevase cuenta separada, cargando al dotal las cantidades que se satisfacian por sueldos en el anterior establecimiento y al de azogue los que se aumentaban, y le remitió las respectivas propuestas para la provision de las plazas, quedando aprobadas las de dos oficiales y otros tantos escribientes de su Secretaria, la de archivero, la de contador, la de dos oficiales y un escribiente de contaduria y finalmente la de tesorero: todos los cuales tomaron posesion de sus destinos en los dias 10 de Febrero, 4 y 7 de Marzo, y en 8 del mismo reglamentó la Junta provisionalmente su oficina designando á cada uno de los empleados sus correspondientes labores.

En 19 de Mayo de 845, el supremo gobierno nombró á los S^res^. D. Benigno Bustamente, Lic. D. José Maria Lacunza y D. Luis Varela, para que le informaran al Gobierno sobre los decretos, que organizaron nuevamente el Colegio de Mineria, autorizando á la comision para inspeccionar el Seminario y la oficina de la Junta. El informe que elevaron al Supremo gobierno se pasó á la misma, y está pendiente de su ecsámen.

Por haber fallecido el primer escribiente de Secretaria D. Manuel Garcia del Valle, el Supremo gobierno aprobó el ascenso del segundo, quedando sin proveerse la del primero.

En 23 de Setiembre del presente año, la Junta concedió licencia á su Secretario D. José Maria Castera, á quien tuvo á bien encomendar el Supremo gobierno una comision, y quedó desempeñando sus funciones el oficial primero con arréglo al decreto citado de 30 de Diciembre de 842.

## PARTE DE FOMENTO.

## JUZGADOS DE 1ª. INSTANCIA DE MINERIA.

### Departmento de Mexico.

Aunque la Junta Departamental en 18 de Enero de 843, dispuso se establecieson diez y ocho juzgados mineros en sus distritos, la de Mineria manifestó que en lugar de conveniente, seria muy perjudicial la ereccion de doce de ellos á mas de los seis qué ecsistian antes, debiendo en consecuencia quedar salo los de Zimapan, Pachuca, Tasco, Zacualpan, Sultepec, y Temascaltepec, puntos en que ecsistian disputaciones territoriales, y dos nuevos, uno en el cardonal, y otro en Tepantitlan. Asi lo manifestó en 26 del proprio Enero aunque sin advertir que en el penúltimo lugar se hallaba establecida tambien una diputacion.

La Ex$^{ma}$. Asamblea en 5 de Julio de 1844, teniendo presente lo espuesto por la Junta, resolvió que hubiese juzgados en Sultepec, Zacualpan, Tasco, Zimapan, y Pachuca: que el gobierno, oyendo á la Junta directiva del ramo, designará el distrito de cada uno con espresion de los minerales en èl comprendidos; y que los de Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan, y el Oro, se estableciesen tan luego como hubiera numero suficiente de mineros para servirlos con las condiciones prevenidas en la ordenanza, á cuyo efecto el gobierno recomendaria á las prefecturas, que anualmente ministrasen las noticias necesarias, dando aviso á la propria asamblea, cuando alguno de ellos reuniese los elementos correspondientes.

Nada tenia que notar la Junta en cuanto á la primera parte de este acuerdo; porque ya habia manifestado su conformidad en la ereccion de los cinco juzgados referidos; pero no pudo dejar de advertir: que la segunda era contraria á lo prevenido en circular de 6 de Setiembre del mismo año, con respecto a que los Ex$^{mos}$. SS. Gobernadores consultaron al gobierno supremo los lugares, en que debieran establecerse los juzgados mineros, motivando sus informes de acuerdo con las asambleas, en la inteligencia de que *luego que sean establecidos, designen ellos mismos el Distrito de su respectiva jurisdiccion, especificando los nombres de los minerales y de los asientos de minas que comprendan;* y que la tercera estaba apoyada en muy fundadas razones de justicia y de conveniencia; quedando sin embargo pendiente la dificultad, de que de los cinco juzgados de instalacion condicional so hallaban ya establecidos los de Ajuchitlan, Cardonal, Temascaltepec y mineral del Oro, asi como los que no tenian restriccion alguna, excepto el de Pachuca, en cuyo distrito se conservaba la diputacion territorial en consonancia con la circular Suprema de 14 de Enero de 1843 que previno, continuaran las corporaciones espresadas, interin podian establecerse los juzgados. Asi lo espuso la Junta al gobierno departamental en 24 de Julio de 44, para que se sirviese declarar: ¿Si continuaban todos ó quedaban algunos suprimidos?

La Ex$^{ma}$. Asamblea en 10 de Octubre tuvo á bien reformar su anterior acuerdo, obsequiando la suprema resolucion citada en 6 de Mayo, bajo la inteligencia, de que los minerales no comprendidos en los limites, que demarcaran los juzgados perteneciesen en todos sus negocios al mas inmediato, segun el espiritu de la ordenanza, y disponiendo, que si de hecho se hallaban establecidos, no permanecieran, los de Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan, y el Oro. De conformidad con lo que consultó la Junta en 18 de Octubre, el Supremo gobierno en 30 del mismo se sirvio aprobar lo determinado últimamente por la Ex$^{ma}$. Asamblea.

En 29 de Octubre del año de 1845, se avisó al Supremo gobierno quedar establecidos con legalidad los tribunales de *Sultepec*, *Tasco*, *Zimapan*, *Pachuca*, *y Temascaltepec.*

A consecuencia de una solicitud que hicieron los mineros de Tepantitlan, Coronilla, Jimotla y otros, sobre que en el primero de dichos pueblos se estableciera una diputacion territorial, la Junta en 31 de Diciembre de 1842, secundó la pretension. esponiendo sus ideas á cerca el modo y términos en que debia cumplirse el articulo 28 de la ley orgánica, y tomadas sus razones en consideracion, el gobierno espidió el decreto de 11 de Febrero de 1843. Con fecha 20 de Junio de 845, se dijo al gobierno departamental: que conforme al articulo 3°. de los acuerdos de la asamblea de cinco de Julio de 844, se sirviese prevenir á la prefectura respectiva remitiese la noticia del numero de mineros que hubiera en Tepantitlan con los requicitos de ordenanza, a fin de ver si podia formarse un juzgado minero en aque punto, supuesto estar ya acordado por la misma Asamblea y aprobado por el gobierno que se instalara, tan luego como pudiera llenarse esta indispensable condicion.

ZACATECAS.—Su Gobierno Departamental consultó la ereccion de seit tribunales mineros de primera instancia en *la Capital*, *el Fresnillo*, *Sombrerete*, *Mazapil*, *Pinos y Nieves*, y que en los demas lugares se pusieran encargardos, segun los habia en tiempo del gobierno colonial, con el único fin de recibir denuncios y dar posesiones. Propuso ademas, que para cubrir los gastos estraordinarios, sobre el importe de los derechos de Arancel, se les aplicara el grano que por cada marco de plata de la ley de dineros se paga y destina conforme al acuerdo de una de las legislaturas del Departamento al fondo de enseñanza pública.

La Junta en 17 de Agosto de 1843, opinó en favor de la aprobacion de los tribunales, que se designaron y del nombramiento de delegados; pero no del arbitrio, que se indicaba para acudir á las erogaciones, por no ser conforme con el artículo 4°. de la ley de 11 Febrero del mismo año, y que de su adopcion resultarian privilegiados los mineros de dicho Departamento, con prejuicio de la uniformidad y aun de la justicia, pues el decreto hacia recaer el gravámen de costas solamente sobre los interesados en los juicios, y no en todos los mineros de la respectiva demarcacion: que siendo esto equitativo, no lo era, el que los mineros de Zacatecas repotaran mayores cargas, la que los demas de la República y que debiendo librarse á mineria de todo impuesto y concederle las franquicias imaginables, léjos de aplicarse el grano de que se trata á objeto alguno, debia quedar estinguido en su totalidad.

San Luis Potosi.—De acuerdo con la Junta departamental y supremo gobierno, el superior del mismo Departamento previno en 11 de Setiembre de 1843, se estableciesen juzgados mineros en la *Capital. Catorce*, *Charcas*, *Guadalcazar y Ojo Caliente*: que en los puntos donde existian diputaciones territoriales procedieran estas inmediatamente á hacer la eleccion de los individuos, que hubiesen de componer los espresados tribunales con arreglo á lo dispuesto en la ley de 2 de Diciembre, y en el título 2º. de las ordenanzas del ramo; y que en los lugares en que por algun motivo no estuvieran establecidas las diputaciones, las respectivas autoridades políticas dictaran providencias conducentes à la instalacion de los juzgados, segun se ha verificado con posterioridad en todos ellos.

Jalisco.—Su gobierno de acuerdo con la Junta departamental designó los puntos de *Bolaños*, *Hostotipaquillo*, *Etzatlan*, *Mascota y Sayula*, en cuyos lugares quedaron establecidos los juzgados.

Sinaloa.—La Junta departamental y su gobierno señalaron *la Villa de este nombre*, *Mazatlan*, *Culiacan*, *Cosalá y el Fuerte*, solicitando la facultad de que los juzgados nombraran en los pueblos de sus distritos, comisionados que, con sugecion á aquellos, conociesen en los asuntos sencillos y urgentísimos de registros, denuncios y posesiones que por las distancias no pudieran desempeñar los juzgados oportunamente con perjuicio de los respectivos interesados.=La Junta de Mineria en 4 de Abril de 1843, dictaminó de conformidad y solicitó, que al hacerse estas designaciones, se motivaran los informes. Asi lo dispuso el gobierno supremo en 6 de Julio de 1843, quedando establecidos posteriormente los cuatro primeros de los mencionados tribunales.

Chihuahua.—Conforme comunicó á la Junta el ministerio de justicia en 14 de Noviembre de 45, se aprobó el establecimiento de los juzgados en aquella *Ciudad*, *la de Hidalgo*, *Guadalupe y Calvo y Jesus Maria;* pero aun no se recibe aviso de la instalacion de los de Guadalupe y Calvo y Chihuahua.

Coahuila.—Por comunicacion del ministerio de justicia de

14 de Noviembre último aparece, que el gobierno departamental designo y el supremo aprobó, el establecimiento de juzgados en el *Saltillo, Valle de Santa Rosa y Monclova.* El segundo se instaló en 1°. de Enero de éste año, ignorandose si se han formado los otros dos.

MICHOACAN.—En 11 de Setiembre de 1843, se instaló el Juzgado de *Tlalpujahua* por acuerdo de la Junta departamental de 24 de Abril del mismo, y la antigua diputacion de Angangueo promovió y logró erigirse en tribunal de primera instancia en virtud del decreto de la Exma. Asamblea de 26 de Febrero de 1844.

GUANAJUATO.—Aunque carece la Junta de noticias oficiales sobre la instalacion del juzgado en aquella capital, sabe que existe; porque así lo acredita su correspondencia en otros particulares y la aprobacion, que ha dado el gobierno á la eleccion de sus funcionarios.

AGUAS CALIENTES.—El Superior gobierno de aquel departamento de acuerdo con la Junta en 27 de Setiembre de 1843, designó el partido de Asientos, como unico lugar á propósito para establecimiento de un juzgado minero, lo que se aprobó por el gobierno Supremo en 12 de Marzo de 1844, quedando desde luego instalado.

OAJACA.—Se consultó el establecimiento de un solo juzgado en *aquella* ciudad: se instaltó en 24 de Febrero de 1843, y se aprobó en 11 de Marzo del mismo.

DURANGO.—Desde 4 de Agosto de dicho año se propuso el establecimiento en *su capital,* de un juzgado minero, y se aprobó en 14 de Noviembre de 1845, ignorándose todavia su instalacion.

SONORA.—La diputacion territoria con fecha 3 de Diciembre de 1844, consultó á la Junta el modo y forma con que deberia verificarse la eleccion de los tres consultados á principios del año de 1845, conforme al decreto de 2 de Diciembre de 1842; pero como el gobierno de aquel Departamento de acuerdo con la Exma. Asamblea, debió proponer al Supremo los lugares donde debian establecerse juzgados mineros, y no lo habia verificado hasta 15 de Agosto del pp$^{do}$. por no hallarse reunida la espresada corporacion, la Junta dispuso en 19 de Abril que nada se variara, interin no se hiciese la designacion prevenida por la ley.

Han sido aprobados cuarenta y un juzgados mineros por este órden: 6 en cada uno de los Departamentos de México y Zacatecas:—5 en los de Jalisco, San Luis Potosí y Sinaloa:—4 en el de Chihuahua:—3 en el de Coahuila: 2 en el de Michoacan; y 1 en los de Aguas calientes, Durango, Guanajuato, Oajaca y Sonora, todos los que se hallan instalados á ecepcion del de la capital de Chihuahua y Guadalupe y Calvo, la capital de Coahuila y Monclova, el de Hermosillo en Sonora y el del Fuerte en Sinaloa.

Todos han hecho la renovacion de su presidente y cólegas con arreglo á la ley que los estableció, se han recibido las actas de dichas elecciones y elevadas al supremo gobierno por la Junta, hau recibido la correspondiente aprobacion, exceptuándose una ú otra, que por haber side contrarias á la ley, se mandaron reponer ó subsanar los defectos, en que habian incurrido.

Cuando la Junta se ocupaba del proyecto presentado por la comision de visita para el mejor arreglo de estos juzgados, el decreto que restableciò el sistema federal en la República, vino á paralizar sus tareas, pues que no conociendo la existencia de juzgados especiales, la resolucion de su permanencia ó abolicion depende del congreso.

El gobierno general por decreto de 2 de Setiembre procsimo pasado dispuso en su artículo 6°. que subsistan por ahora por lo relativo al Distrito y territorios. Mas es de advertir no se hallan establecidos juzgados de mineria en el Distrito y territorios, ni aun en Nuevo-Mexico y Californias, únicos de estos en donde habia antes diputaciones territoriales. Probablemente las legislaturas provisionalmente resolverán este punto respecto á sus Estados, interin que el congreso general se ocupa de la iniciativa, que el supremo gobierno asegura en el mismo artículo va á dirigirle. Mas entre tanto el gobierno del Estado de Mejico ha declarado en 1°. de Octubre procsimo pasado vigente el decreto de 2 de Diciembre de 42, que organizó la administracion de justicia en los negocios de mineria; pero con la variacion de que sea peculiar á aquel gobierno la determinacion de los puntos que el decreto reservada á la del supremo ejecutivo, mandando suspender en consecuencia los trabajos iniciados por los tribunales de mineria en obedecimiento de la órden, que les previno la formacion de sus avanceles de derechos, hasta que la Legislatura del Estado determine lo que crea conveniente sobre supresion, continuacion ó reforma de dichos tribunales.

## LEGISLACION MINERA.

En 24 de Julio de 1843, se ocurrió al gobierno, manifestándole que las diversas disposiciones dictadas para el ramo de mineria, cambiaron considerablemente la organisacion del cuerpo en lo directivo, administrativo, y aun en la parte legal que hoy la rige y debe conservarse: que las antiguas ordenansas refundidas yá desde 1783, contienen multitud de artículos inadecuados á esta nueva forma, otros derogados por resoluciones posteriores, algunos, cuya modificacion reclamaba la esperiencia de muchos años y varios caidos en desuso, y que como la complicacion y confusion serian las naturales consecuencias de mantener en su actual estado el código minero ocacionándose perjuicios de suma gravedad al sistema orgánico ultimamente dado al propio ramo, opinaba porque de nuevo se refundiera el código de que se trata. En 9 de Agosto se facultó á la Junta para disponer la obra pudiendo erogar el gasto indispensable del fondo destinado al fomento de minas de azogue con acuerdo de sus consultores y prévia la correspondiente aprobacion suprema; y en 22 del mismo la junta nombró para el desempeño de tan interesante trabajo, al Señor Licenciado D. Mariano Otero.

En el propio dia del mes de Noviembre se pasó á la facultativa del celegio en consulta, una exposicion de D. José Maria Garcia del Valle sobre la urgente necesidad que, en su concepto habia, de que se formaran ordenanzas especiales para que la esplotacion del carbon fosil mineral; pero aun se halla pendiente dicho informe.

### PÓLVORA.

La Junta menor permanente de la compañia de minas Zacatecano-mejicana, con motivo del reglamento de 18 de Octubre de 1842, publicado en 26 para que se espendiese la pólvora á los mineros á catorce pesos medio real la arroba, expuso en 28 de Diciembre del mismo los graves perjuicios que iban á ocacionarse al ramo con la espresada providencia, manifestando: que antes de ella la empresa de Zacatecas la vendia á 8 y 9 pesos, y pretendiendo la reduccion del precio á la primera de estas dos últimas cantidades.

En 3 de Enero de 1843, el apoderado de la negociacion de veta grande y en 28 del mismo mes, la compañia inglesa en el Mineral del Monte hicieron igual solicitud.

La Asamblea de dicho Departamento con oficio de 23 del mismo, remitió á la Junta copia de la iniciativa que hizo el dia 22, la cual entre otras cosas contenia la sigiuente proposicion.

"Le concede la libertad de fabricar pólvora, y su comercio será libre de todo derecho en los minerales."

Con fecha 10 de Febrero la Junta dirigió al Supremo gobierno la exposicion que corre impresa, fundando la necesidad de que se concedieran varias franquicias á la mineria, comprendiendo en ellas la de la reduccion del precio del citado árticulo.

El Supremo Gobierno con la de 17 pidió informe al director de la fábrica en el referido Departamento, sobre los costos de cada arroba y precio en que se espendia á los mineros, y aunque dicho empleado lo dió favorable en 1°. de Marzo, lo hizo sin contestar á las preguntas que se le habian dirigido.

El tribunal minero de Guanajuato en 23 de Febrero de 844, se ocupó de la urgencia que habia, para revocar una medida que tan dañosa era á la República y especialmente al propio Departamento, en el que la pólvora de contrabando se enagenaba de tres y medio á cuatro pesos.

La asamblea de Durango en 15 de Marzo del mismo reprodujo literalmente, eu lo relativo á este objeto, la iniciativa de la de Zacatecas, adhiriendose tambien la de Jalisco en 6 del mismo mes.

Al recordar el despacho de este interesante negocio la junta en 11 del citado Febrero y 24 de Marzo reprodujo lo que sobre el particular tenia manifestado ella y el anterior establecimiento.

Fué suscrito al fin por la cámara de diputados el acuerdo de la de Senadores, que fijó el valor de dos y medio reales á la libra de pòlvora para el consumo de las minas, y se publicó en decreto de 30 de Abril de 1844, previniendo ademas el arreglo de las fábricas ecsistentes en Méjico y Zacatecas, y el establecimiento de las de Guanajuato, Chihuahua, Nuevo Leon y Sinaloa; en la inteligencia, de que en el caso de falta de fondos, el gobierno contratase unas y otras bajo determinadas bases con particulares ó corporaciones.

A consecuencia de una exposicion de la Junta, para que por la falta que habia de polvora en el último de dichos Departamentos, se estableciese en él la fábrica correspondiente, el ministerio de hacienda dijo al de justicia en 18 de Marzo de 1845, segun anunció á la junta en 19 del mismo, que aquel no se hallaba surtido; porque era dificil encontrar quien trasportara el propio articulo á tan larga distancia y porque la fábrica Zacatecana, de donde debia remitirse, no tenia mas que lo necesario para los Departamentos limitrofes: que respecto de la ereccion de la fábrica, aunque á su debido tiempo se hizo la convocatoria, no se presentaba propuesta alguna y que la Junta como tan interesada en el remedio de senejante mal podia, y en su falta el respectivo juzgado minero, hacer las proposisiones consiguientes, sin embargo de prevenirse á la Direccion general de Rentas estancadas, que covocara postores nuevamente y cuidase de surtir entre tanto de aquel efecto al propio Departamento.

Acordó la Junta en 1°. de Abril, se pidiera á las compañias y á lus juzgados de 1ª. instancia mineros, que habia entónces, la noticia de si sus respectivos minerales estaban provistos de la pólvora necesaria y de la potencia precisa para el laboreo, y el dia siguiente se expidió la oportuna circular á los treinta tribunales mineros de cuya instalacion se tenia conocimiento.

De los juzgados contextaran afirmativamente los de Pachuca, Tasco, Zimapan, Oajaca, Bolaños, Catorce, Charcas, Zacatecas, Fresnillo, Pinos, Sombrerete, y la Diputacion de Santa Rosa: el de Tlalpujahua no pudo hacerlo por falta de datos ácausa de no saber à quien dirigirse por ellos, supuesto que no se hallaba aprobada su demarcacion; el de Guanajuato lo verificó, asegurando quo si la capital y sus inmediaciones estaban abastecidas, se debia à las precauciones tomados por los contrabandistas para llevar la pólvora à las minas y venderla à cuatro pesos cuatro reales, cuando la del estanco se espendia de pésima calidad à ocho pesos: el de Angangueo espuso: que siendo tal circumstancia la que hacia preferir la pólvora de contrabando, era indispensable que se construyese de grano mas fino é igual, à fin de emplearla en cartuchos pequeños para evitar que se moliera enteramente al llenar las cañuelas; pues de lo contrario se cebarian los cohetes, se perderia la carga y se malgastaria el tiempo, especialmente cuando los barrenos se abriesen en rocas que vierten agua: el de Mascota dijo: que la falta ha producido à veces la suspension de los trabajos, que algunos mineros ocurrian por pólvora hasta Guadalajara, y no encontràndola, fabricaban alguna; pero en cantidad insuficiente para una negociacion; el de Hostotipaquillo manifestó: que aunque la cabecera y sus cercanias se hallaban provistas, la escases era suma en los minerales de Ixtlan, Ahuacatlan, Jala, San Pedro de las Lagunillas, Compostela, Santiago, Ixcuintla y Acaponeta: el de Mazapil hizo presente: que contaba con novecientas libras ó lo que era lo mismo para el consumo de tres meses: el de Morelos, que en la administracion principal sólo existian catorce cajones sin estar surtidas las de Tamazula, Rozales, y Baja-California; y las de San Luis Potosi y Culiacan, y que en ambos puntos se carecia absolutamente de un articulo tan indispensable.

De las trece compañias á que se pidió informe las del Mineral del Monte, Plateros y Zacatecano-mejicana contestaron afirmativamente; pero la de Rayas dijo, que la pólvora algunas veces escaseaba en su distrito: la de Veta grande; que aunque hasta 18 de Abril estuvo surtida, el incendio de la fábrica de Zacatecas, acaccido el dia 10 del mismo, hacia neceseria la libertad de este efecto en aquel departamento durante la rehabilitacion de la mencionada oficina ó mientras el gobierno podia contar con existencias suficientes para el consumo; la Restauradora del Mineral del Oro aseguró, que solo contaba con nueve quintales comprados en esta capital y con siete cajones remitidos por la renta de la administracion de Ixtlahuaca; la de Guadalupe y Calvo, que en el Estanco no habia polvora alguna y que generalmente se esperimentaba suma escases, y la del Zorillo, que sin embargo de haber estado provista algunas vecer, en otras habia tenido que llevarla al mineral de Guanasevi, sujetándose al gravámen y à los peligros consiguientes del transporte, para no verse en la precision de suspender los trabajos de sus minas.

La Junta al recibir las comnnicaciones indicadas, dictó cuantas providencias le parecieron convenientes y eran de su resorte, para que no faltara el espresado articulo en los lugares mineros, especialmente desde la ruina de la fábrica de Zacatecas y tuvo el gusto de ver obseqiados sus deseos en lo posible por las antoridades respectivas.

El arrendamiento de la fábrica de Chihuahua no pudo verificarse; porque en el incendio de la de Zacatecas pereció el Sr. Montel con quien se habia contratado; porque no habia probabilidad de que su familia continuase en la empresa y porque los mineros del Departamento no se hallaban en ánimo, ni estaban en posibilidad de hacerse cargo de la fábrica, asi como tampoco las negociaciones Mejicana de Guadalupe y Calvo y Sur Americana del Zorrillo, la cual en 17 de Junio fuè de parecer, que en dicho Departamento y en el de Durango, se contruyese libremente la pólvora; porque no habièndola en el estanco, y no permitiendose à los particulares su elaboracion, era lo mismo que prohibir el trabajo d las minas; pero la direccion en 18 de Julio aseguró: que ya no debia temerse, en virtud de las providencias tomadas, la falta de aguel articulo y que con respecto al establecimiento de la fábrica, se solicitarian nuevos licitantes con acuerdo del supremo gobierno.

La nota oficial del de Zacatecas en 20 de Mayo de 845, que se publicó en el N°. 131 del Observador de 12 de Agosto, entre otros ofrece este importante dato. " La renta se perjudica con proveer desde esa capital à estos Departamentos. En la fábrica de Santa Fie tiene de costo la pólvora de minas dos reales tres octavos cada libra, y como su precio legal para los mineros es el de dos y medio reales, el octavo de diferencia no compensa los gastos de embases, fletes y honorarios por el espendio. La dificultad de proveer à este y à los demas Departamentos del interior con oportunidad, es otro de los inconvenientes que es de tomarse en consideracion, por el supremo gobierno, para que se sirva resolver á cerca de la consulta que tengo hecha para que continúe la elaboracion de la pólvora en esta capital."

Aunque no han venido todos los datos que se esperaban de los juzgados, los recibidos bastan á probar en concepto de la Junta.

Lo primero: Que no siempre ha estado surtida debidamente de pólvora la minería, ni era fácil que lo estuviese permaneciendo el estanco, aun cuando no sea, mas que por dificultades que ofrecia el transporte oportuno.

Segundo: Que tampoco en lo general ha sido de buena calidad, ocasionandose por consiguiente gastos tan crecidos como infructuosos à los mineros.

Tercero: Que surtiendose de pólvora desde de Mejico á los Estados al precio de dos y medio reales libra, ó el octavo que hay de diferencia en el costo, que tenia en la fábrica de Santa Fie, no compensaba los gastos de conduccion, gravándose con el ecseso de su importe la haciendo pública, ó si para evitarlo se aumentase el precio, la minería quedaria nuevamente gravada.

Cuarto: Que la esperiencía ha manifestado la casi imposibilidad de establecer las fábricas designadas en el decreto de 30 de Abril de 1844.

Quinto: Que segun lo ha acreditado la misma, los particulares pueden espender este articulo à menor precio que las fábricas.

Y por último, que el benéfico decreto de 3 de Setiembre prócsimo, al declarar libre la fabricacion de la pólvora de todas clases, ha puesto en evidencia de un modo satisfactorio las convicciones del Supremo gobierno en este importante asunto y con especialidad la de que los gravámenes consiguientes al monopolio, pesaban demasiado sobre los mineros que no se surtieren del contrabando.

La Junta ha disputado la grata satisfaccion de ver secundados al fin sus fervientes deseos y el placer de dar á nombre del cuerpo minero las gracias mas expresivas á la administracion que hoy rige á la República.

### FIERRO.

Con fecha 30 de Setiembre de 1843, la Junta pasó á informe á la facultativa del colegio una solicitud, en que D. Juan Gándara y despues D. Antonio Hurtado, pidieron varios privilegios, para esplotar y beneficiar el fierro en las minas de Tuxpan del Departamento de Michoacan, advirtiéndole que al dar su dictámen, comprendiera en él su juicio sobre si debian estenderse las pertenencias de los minas de dicho mineral, designando en el caso afirmativo las respectivas dimensiones; pero de tal modo que la providencia que recayera, fuere adoptable por regla general.

La espresada junta facultativa en 23 de Noviembre del mismo año y esta de fomento en Marzo y Noviembre de 844, se opusieron á la mayor parte de estas pretenciones por graduarlas de sumamente exageradas y de insuficientes los artículos relativos de la ordenanza, para satisfacer los deseos de los interesados.

D. H. J. Blumm en 14 de Setiembre de 845, participó á la Junta estar formada en la Sierra de Cápula à las inmediaciones de Sayula una empresa, que tenia por objeto la esplotacion del fierro y cuyas labores comenzarian muy luego. Al anunciar la importancia de la negociacion y la necesidad de consumir crecidas cantidades de carbon solicitó se declara por una ley general: "Que los montes y bosques cercanos à las fundiciones pudiesen ser denunciados por los dueños de las minas de fierro y concederles su propiedad prévia indemnizacion à sus dueños del valor de ellos por avaluó, ó bien capitalizando el arrendamiento, si lo hubiese y bajo la expresa condicion de cultiva el monte ó bosque."

En concepto de la Junta, el abandono con que se han visto hasta ahora los plantíos de arboledas y la conservacion de bosques, da bastante motivo para llamar la atencion del Legislador hacia este interesante punto de nuestras leyes agrarias.

Esta concesion podria servir como un ensayo de los buenos efectos, que debe producir la adquisicion por denuncio de los montes cercanos à los criadores de fierro. La Junta pulsó el inconveniente de que mucha parte de los bosques son propios de las municipalidades, cuyos vecinos disfrutan del uso de la leña y carbon, aun sin cumplir las leyes de la época de Carlos III, que previenen no se corte un árbol sin plantar en su lugar dos estacas; pero cree seria facil allanar la dificultad, dejando los mismos gravàmenes como en censo à los propietarios del monte ó bosque, previo el convenio judicial correspondiente, en el que convendria estipular por ùltimo, que los mineros no pudiesen vender dichos artículos para el consumo doméstico.

El interesado aspiraba ademas à que las minas de hierro sentadas en terreno propio, pudieren ser trabajadas por su dueño sin necesidad de denuncio, con tal de que lo hicieran con arreglo à la ordenanza y que se derogaran los aranceles, que imponen derechos à aquel acto y al de posesion; porque siendo ecsecivos impeden hoy el fomento del ramo. Estas dos ideas, que parece deben reducirse à una sola, la de que no se satisfacieren derechos por denuncios, ni pocesiones de minas de hierro, supuesto que la primera no podria verificarse, sin que el propietario diese aviso à la autoridad, de que comenzaba à trabajar la mina, en vez de ser útiles, impedirian el que todos pudieren esplotar el terreno, denunciàdolo, y por consiguiente trabajàndolo sin demora; siendo ademas por ahora impracticables en toda la extension atension que se pretende la libertad de derechos en los denuncios y posesiones, aunque sí evitando el exceso, que puede haber en la materia, pues no estando dotados los juzgados mineros, es preciso dejar à sus secretarios y oficinas algunos derechos, asi como à los individuos de los tribunales que carecen de sueldos y que por ir à dar las posesiones à puntos mas ó menos distantes, se hacen acreedores à alguna recompensa.

Atendiendo por último à que si las ordenanzas prescriben el modo de trabajar minas, vetas y mantos en forma, sus reglas no pueden aplicarse à criaderos irregulares de metal con bolsas y ojos, proponia se agregara à dichas ordenanzas; que todas las minas, en las que no tuviesen aplicaciones las reglas de la ordenanza, se trabajasen conforme à las generales del arte.

Como no se hallan en nuestro pais marcadas esas reglas generales, el acuerdo que se dictase en los términos indicados seria inútil por su misma vaguedad, en concepto de la junta, la cual deseando el acierto, pidió sobre todo informe à la facultativa del colegio, la que opinó de conformidad con las opiniones indicadas.

### ALCABALAS.

Con fecha 17 de Febrero de 1843, y à consecuencia de la exposicion de la Junta del dia 10, el gobierno exigió al director de rentas le informara sobre el producto de dicho ramo en los minerales; pero especificando la parte correspondiente al consumo exclusivo de las minas à fin de poder calcular las verdaderas pérdidas, que tendria el erario en el caso de eximirse à los mineros del espresado derecho.

En 14 de Julio se pasó à la Junta en consulta un expediente instruido por la direccion de alcabalas y contribuciones directas, en que, con la mira de dar mejor cumplimiento al decreto de 24 de Mayo del mismo año, consultó se espidiera una circular, detallando los artículos, que en la inteligencia de aquella oficina se hallaban eceptuados, y en 31 de Julio referido se impugnó tal medida de la manera que aparece de una exposicion, que se imprimió en algunos periódicos, y despues en el primer apéndice de la última memoria del ministerio de justicia é instruccion pública.

El Sr. D. José Cirilo Gomez Anaya, en representacion de los dueños de la Mina de Barranco en Bolaños, solicitó en Setiembre la exencion de todos derechos à las platas, que se extragesen de aquella, así como à los efectos, que se consumieran en su laboreo y beneficio. Túvose presente para apoyar ésta pretension, que despues de siglo y medio de abandonada la mina, una compañia inglesa la trabajaba desde el año de 826: que no habiendo en el mineral mas que algunos pescadores su poblacion subió à siete mil habitantes, sin embargo de que la insalubridad del clima, que la redujo à tres mil, tan luego como desertaron las aviodores, por haber consumido inútilmente mas de siete millones de pesos: que habiendo pasado un año desde que la empresa de Lóndres espidió su órden, para que cesaran los trabajos, el director sin embargo, continuaba en ellos de su cuenta; y no obstante haber sacado mucha plata, estaba perdiendo hasta entónces mas de veinte mil pesos. La junta recomendó al Gobierno la solicitud, insistiendo en la necesidad de declarar la absoluta exencion de Alcabalas à los efectos de consumo minero. Propuso tambien la del tres por ciento à Bolaños, siempre que esta gracia cesara en el momento de obtener la negociacion algunas utilidades, à cuyo fin la Junta se encargaria de hacerla terminar, en cuanto se persuadiera de haber cesado la causa del quebranto.

La iniciativa que la Asamblea de Zacatecas hizo en 22 de Enero de 1844, contiene entre otras esta proposicion. Se eceptúan del derecho de Alcabala y de todo otro impuesto, sea el que fuere su denominacion, los efectos, que consume la mineria en la extraccion y beneficio de metales. En 6 de Febrero se remitió al Supremo Gobierno recomendada la espresada iniciativa, que reprodujo la asamblea de Guanajuato en 6 de Marzo, añadiendo solamente: que se exceptuasen à los sirvientes y operarios de minas del servicio de las armas.

En el proprio dia el administrador de Zimapan consultó al principal de rentas en el Departamento si debia ó no pagar el derecho de alcabala, el carbon y la leña, que se consumiera en las haciendas de fundicion de metales de aquel mineral; porque no estaban comprendidos en las excepciones concedidas por decreto de 23 de Agosto de 1827, ni en las contenididas en el de 11 de Julio de 1843, y porque produciéndolos el mismo mineral, no podian introducirse en él con guia ni pase. Considerando la administracion que si el decreto de 23 de Agosto no se refirió à dichos articulos tan solo fué, porque entónces ningun impuesto tenian en el Estado de Méjico y que si no hubiera sido así, el decreto los habria comprendido entre los eceptuados, como tan esenciales para el laboreo de las minas, opinó en favor de la exencion, lo mismo que el director siempre que la declarase el cuerpo legislativa. La Junta manifestó al gobierno, que tan lejos de disminuirse los gravámones de la minería, sin cesar se aumentaban con notable detrimento de la riqueza pública.

Con fecha 15 del espresado Marzo, la Asamblea de Durango secundó la iniciativa de Zacatecas.

A causa de haber establecido D. Agustin Meinecke, ciudadano de Colombia y residente en Atotonilco el Chico, un nuevo beneficio de metales, por el que no solo se utilizan los de buena ley, sino los que anteriormente no se podian beneficiar y se llaman de *quemazon*, segun acreditó con varias certificaciones, se redujo à pedir, en lugar de un privilegio esclusivo, que monopolizara el descubrimiento, el que se cumpliese con las leyes, que exceptuaron de alcabalas à los frutos y efectos necesarios para el laboreo de las minas y el beneficio de sus metales; que no se exigiese de los efectos destinados al proprio beneficio en su hacienda y que se le devolvieran las sumas depositadas y los derechos que se le habian cobrado indebidamente. La Junta elevó al Gobierno con recomendacion la expresada solicitud.

Al hacerlo tuvo presente que la Real Orden de 29 de Enero de 1785, publicada en 11 de Abril del propio año, dispúso que de las *gretas, plomo, cendrada, y demas ligas, que resultan de los metales y así mismo de la sal, saltierra y magistral con que se benefician los de azogue no se cobrase alcabala, aunque no se introdujesen de cuenta de los mineros, con tal de que los que compren estos efectos, lo hagan para consumirlos en su destino y no para negociar en estas especies:* que la de 12 de Noviembre de 1791, no solamente confirmó estas ecepciones, sino que las amplió à todos los minerales de N. E.: que la de 6 de Diciembre de 1796, rectificando la anterior, concedió la libertad de derechos à los géneros y efectos que se consumiesen en los *Reales de Minas*, con tal de que solo se invirtieran por los compradores en el laboreo de ellas y beneficio de sus metales; y reprobando lo que proponia la direccion de alcabalas, sobre exigir juramento de ser este el destino de las introducciones: y que tanto las citadas, como otras leyes diversas exceptuaron igualmente el pago del derecho de alcabala, al carbon, leña, madera de encino, piedras, loza, tejamanil, fierro, acero, cueros al pelo, sebo, jarcia, maiz y otros frutos para igual objeto; aunque estas disposiciones no se complieran con toda exactitud, como la acredita la circular de 2 de Setiembre de 1785, en que fué preciso prevenir à los administradores de la renta, diesen razon de los individuos, à quienes hubieran exigido la alcabala contra lo dispuesto por aquellas leyes, à fin de que se les devolviese su importe desde luego.

Tuvo así mismo en consideracion la Junta que el decreto de 11 de Julio publicado en Diciembre de 843, declaró; que debian permanecer vigentes todos las gracias concedidas sobre alcabalas á la Minería, con tal de que los efectos se introdujesen *á las minas*, cuyas palabras, que por el relato de las disposiciones anteriores y por la practica seguida en la mayor parte de la República, debian entenderse respecto de los distritos mineros, pues que las gracias se acordaron, sin distincion al laboreo de minas y al beneficio de metales, expresándolo así algunas terminantemente, han dado márgen á que varios administradores hayan querido restringir este bien á sola las minas, sin considerar; que la concesion está hecha nominalmente á algunos efectos inútiles para las minas como el azogue, el magistral y cuantos sirven á la fundicion ó beneficio de metales. Así lo comprueba el hecho de que al dueño de la hacienda de San Pascual en el mineral del Chico se ha obligodo à pagar por la introduccion de greta y á depositar algunas cantidades por alcabala de efectos, con el pretexto unas veces de que nó eran de los que se introducen á las minas, y otras de que no venian guiados á minero, cuando la gracia no solo comprende á estos, sino á los maquileros y á los beneficiadores, en cuyo número se encuentra el interesado; porque si no tiene mina, avitita muchas direta ó indiretamente, debiendo. por lo mismo disfrutar de las ventajas concedidas no á las personas, sino á los productos de la minería.

Aunque es justo que la renta tomase las precauciones legalmente demarcadas, para impedir que en fraute de una disposicion excepcional, se liberten el pago de derechos en el consumo comun esos mismos efectos; pero ellas jamas deben entorpecer el benéfico fin, que se propuesieron las leyes al libertar de derechos la elaboracion de las platas, supuesto que lo rinden al erario público y de la manera mas provechosa en los ensayes y demas oficinas destinadas al efecto.

Se vé, pues, qué el antiquisimo empeño de algunos empleados en las aduanas sobre desvirtuar las disposiciones, que bajo áquel respecto agracian al ramo minero, renace incensantemente causando nuevos y graves daños, no obstante los esfuerzos hechos por la sana razon para contrariarlo.

En resúmen las iniciativas dirigidas por algunas de las asambleas departamentales acerca de este importante asunto se hallaban obsequiadas completamente con el decreto de 10 de Octubre próximo, que prevenia la total extincion de la renta de alcabales; mas como se haya derogado por el de 9 del presente mes, la Junta se vé en el caso de pedir en favor del ramo, cuyo fomento se le ha encargado; que al menos quede extinguida la alcabala en su totalidad en todos los minerales de la República.

## AZOGUES.

El primer apéndice de la ultimo memoria del ministerio de justicia é instruccion pública contiene lo que compendiosamente espuso la Junta en 24 de Febrero de 1844, sobre las medidas adoptadas por el gobierno provisional en favor del ramo, los resultados que habian producido hasta la propia fecha y las que á su juicio, debian tomarse, para que no se hicieran ilusorios los fines laudables, con que aquellas se expidieron.

El periódico Siglo 19, en sus números 1361 y 1362, de 21 y 22 de Agosto de 845, insertó un comunicado *del Diario de la Marina de la Habana* de 3 de Junio anterior en que se indican las franquicias, que en concepto del articulista debieran adoptarse en la tarifa de la Isla de Cuba, para que se efectuase el tránsito por su depósito de parte de los azogues destinados á Méjico, que hoy conducen los vapores británicos, con lo que estaba permadido, se obtendrian ventajas sensibles á favor de la marina y del comercio de aquella nacion, la cual en virtud de su influencia y de otras varias circunstancias, podria con el tiempo favorecer mejor sus intereses y los de la República por medio de tratados convenientes.

A juicio del autor remitiendose el azógue á dicha Isla, mientras que no se pida para el consumo de nuestro pais y conservandóse los capitales Españoles en aquel distrito con las garantias de su gobierno podria lograrse, que sus habitantes tomasen parte en el negocio, usando de sus propios recursos, para sostenerlo y facilitarlo, dividiendose en consecuencia los riesgos y los desembalsos; porque venderian sus azogues en la Habana, cuantos en los envios directos no quisieran correr nuevos peligroe; y porque los grandes intereses, que en la República paga el númerario facilitarian la doble operacion, minorando las exhibiciones, supuesto que existiendo el azogue en poder del agente en la Habana, este proporcionaria sin duda á los Mejicanos medios adecuados, para comprarlo en España con las garantias de algunos banqueros Europeos.

El el proyecto, pues, se propone la destruccion del monopolio de azogues, abriendose al efecto un mercado para su compra de primera mano, y en el último caso, con un pequeño aumento en el valor, repartible entre los individuos ó corporaciones, que en la empresa resultáran agraciados.

Pero atendiendo á que el gobierno podia necesitar de algunas anticipaciones sabre la renta, tal vez equivalentes á las exigidas en la ultima contrata, juzga oportuno, que con tiempo tomara parte la Repuública, para que se hiciese un negocio entre el banco de Isabel segunda ú otro establecimiento nacional y el gobierno de Madrid, á ejemplo del que tenia arreglado el Ministerio Mon con el Banco de San Fernando.

Supónese en el artículo, que el capital podria formarse, contribuyendo el propio Banco, algunas casas de Europa por medio de suscriciones y los Mejicanos por el de esta junta; y que se cediera á los accionistas la parte, que dejara al mismo Banco la administracion y venta de azogues, consignandale estos con las garantias convenientes.

Cree tambien el articulista, que de Mejico pudiera ofrecerse directamente al gobierno español el préstamo de una suma considerable por cierto número de años, siempre que se comprometiera á renunciar á otras contratas, espendiendo el efecto á un precio determinado.

Tales son, sobre poco mas ó ménos, las bases primordiales de uno de los proyectos formados para que la España enagenase sus azogues en términos propios á obtener inmensas ventajas del comercio recíproco, que hasta hoy hace esclusivamente la Inglaterra; y la Junta, al dar á V. E. esta idea del de la Habana, solo lleva por fin el de recordarle la necesidad urgentisima que hay, de que se adopte ese ú otro cualquiera, para cubrir con menores quebrantos el gran deficiente, que deja el azogue mejicano en los consumos de las minas, especialmente cuando la contrata celebrada con la casa de Roschild termina en el año entrante, y el Soberano Congreso podia facultar à la Junta como lo hizo en 17 de febrero de 1843 por su decreto del mismo dia.

En el periódico de Tampico de Tamaulipas, la Esperanza número 11 de 12 de marzo del anterior año, los edictores copiaron una carta de San Luis Potosí, que anunciaba una bonanza de azogue en Guadalcazar, la que anunciaba la extraccion de mas de tres quintales diarios. La Junta en 26 del propio mes ofició al respectivo gobierno, pidiéndole noticias pormenorizadas del descubrimiento con el fin de fomentar su laboreo y beneficio.

En 2 de abril contestó: que tenia pedido el correspondiente informe y que tan luego como lo obtuviera, lo remitiria à la Junta, confirmando la noticia à pesar de que los aparatos destilatorios eran de barro; dijo que en aquellos dias se habian introducido varias partidas hasta de veinte frascos, y que se habian contratado para Guanajuato algunas remesas mensuales.

Como por la mejora de los mismos aparatos deberia obtenerse el incremento de Guadalcazar aprovecharse toda la ley del metal, que hoy se pierde, conseguirse la estabilidad de los productos y lograrse la fundacion de economias en toda clase de gastos, el gobierno del Departamento quiso, que cuanto ántes se hiciera una visita cientifica y la Junta en 16 de abril, aunque se hallaba al alcance de las ventajas, que resultarian de mandar una persona inteligente, que contribuyera á la mejor direccion del laboreo de los criaderos de Guadalcazar y con especialidad à la mas económica y abundante destilacion del azogue, contestó: que entonces no podia hacerlo por la falta de fondos.

El periódico citado en su número 16, de 2 abril volvió á hablar de los progresos, que se hacian en Guadalcazar, asegurando, que en cuatro dias se extrajeron cuatro quintales, habiendo habido arroba de metal que rindiese diez y siete onzas, no obstante la grande evaporacion, que era preciso resultase de la poca intelegencia, con que el metal se beneficiaba; que habia cuatro minas en trabajo y sesenta denunciados; y que al desarrollarse el espiritu de empresa habia producido muchos rescatadores de metal en piedra.

A reserva de remitir datos mas precisos, el gobierno departamental en 10 de mayo acompañó copia del informe dado por la prefectura de San Luis en 5 del mismo. De él aparece que segun las investigaciones practicadas en la mina de San Antonio, ademas de las vetas, mantos y rebozaderos casi superficiales, que se trabajaban, habia ya resultado un secundo manto à treinta varas de profuudidad, cuyos metales de ley superior, pues que rendian de cuatro á cinco libras por carga, podrian aumentar considerablemente sus productos, perfeccionándose los aparatos de beneficio, que consisten hoy casi totalmente en cántaros con tubos de barro y conductores de metal; que se confirmaban las especies de que el terreno esplotable ocupaba una superficie de cinco leguas cuadradras, poco mas ó menos: que su situacion se halla al norte de Guadalcazar y circundada toda de abundantes maderas, que conforme à lo espuesto por el juzgado minero respectivo, hasta el 26 de abril habian sido descubiertas en su jurisdiccion ochenta y dos minas: que no se habian emprendido otras obras que las muy precisas para quemar en lodo, que es el método mas comunmente usado: que de todas las minas solo cuatro se hallaban en frutos: que de la de San Antonio, la mas productiva, se sacaban cincuenta cargas diarias con ley de 2, 3 y 4 libras, no sabiéndose con ecsactitud los productos de las otras: que con el mal método del beneficio, no se aprovechaba toda la ley que tienen: que habia en las inmediaciones algun surtido de leña y agua y que las demas minas registradas se trabajaban en obra incierta, dando la mayor parte muestras del panino, en que se cria el cusábrio.

El ministerio de justicia con fecha 7 de junio, transcribió à la Junta un oficio del gobierno de San Luis de 31 de mayo, acompañando copia de otro de la asamblea departamental, que contiene la siguiente proposicion.

„ Se escritará por conducto del gobierno del Departamento y con conocimiento del supremo de la República, à la Junta de fomento de Minería de Méjico, para que sitúe un fondo de rescate de azogue en el mineral de Guadalcazar, por ahora de 20,000 pesos y para que, á espensas de sus fondos, construya los aparatos de quema mas necesarios y útiles, en que por sus costos se beneficien los metales de azogue de aquellas minas, calculado solo un pequeño aumento, para indemnizacion de los gastos de su construccion." La Junta contestó al supremo gobierno en 18 del mismo mes, confesando la conveniencia del reconocimiento y la de que se establecieran los aparatos, quejandose al mismo tiempo de la falta de fondos y haciendo presente la necesidad que habia, de que se espeditaran los pagos entorpecidos de los fondos destinados por la ley, para el fomento del ramo de azogues.

El director general de industria en 14 de dicho mes acompañó una esposicion de la Junta industrial de San Luis, en que con fecha 7 del mismo y al exitar à esta de fomento, para que protegiese eficazmente à Guadalcazar, à fin de evitar que decayera, como no seria remoto sin tan indispensable auxilio: mientras que con él podia asegurarse un ecsito brillante, solicitaba el reconocimiento cientifico, aparatos perfeccionados de beneficio y la ereccion de un rescate; pero la Junto tuvio el sentimiento de manifestarle su carencia de fondos; agregando que habiendolos pedido en 19 del mismo al supremo gobierno, el superior de San Luis designara la persona ò personas que en aquel mineral se encargara de custodiar el dinero, que hubiese de servir para el rescate, así como de la compra y venta del azogue, caucionando al efecto el comisionado suficientemente su manejo.

El mismo gobierno en 9 de Julio avisó en contestacion, que los pocos individuos capaces, que habia en el espresado mineral, los consideraba ocupados en sus propios negocios, creyendo por tanto mas oportuno elegir una persona de San Luis, que por si ò por medio de un agente, bajo su responsabilidad desempeñarse el encargo.

La Junta en 20 de Agosto del año anterior, manifestó al gobierno de San Luis, que sin embargo de las escaseces del fondo, situaria desde luego en San Luis cuatro mil pesos para el establecimiento del rescate de azogues en caldo en el repetido mineral, sin otra restriccion que la de que se conservara sin menoscabo la suma indicada, à cuyo fin podia formar y remitir el reglamento correspondiente, comprendiendo en el un método adecuado, para favorecer á los esplotadores del azogue y á los mineros que lo compraran, cubriendo todos los gastos de administracion é indemnizando à la persona, que se encargara de ella, bajo las respectivas garantias y designar al individuo que hubiera de servir la comision, ya fuese de San Luis ó de Guadalcazar. Dicho gobierno avisó en 27 de Agosto, estar ocupándose ya del establecimiento de la agencia.

Posteriormente el juzgado de Guadalcazar en 30 de Octubre del año pasado manifestó, que las minas de cinabrio registradas llegaban à ciento veinticinco, las denunciadas à treinta y tres, y que aquel extraordinario criadero daba lugar, á que se situasen muchas mas de las establecidas hasta entonces, pues siguiendose las bocas antiguas, que parace fueron desde tiempo inmemorial trabajadas por los indigenas, aunque no haya de ello noticia alguna en el archivo del tribunal, se dilatan los escarbaderos como seis leguas en circumferencia del mineral de plata, teniendo una legua en su menor anchura, causa por lo que juzgaba debia encontrarse allí un gran deposito, y mas cuando se vé que algunas de las minas trabajadas antiguamente manifiestan por sus terrenos una profundidad hasta de cien varas y que no obstante los varios registros y denuncios hechos, las minas posesionadas y que presentan abundantes frutos, aunque de escasa ley ascenderan hasta veinticinco, hallándose las demas en investigaciones, pero muy superficiales por falta de capitalistas, que se dediquen al giro, extrayéndose mensualmente ciento y tantos quintales de azogue, á pesar de lo mezquino é insuficiente de los aparatos. La Junta contestó en 12 de Noviembre, que informase el juzgado, si habia algunas compañias formadas ó por formar, que necesitaran de auxilios, y en caso afirmativo manifestase cuales fnesen las minas, sobre que debiera emprenderse; las cantidades à que pudiesen subir las acciones, y las bases sobre que hubiera de descansar cada negociacion, à fin de que la Junta con este dato resolviese, sin embargo hasta la fecha no ha recibido contestacion alguna, ni de aquel gobierno, ni del juzgado, las que no ha reclamado, esperando que de un dia à otro se pusiesen en corriente los fondos, designados por la ley para este ramo, lo que por desgracia aun no se verifica.

El Exmo. Señor Gobernador de San Luis en 19 de Julio y 4 de Diciembre del año pasado, 18 de Abril, 9 y 13 de Mayo del presente, remitió á la Junta los documentos que acreditan la extraccion del azogue nacional en Guadalcazar, con el objeto de que se satisfaciese à los interesados el prémio de cinco pesos por quintal, concedidos por el artículo 5º, del Supremo decreto de 24 de Mayo de 1843, à los que estrajesen azogue de las minas de la República. Por dicbos documentos se ha podido tener una noticia ecsacta del azogue extraido en Guadalcazar desde Febrero de 844 hasta Mayo del presente, en que concluyó el término fijado à dicho premio, cuyo resultado es el siguiente:

| | | | | |
|---|---|---|---|---|
| De la mina de San Antonio novecientos cincuenta quintales, una arroba, dos libras..... | 950 | 1 | 2 | 0 |
| De la de San Agustin, setenta y seis quintales tres arrobas, dos libras trece onzas........... | 76 | 3 | 2 | 13 |
| De Santa Lucia, cien quintales.............. | 100 | 0 | 0 | 0 |
| De Trinidad y San Andres, setenta y ocho quintales, tres arrobas, quince libras, una y medio onzas................................ | 78 | 3 | 15 | 1½ |
| Total........................... | 1 205 | 3 | 19 | 14½ |

La Junta ha ofrecida à una de las compañias de Guadalcazar, remitir à aquel mineral uno de los aparatos destilatorios encargados à Londres y que no ha podido recibir hasta ahora por el bloqueo.

Así del importe de los premios correspondientes à la extraccion del azogue nacional en Guadalcazar como del correspondiente à otros ciento trienta y sies quintales sacados del nuevo Almaden en el Durazno, se restan aun algunas cantidades de pesos, que no han podido satisfacerse, à virtud de la suspension de los pagos del foner de azogues.

Aunque la Junta no ha recibido en estos últemos meses noticia alguna oficial del estado de aquellas minas, sin embargo acompaña à V. E. copia de la exposicion inserta en el Republicano de 12 del corriente, en que un vecino de aquellas cercanias manifiesta la nueva importancia que va adquiriendo más y más cada dia y por consiguiente la urgente necesidad de su fomento, puesto que ya hoy no solo abastece à los minerales de San Luis Potosi, sino que hace remesas de consideracion para Zacatecas, vendiendose à quince pesos menos del valor, que hoy tiene el azogue estrangero.

El Ex$^{mo}$. Senor D. Demetrio Montesdeoca publico una noticia comprensiva de los términos en que podria formarse una compañia aviadora de las minas de San Juan de la Chica, con el fin de solicitar accionistas al efecto.

El espediente sobre trabajos de la mina Rincon de Centeno de 1808, ofrece este dato: "San Juan de la Chica tiene un cañon de ciento cincuenta varas, à los hilos con veinte varas de centro, y en él varios pozos, que el mas profundo tenia treinta varas; pero en ninguno de ellos hubo metales y sí en el cañon, y de allí para arriba, hasta salir afuera por contracielos: su matriz es contra el reliz bajo, en las dos y media varas primeras de anchura jabones ocuizos, haciendo el cinabrio en ojos, y mas al alto es un armamento de tepetate verde con venas jabonosas y algunas de rico cinabrio, y se abandó por su borrasca, teniendo un horno de dos vasos, segun dijo D. Casimiro Chovell." Al dar la oficina estas noticias, transcribió un párrafo, en que el B. de Humboldt recomienda la espresada mina, refiriendose á lo que acerca de ella informaron los últimos comisionados D. Ignacio Alcocer y D. Benito Herrera, y concluyó opinando que la Junta emplease hasta diez mil pesos, con el objeto, no de trabajar sino de esplorar é investigar si la mina era ó no acreedora à que en su explotacion se invertiesen las cantidades necessarias.

Tuvo presente para esto que tomándose una accion en la empresa con conocimiento del gobierno, la Junta lograria con mucho menor cantidad que la de diez mil pesos examinar la calidad y circunstancias de la mina, fomentar una negociacion particular, estimular à la formacion de otras, y realizar del único modo posible entonces y el mas efectivo el laboreo de los criaderos de azogue, pues que el interes personal, y la constante asistencia de los interesados producirian notorias ventajas, por la oportunidad de las obras y por la economía de los gastos. La Junta en 20 de Setiembre del año pasado propuso al Sr. Montes de Oca algunas reformas á sus bases y aceptadas, pidió al supremo gobierno en 28 de Enero del presente año la facultara, para tomar una accion en dicha compañia, en lo que convéno el gobierno al dia siguiente. Entregado el primer dividendo de mil pesos en Agosto próximo, no ha verificado lo mismo tadavia con respecto al segundo por falta de fondos, si bien en el mes pasado propuso al Ministerio un arbitrio, para occurrir á esta dificultad, aunque hasta ahora no ha recibido la aprobacion.

El Ministerio de Justicia en 8 de Julio pasó à informe de la Junta una exposicion de D. José Antonio Rodriguez Fuentes cura de Chietla, en que describe el horno que juzga ser de los perfeccionados últimamente en Almaden.

En dictámen de la Junta facultativa del colegio no debia publicarse; porque desde que escribió Vanles, es probable que se hayan hecho reformas en los hornos de que se trata, y porque no son à proposito para el mejor y mas económico beneficio, pues los muchos *aludeles* ó cañones de barro, que se emplean en estos grandes aparatos ocasionan pérdidas de consideracion que solo la abundancia y riqueza de aquellas minas pueden hacer tolerables. Opinó tambien, que los mejores son los que se forman con retortas de hierro, que pueden variar de dimensiones segun la importancia de cada empresa: que estableciendo hornos à imitacion de los del Palatinado en Europa, se lograria fomentar à un tiempo la explotacion de metales preciosos, la fundicion del hierro, ya muy adelantada en la República, y la extraccion del azogue:, teniéndose ademas presente que como los criaderos del pais no pueden, por su pobresa, costear los aparatos de Idria y de Almaden, cada pequeña negociacion podria proporcionar el número de vasos suficiente à la cantidad de minerales bien pepenados que produjeran sus repectivas minas.

Por último recomendó un articulo del museo mejicano, traduccion de D. Joaquin Velasquez de Leon, con los principales métodos empleados en el beneficio del mercurio, y que debia recomendarse el úso, del que se practica con el mejor ecsito en Alemania; y con fecha 31 del pasado Octubre, se circuló a los juzgados mineros y à los gobiernos departamentales; interin se encargaba un aparato que presentandose como modelo sirviese para la construccion de otros en la República.

El Gobierno de Jalisco en 4 de Julio de 1845, pidió que los veinte mil ciento veinte y cinco pesos diez y medio granos, que existian en poder de la Junta de fomento pertenecientes al fondo creado por decreto de la extinguida departamental de 2 de Octubre de 1841, y què el de la Asamblea de 15 de Junio de 1844, designó para la construccion de la nueva cárcel de Guadalajara, cuyos fondos habian tenido un destino diferente se le devolvieran y pusiesen à sus ordenes á fin de darles su exclusiva aplicacion. La Junta en 17 de dicho mes de Julio contestó fundadamente que la citada Asamblea no habia tenido facultad para ocupar los candales indicados interin el poder legislativo no derogara el decreto de 14 del expresado Julio en el año de 1843: que los cinco mil doce pesos veintidos centavos que se enteraron en su tesoreria hasta fin de Junio lo habia sido igualmente.

En 25 de Febrero próximo, el Ministerio insertó á la Junta cópia del dictamen del consejo que reserva la resolucion del asunto al soberano congreso. Entretanto el supremo gobierno en 8 de Julio último tomó dichos veinte mil pesos en clase de prestamo para atender á las urgencias del Erario.

En 20 de Junio de año pasado, la junta à resulta de una nueva pretension de los mineros de Tepantitlan, Coronilla y Jimotla ofreció ocuparse de establecer una oficina de rescate y beneficio de azogues en el sur de este Departamento, tan luego como contara con fondos para erogar los gastos necesarios; bajo el concepto de que la persona à quien se encargara la Direccion podria ampliar la esploracion de vetas de cinabrio siempre que el supremo gobierno resolviese si estando cumplido el término que se designó para reconocer los criaderos podian costearse otros esploraciones en aquellos puntos. El Ministerio de Justicia en 14 de Noviembre del mismo año contestó que nó podia hacerlo *sin previa aprobacion del supremo gobierno.*

La Junta en 21 de Abril proximo pasado pasó à la facultativa del colegio unas muestras de Cinabrio, que presentó D. Tomas Ramon del Moral à nombre de D. Andres Castillero, vecino de la Alta California, con una exposicion, en que pide se le auxilie, para trabajar una mina, que ha descubierto en la Mision de Santa Clara, conocida por los antiguos indios, quienes sacaban de ella el bermellon, para pintarse el cuerpo. Hecho el ensaye por el profesor de qúimica, resultó que los metales en comun produjeron la extraordinaria ley de 35½ por 100, lo que se participó al Gobierno en 5 de Mayo, manifestandole que se habia preguntado al Sr. Castillero cuales eran los auxilios, que necesitaba de la Junta. Este Señor presentó su solicitud en forma y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducidas à que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirvieren en los reconocimientos hechos anteriormente; y todos los frascos para azogue, que tiene en la negociacion de Tasco. El Sr. Castillero se obligó por su parte, à entregar dicha anticipacion en azogue, à razon de cien pesos quintal dentro de seis meses de su salida en el Puerto de Mazatlan. Este convenio fué aprabado por el supremo gobierno en 20 del mismo; pero à virtud de le declaracion del bloqueo hecha por los Estados Unidos del Norte, cuando iba ya à recibir la libranza sobre Mazatlan, el Ministerio pasó la orden de 19 de Setiembre de este año, mandando suspender todo pago del ramo de azogues, à ecepcion de los gastos alimenticios del colegio y la oficina.

Al concluir la relacion de los acontecimientos, que han tenido lugar con respecto al ramo de azogues en el año anterior y lo corrido del presente, la Junta no puede menos de elevar à V. E. las siguientes refleccsiones. El decreto de 25 de Setiembre de 1843, asegura en su parte expositiva, que fué dictado, para que se hicieran efectivos los beneficios, que el Gobierno se propuso dispensar à la mineria de la autorizacion que concedió à su Junta de fomento por el diverso decreto de 5 de Julio expedido con el fin, de que pudiese habilitar y fomentar el laboreo de criaderos de azogue. Los tres primeros solo sirven para areglar el mejor cumplimiento de la primera parte del artículo 8º. de la ya referida disposicion de 5 de Julio: el cuarto únicamente tuvo por objeto, designar el tiempo durante el cual debian quedar hechos los reconocimientos y los avios, cuyo tiempo no ha sido suficiente, segun lo ha acreditado la esperiencia: parte del quinto y los cuatro siguientes se reducen, à hacer algunas prevenciones para el arreglo de los avios, sin otra diferencia de ley que la de convertir en seis por ciento el cinco, el único que por interes habia ecsigdo la de 5 de Julio. No deben por tanto verse en las resoluciones comunicadas en dichos articulos sino disposiciones reglamentarias, que el gobierno puede mejorar, revocar, ó modificar à su arbitrio, usando de sus facultades constitucionales.

Diverso fundamento tiene la otra parte del artículo quinto y el decimo; porque por ellos se aplicó à la mineria *para avios* el uno por ciento de derechos, impuesto al númerario que se circulara de uno à otro Departamento, y se fijaron ciento treinta mil pesos, cantidad que se reguló corresponder à la mineria del fondo creado por la ley de 2 de Diciembre.

Pero estas bases han sido notablemente alteradas. El uno por ciento ya no existe, en virtud de que se derogo el decreto, que lo estableció en 22 de Febrero de 845. Por cuenta de los ciento treinta mil pesos que no se han recibido en su totalidad cada año, ni en los términos que previno el artículo 12, las aduanas de Veracruz y de Tampico de Tamaulipas han librado algunas cantidadas del que llaman tres por ciento de importacion, obsequiando un arreglo particular que hizo el Ministerio de Hacienda.

Y el árticulo 11°. contraido al nombramiento de comisionados para colectar el derocho de circulacion de moneda, quedó virtualmente derogado con la extincion de dicho impuesto, quedando vigente el 13°. que mandó aplicar quince mil pesos al colegio los que se satisfacen con exactitud asi como el aumento de la dotacion hasta veinticuatro mil à que hizo subir aquella suma el supremo decreto posterior de 29 Diciembre de 844. Baste solo decir que en todo el presente año los ingresos del fondo de azogue han sido poco mas de diez y ocho mil pesos.

Por natural consecuencia de la falta absoluta de los pagos y la reduccion considerable de otros, la Junta no ha podido, ni aun puede proceder à explotar algunos criaderos, establecer rescates de azogue en caldo, acordar à los especuladores diversa clase de auxilios; procurar dicho artículo de Europa, ni aspirar à la contrata del de Almaden, porque aunque es cierto que el citado decreto de 25 de Setiembre, al restringir las facultades de la Junta *en los avios*, les dió un nuevo fondo, que despues se ha extinguido, y quiso suponer que el nuevo impuesto que se fijó à los lienzos y tegidos de algodon extrangero para las Juntas de Mineria y de Industria, importarian ciento treinta mil pesos; tambien lo es, que estos recursos de tal manera se han reducido que no es posible llenar todos los laudables fines, que la ley prinistiva se propuso.

Bajo tal inteligencia se hace indispensable la declaracion de que la Junta tiene expeditas todas las facultades que le concedió el decreto repectivo de 5 de Julio, disponer el págo de las cantidades que ha tomado el gobierno de sus fondos y que à la fecha pasan de cuatro cientos mil pesos, consignar à la Junta un fondo equivalente al uno por ciento de que se le privó y expedir directamente en lo sucesivo y con religiosida oportunidad de las aduanas de Veracruz y de Tampico de Tamaulipas la asignacion legal primitiva.

## SALES.

Por medio de los periódicos se han debatido con bastante calor los inconvenientes del monopolio de algunos salinas. La Junta prescindiendo de los derechos, que legalmente hayan podido adquirir los actuales contratistas y de las indemnizaciones, que debieran acordarseles al privarlos de la cosa adquirida, no puede menos de convenir en la absoluta necesidad que hay, de destruir el monopolio de aquel artículo en beneficio de la mineria, declarando libre su elaboracion en los puntos en que no lo está.

## ESTADISTICA.

Convencida la Junta de la importancia que tiene la adquisicion de datos oficiales sobre el consumo de efectos necesarios para la extraccion y para el beneficio de metales, los ha pedido repetidas veces, no solamente à las autoridades locales, sino tambien à las compañias de minas, y aunque algunos de ellas los han remitido con una exactitud y franqueza, que les pará honor, como las otros no lo han verificado, hasta ahora las noticias adquridas son insuficientes, para poder dar al menos una idea, que pueda servir de base à calculo alguno.

## PARTE ADMINISTRATIVA.

### *Recaudacion del Fondo Dotal.*

Queriendo la Junta mejorar el sistema, que tenia establecido para trasladar à esta capital los fondos que recauda en los diversos minerales, entró en contestaciones al efecto con algunas casas de conocido abono. Hicieron en consecuencio sus respectivas propuestas bajo pliegos cerrados en Diciembre de 1843 y Enero siguiente, los Señores Manning y Mackintosh, Serment P. Fort y Compañia, D. Anselmo Zurutuza y D. Tomas de la Torre y Compañia; pero como en ellas figuraban juntos los descuentos y el plazo, fué necesario suponer $\frac{7}{8}$ p°o. de interes mensual ál numerario en busca del término medio sobre especie denominada, para comparar entre sí los resultados.

La operacion aritmética dió el descuento en la razon de 4, 53—5, 29—5, 30—y 6, 44. Era de consiguiente preferible la primera propuesta; pero teniendo la Junta en consideracion que en alguna de las otros se proponia el contrato de cámbio à la par y con seis meses de plazo, en lo que demorando por el pronto y sin grave perjuicio, el págo de réditos à los acreedores, economizaria cerca de diez mil pesos anuales, segun cálculo formado en vista de los productos del año de 1842, ofreció el negocio sobre esta base à la casa de los Sres. Manning y Mackintosh en 20 de Enero citado y ella lo aceptó el 27, bajo la base entre otros, de que ella recibiria los productos en los lugares donde se cobra el real de mineria, dando inmediatamente los agentes de la Junta libranzas contra la casa, pagaderas à la par à los seis meses de la vista, las que se pagarian à su vencimiento, y si la Junta necesitase alguna cantidad antes del plazo, la daria la casa pero con el descuento de $\frac{7}{8}$ por peso.

Para que el cóbro se uniformase, se hiciese con mas seguridad y con mayor economíca, se contuvieran las quiebras y se evitara el iuconveniente de no encontrar en todos los puntos personas abonadas, por lo córto de la poblacion ó de la cantidad que hubiera de recaudarse, la Junta lo contrató por escritura de 21 de Mayo de 1844, con la misma casa, haciendose esta responsable de toda la recaudacion, con las condiciones de que nombrando bajo su responsabilidad los apoderados, colectaren en cada mineral todo el producto del referido derecho y lo librasen á favor de la Junta, con arreglo al convenio de cámbio de que ya se ha hablado: que cada cuatro meses remitiesen la cuenta comprobada de sus rendiciones, y que la casa contratista se abonara por comision y todo gasto un cuatro por ciento.

La Junta de este modo ha logrado su objeto, pues los descubiertos han cesado, el cobro es mas uniforme; en la inversion en honorarios se ha ahorrado una quinta parte, y el cámbio aunque con plazo, se hace sin los descuentos, con que se efectuaba anteriormente.

## PRODUCCION.

Bajo el número 1 se acompaña un estado general, que manifiesta los lugares, en que se ha hecho la recaudacion del real por marco de plata de la ley de 11 dineros, que pagan los introductores, en los diez años transcurridos desde 1835 hasta 1844, para deducir la total de cada uno y la que resulta por término medio del decenio en toda la República, y en los respectivos lugares en que se ha hecho la recaudacion, expresando así mismo el número de marcos, á que ascienden los productos y su valor.

Ademas de la idea que con su presencia puede obtenerse de la importencia mineral relativa, se deduce de su examen que el real cabrado aseiende à 1.988.899 pesos 2 rs. 5 6 de grano: cantidad resultante de 15.911.194 marcos, 3 onzas 5 ochavas 5, 2 de tomin y cuyo valor sube à 131.267.354 ps. 2 rs. $10\frac{1}{10}$ de grano, siendo los términos medios del real 198.887 ps. 7 rs. 5, 36 de grano: de la pasta 1.591.119 marcos 3 onzas 4 ochavas 3, 52 de tomin y del valor á $8\frac{1}{4}$ 13.126.735 ps. 3 rs. 5, 81 de grano.

Pero comparados entre sí el primero y el segundo quinquenio, resulta una diferencia en la recaudacion en favor de este de 113.130 ps. 2 rs. 6 décimos de grano ó lo que es lo mismo 905.042 marcos 3 ochavas 1, 2 de tomin con valor de 7,466.596 ps. 7 rs. 3, 1 de grano; dando un tèrmino medio para la recaudacion de 22.626 ps. 4, 92 de grano ó 181,008 marcos 3 onzas 2 ochavos 1, 44 de tomin que valen 1.493.319 ps. 3 rs. 0, 62 de grano tèrmino medio del primer quinquenio dan una produccion de 1.500.615 marcos 1 onza 7 ochavas 2, 8 de tomin, con valor de 12.380.075 ps. 5 rs. 11 zs., y los 210.202 ps. 7 rs. 7, 82 de grano del segundo, producen 1.681.623 marcos 5 onzas 1 ochava 4, 24 de tomin, que importan 13.873.395 ps. 11, 62 de grano.

Atendida, pues, la case del dècimo, la rendicion equivale aproximativamente en Zacatecas à $33\frac{2}{32}$ p$^{o}_{o}$.: en Guanajuato á $24\frac{12}{32}$: en San Luis Potosi á $7\frac{22}{32}$: en Pachuca á $6\frac{24}{32}$: en Guadalajara á $5\frac{4}{32}$: en México á $4\frac{26}{32}$: en Durango á $4\frac{18}{32}$: en Guadalupe y Calvo á $3\frac{24}{32}$: en Chihuahua y Jesus Maria á $4\frac{18}{32}$: en el Rosario Cosalá y Mazatlan á $2\frac{26}{32}$: en Sombrerete á $2\frac{22}{32}$: en el Parral á $1\frac{6}{32}$; en Zimapan á $\frac{28}{32}$: en Alamos á $\frac{27}{32}$: en Hermosillo á $\frac{26}{32}$: en Oajaca á $\frac{2}{32}$, y en Tasco à $\frac{1}{32}$; pero es de advertir, que por seguir un principio general nó se han apreciado las diferencias correspondientes favorables ó contrarias de ménos de $\frac{1}{32}$ ni las que puede dar lo del tiempo que tuvieron de duracion en el decenio algunas de las recaudaciones, así como tampoco se ha tenido presente la exportacion clandestina de platas, la produccion del oro, ni el consumo de dichos metales en las artes; porque la Junta ha carecido de los datos necesarios al objeto.

## CUENTAS.

Ya el Supremo gobierno en 12 de Julio de 1844, declaró con dictámen de su consejo, que en virtud de la ley de 30 de Setiembre de 1841, corresponde á la contaduria de propios y arbitrios glosar las cuentas pendientes del extinguido Tribunal de Mineria.

Ellas comprenden desde 31 de Diciembre de 1823 hasta 8 de Enero de 1827, dia en que comenzó á funcionar el establecimiento, que le siguió, aunque fué creado por decreto de 20 de Mayo de 1826.

Las cuentas generales de este hasta fin de Agosto de 1833, se presentaron al gobierno, para que las remitiera á la expresada contaduria, oficina designada entonces para la glora correspondiente, en 26 de Agosto de 1838: las del último tercio de 1833, directamente en 4 del mismo mes y año de 1838: las de 1834 á 1838 en 20 de Diciembre de 1839: la de este año en 7 de Mayo de 1840: la de 40 en 30 de Marzo de 1841: la de 41 en 28 de Febrero de 1842; y la de 42 al tribunal de revision de cuentas en 22 de Marzo de 1844, pero con division de las responsabilidades porque el establecimiento cesó en 25 de Diciembre, y la actual Jnnta dió principio à sus trabajos en el dia 26; rindiendose la de 43 en 29 de Marzo de 1844: la de 44 en 19 de Mayo de 1845; y la de 45 en 23 del mes próximo pasado.

Resta presentar una que otra cuenta particular pendientes de liquidarse por la grande distancia á que se hallan los responsables ó por otros inconvenientes todavia insuperables para la Junta, que impiden por ahora su completa terminacion.

Diversos y graduales adelantos han obtenido las cuentas en su forma y método justificativo, partiendo desde uno muy imperfecto hasta otro notable por su claridad.

Los obstáculos consiguientes al mal sistema, que se habia adoptado, unidos á los pocos recursos con que la oficina contaba para su despácho, complicaron mucho la contabilidad, retardando el resultado de sus importantes objetos.

Sin finiquitar aun las cuentas de 1827 á 1833, y pendientes las del último tercio de dicho año de la contestacion de los reparos, que dedújo la contaduria de propios y que no es posible se satisfagan sin grandes demoras, seguirán necesariamente paralizadas la revision y finiquitacion de las posteriores. Para remediar el mal el establecimiento indicó desde 28 de Abril de 1841, que á reserva de continuarse los trabajos relativos á la conclusion de aquellas cuentas, se examinaran y terminaran las de distinta responsabilidad personal, no dejando entre unas y otras mas enlace, que el que naturalmente ofrece la primera partida de cárgo en las segundas, con la última de data de las primeras; medio único sin el cual el antiguo desarreglo será todavia trascendental y funesto para lo sucesivo.

Las cuentas de la Junta estan, como se ha dicho, presentadas al tribunal de revision, pero permanecerán como en depósito indefinido: y la Junta aprovecha la oportunidad para suplicar al Supremo Gobierno la pronta terminacion de las de su responsabilidad.

Marcado con el número 2, se acompaña un estado de cárgo y data de los apoderados colectores del real por marco de plata en la República en los mismos diez años y nó de todo el tiempo por la falta de varios datos y por la confusion, que se nota en los existentes; y otró con el número 3 que manifiesta los ingresos, egresos y existencia de candales habidos en el establecimiento y en la actual Junta en la capital de México, y por el fondo dotal desde 8 de Enero de 1827, en que cesó la Junta provisional de mineria hasta 31 de Diciembre de 1845, porque siendo un extracto preciso de los estados anuales, puede servir como de una cuenta pública, que revela la conducta seguida en el manejo de estos fondos por los diferentes individuos encargados de su administracion.

Tambien es adjunto con el número 4 el resúmen de valores en el propio tiempo.

## CRÉDITOS.

El activo del tribunal de Mineria contra el Gobierno, sin incluir algunas partidas iliguidas ascendia, segun la relacion presentada por la Junta provisional del rame en el ya citado 8 de Enero de 827 á 1.090.124 ps. 2 rs. 1 grano.

Esta antigua deuda aumentable con varias cantidades de que dispusieron los Estados en la anterior època de la federacion, y con las que importan los intereses que causan algunas partidas, no se halla reconocida todavia sin embargo de los esfuerzos que con el mismo fin se han hecho hasta hoy.

Tampoco se ha liquidado la denda posterior sino en la parte relativa á capitales por el tiempo que abraza el decenio de 35 á 44.

Si los oficinas encargadas de la liquidacion de la cuenta pública terminasen la de los creditos de mineria contra el erario nacional, reconocidos estos, podria repartirlos entre sus acreedores en pago de réditos ó en amortizacion de capitales, reduciendo en mucha parte su deuda y dando crecimiento á la riqueza circulante del pais con un papel, que tendria un valor del que carece en la actualidad; ó bien hacer algun convenio con el erario reciprocamente útil al dendor y al acreedor.

La Junta entre tanto continuará ocupandose empeñosamente del reconocimiento y liquidacion de todas las partidas, que constituyen su crédito activo contra la hacienda pública para conocer su total monto; en concepto de que el que tiene contra particulares es perdido en su mayor parte, y la restante de poca importancia relativamente.

El pasivo por capitales impuestos al 4½, 5 y 6 p%. como aparece de una relacion de ellos que formó la referida Junta provisional, ascendia en 7 de Enero de 827, á 3,624,165 pesos, 2 reales, y sus rèditos importaban, sin incluir uno que otro pago, que se hallaba por hacer en las fechas á que se contrajo la relacion expresada, á 2,233,654 pasos, 6 reales, 1 grano, de modo que la deuda en aquella fecha era de 5,857,820 ps. 1 grano aun sin considerar los pagos pendientes; vease el estado n. 5.

La Junta debia en fin de 1845, segun la liquidacion hecha por su contaduria, sin comprender los réditos de pago dudoso de 9,333 pesos, 2 reales, 8 granos, ni los de 200, resto de un capital amortizado, por capitales 2,589,018 pesos, 2 reales, 2 granos, y por intereses 2,370,474 pesos, 1 real, 8 granos, es decir, por uno y otro 4,959,492 pesos, 3 reales, 10 granos. Comparadas, pues, dichas sumas aparece que la deuda por capitales en todo el tiempo transcurrido desde 8 de Enero de 1827, hasta 31 de Diciembre de 1845 se ha disminuido en 1,035,146 pesos, 7 reales, 10 granos: que la de intereses se ha aumentado en solo 136, 819 pesos, 3 reales, 7 granos, habiendose obtenido en la totalidad del credito, una rebaja de 898,327 pesos, 4 reales, 3 granos.

Suponiendo que no se hubiese hecho amortizacion alguna de los réditos vencidos hasta fin de 45, habria importado 3,397,336 pesos, 1 real, 6 granos, y la deuda total 9,254,156 pesos, 1 real, 7 granos, como la salida efectiva por redenciones, pago de réditos, &$^{a}$. incluyendo 60,274 pesos, 3 reales, 7 granos, en órdenes sobre las aduanas maritimas, se repartieron à los acreedores en el año de 1834, y que no figuran en los estados, ha sido la de 1,952,632 pesos, 7 reales, $11\frac{1}{2}$ granos, hoy la verdadera denda seria de 7,302,523 pesos, 1 real, $7\frac{1}{2}$ granos; y no resultando positivamente mas que de 4,959,492 pesos, 3 reales 10 granos; la diferencia en favor del fondo por consecuencia de las amortizaciones llega à 2,343,030 pesos, 5 reales, $9\frac{1}{2}$ granos, la que se prueba tambien, considerando que sin ellas la denda se hubiera aumentado en 1,444,703 pesos, 1 real, $6\frac{1}{2}$ granos, que unidos à los 898,327 pesos, 4 reales, 3 granos en que se ha disminuido, suma la misma diferencia.

Este raciocinio demuestra evidentemente la necesidad que hay, y las inmensas ventajas, que podrán obtenerse de legalizar y fijar bases seguras para la redencion periódica de capitales.

Por lo tocante à la hecha en el citad, decenio por ellos y por el pago de réditos, se acompaña bajo el numero 6, el estado correspondiente.

### FONDO DE AZOGUES.

La recaudacion íntegra del derecho de 1 p$^{o}_{o}$. de circulacion de moneda verificada en las administraciones principales de rentas y sus agregadas, las épocas en que lo han ejecutado, los honorarios à las personas que se encargaron del cóbro, el producto liquido que resultó à favor del fondo, la noticia de las sumas de que ha dispuesto el Supremo Gobierno, la de las pérdidas sufridas por quiebras y robos, la de las cantidades que se remitieron à la tesoreria de la Junta y la de las existencias, que quedaban en las administraciones, todo comprensivo desde 25 de Setiembre de 1843, hasta que cesó el cobro de este impuesto por virtud de la ley de 22 de Febrero de 1845, son los objetos à que se refiere el estado numero 7, y para que se conozca el producto de dicho impuesto y su inversion, así como la de la parte recibida de los 80 y 50 mil pesos anuales, aplicados à la Junta en las aduanas de Veracruz, y de Santa Ana de Tamaulipas, se acompaña un resúmen mascado con el número 8.

De su examen se advicate que aunque el balance hasta fin de 1845, asciende à 508,825 pesos 2 reales $6\frac{7}{8}$ de granos, el verdadero ingreso que han debido producir ambos fondos es de 481,239 pesos, 2 reales, $2\frac{7}{8}$ de granos, pero como de esta cantidad debia el Supremo Gobierno 324,327 pesos 6 reales $8\frac{4}{8}$ granos, solo le ha podido usar de menos de la tercera parte de los productos, puer apenas quedaron disponibles 156,911 pesos 3 reales $6\frac{3}{8}$ granos, que con 1,907 pesos 4 reales $7\frac{4}{8}$ granos por prémio habido en el càmbio de letras, 1,513 pesos 1 real, que alcanzaban los Srés. Manning y Mackintosh, y 36 pesos 1 real $5\frac{4}{8}$ granos la direccion de industria, hace todo una suma de 160,368 pesos 2 reales $7\frac{3}{8}$ granos; de los cuales se habian empleado 136,646 pesos 5 reales $\frac{3}{8}$ grano, se perdieron 565 pesos 1 real 4 granos, y quedaba una existencia de 23,156 pesos 4 reales 3 granos.

Ygualmente se nota que las expresadas aduanas, apenas han remitido poco mas de la cuarta parte ($27\frac{1}{2}$ $\text{p}^{\text{r}}$. ciento) de la que les asignó la ley: que la noticia de la recaudado por el 1 $\text{p}^{\text{o}}_{\text{o}}$. se halla todavia incompleta por la falta de varios datos, y por no haber podido recogerse de algunas administraciones los restos que tenian de dicha colectacion; y que como los productos ascienden á 483,146 pesos 6 reales $10\frac{3}{8}$ granos, y los gastos de administracion y cobranza à 30,596 pesos 4 reales $5\frac{3}{8}$ granos, resulta que solo han sufrido aquellos la corta baja de $6\frac{2}{3}$ $\text{p}^{\text{o}}_{\text{o}}$. muy moderada, si se compara con la que otros reportan en su recaudacion.

El estado número 9, comprende los ingresos, egresosy existencia de este ramo hasta el 15 del corriente.

Para reintegrar al fondo general de azogues de las cantidades invertidas en otros objetos, que los destinados por la ley, el supremo gobierno dispuso en 24 de Julio de 1844, que las aduanas marítimas del sur entregaran à la persona, que al efecto designase la Junta la mitad de lo que produjera el derecho de averia.

Se consignó en consecuencia à la casa de los Sres. Tomas de la Torre Jecker y compañia, aceptando las propuestas, que en 7 de Agosto hizo sobre enterar en esta capital con un descuento de 3 $\text{p}^{\text{o}}_{\text{o}}$. las sumas que percibieran sus corresponsales en los puertos expresados.

Se libraron al efecto las ordenes oportunas; pero la providencia ha sido eludida bajo tan diversos aspectos, que las mas eficaces diligencias de la Junta, solo han servido, para convencerla de la inutilidad de otras nuevas, si no van concebidas en términos tan claros y enérgicos, que eviten toda especie de abusos y de interpretaciones. Así es, que todo lo cobrado en este año, ha sido 1,495 pesos 5 reales 6 granos, que deducidos de la deuda del Gobierno, monta esta à la fecha à la suma de 417,702 pesos.

## CONCLUSION.

Al terminar el presente informe, la Junta aprovecha esta oportunidad en cumplimiento de sus deberes, para llamar la atencion de V. E. á un negociado grandioso, vital y de abundantes prósperos resultados para el importante cuerpo de mineros, y por consiguiente para la República toda. Los fundamentos que le servirán como que descansan en principios, datos y resultados que ha examinado con todo detenimiento, en las distintas memorias que ha tenido el honor de dirigir al gobierno ántes de ahora; los volverá à presentar y aun se permitirá el uso de las mismas frases con que ha expresado sus conceptos, pues no aspira à la originalidad en una materia ya apurada y en la que nada de nuevo puede añadirse por estar ya todo dicho y del mejor modo que le ha sido posible.

Por una gran desgracia que lamentará siempre la humanidad, las sombras del error por mucho siempre la humanidad las sombras del error por mucho tiempo suelen oscurecer la verdad, hasta que llega el momento feliz en que disipadas aquellas, esta aparece con tal brillantez que no hay quien deje de pescibir la como ella es en sí misma: entonces los gobernantes, lejos de desconocerla, la adoptan como un principio, y los que forman la naciones disfrutan de un bien que ántes no les era concidido gozar. Pasó el siglo diez y seis, transcurrió el diez y siete, y fué necesario parte del diez y ocho para que abriese los ojos el gabinete español, y conciliase mejor los intereses de su fisco con los de sus vasallos. Llegó à palpar que á proporcion de las franquicias que concedió à la minería, ya dispensandolo de los medios quintos, ya de dos cuartas partes, en el valor del azogue, asi fué sobiendo la acuñacion, en términos de no pasar en principios del diez y ocho, de cinco millones de pesos anuales, y llegar en los primeros años del actual á la exhorbitante suma de veinti-siete. Oserbó tambien con asombro que en la misma escala ascendente, fueron los rendimientos de las demas rentas: el producto total de todos en el año de 1712 importó tres millones sesenta y cuatro mil cuatro cientos diez pesos: en el de 1764, seis millones; en el de 1767, doce millones; en el de 1792, diez y nueve millones, y en el de 1810, época memorable del glorioso grito de independencia dado en Dolores, por el immortal Hidalgo, veinte millones cuatro cientos sesenta y dos mil tres cientos siete pesos, cinco reales. Tan cierto es, que entre nosotros, todo ha dependido del influjo de la mineria; de este primer movil de prosperidad de la nacion; de este agente principal à cuya accion se hallan subordinadas las creces de nuestra agricultura, industria y comercio; de éste ùnico manantial de nuestras riquezas. Si otras naciones se sustentan medran y engranidecen, ya con los frutos de su agricultura, ya con el producto de sus variadas artes, presentando al comercio, desde las primeras materias, hasta las obras mas refinadas del buen gusto; es fuera de duda que la

República Mejicana, aun no tiene por una fatalidad deplorable, otra fuente de riquezas que el laboreo de sus minas. La mineria es pues, nuestro único giro activo, los demas son pasivos. Al mercado extrangero casi no presentamos otros frutos que nuestro oro y plata, y todas nuestras casas de moneda, no son suficientes para el saldo de los efectos que anualmente consumimos, y se importan en la República. Sin la esplotacion de nuestros ricos metales seriamos aun colonos de la España; y si este manantial de prosperidad llegara à cegarse, nuestra independencia se perderia para siempre. Tales, tan grandes y trascendentales han sido y continuarán siendo entre nosotros por muchos años, los trabajos impendidos en el laboreo de nuestras minas. El periodo muy dilatado de mas de tres cientos años, la esperiencia y la razon, nos pones en la clase de verdades practicas, la siguiente: *el trabajo y rendimiento de las minas aumentará á medida que disminuyan los impuestos y el valor de las materias de su consumo.*

Llegó à penetrarse de ello el Gobierno Español; en consecuencia adoptó por principio *conceder á los mineros cuantas gracias pudiera y gravarlos nunca ni en lo mas minimo;* y recogiendo con abundancia los preciosos frutos de su ilustrado proceder con tantos millones de mas que ingresaron en su erario, llego á decir en real orden de 15 de Febrero de 1778: *que queria contribuir al alivio y fomento de los mineros aun á costa de su real hacienda;* en la de 17 de Julio de 1779; *que debia estarse en el inequivoco concepto de que cuantos auxilios se prestan á los mineros son otros tantos positivos aumentos del real erario;* y en la de 1°. de Febrero de 1780: *que se cuidara por el tribunal de mineria que este ramo no experimentase ningun atraso, en inteligencia de que la veia como el primer movil de la riqueza y el primero en las atenciones de su gobierno.* Tales fueron los maximas que adoptó un gobierno muy celoso de las creces de su hacienda, al instante de convencerse que esta aumentaba en la proporcion de los gracias, exenciones y franquicias que se le concedian al importante ramo de la mineria. Ha hecho observar antes la Junta y ahora es ocasion de repetir: que los bajas hechas en el precio del azogue, importaron tres reales en cado libra; y como esa libra, poco menos, es la que se consume para sacar cada marco de plata de toda ley, abundaron los rendimientos por que se hicieron costeables muchor frutos ordinaros, que sin estas concesiones no hubieran podido beneficiarse. *Nuestras minas se distinguen de las de Europa, mas bien por la abundancia de minerales que se hallan en el seno de la tierra que por su riqueza intrinseca.* Dígnese V. E. fijar aqui su atencion. Entre tanto que los progresos de la ciencia no sustituyan otro modo de beneficiar los minerales de plata, al descubierto en

1557 por Bartolomé Medina, minero de Pachuca, el azogue es absolutamente necesario, y monopolizado este ingrediente desde el año de 1835 por la casa de N. Rothschild en Londres, los mineros se ven en la precision de tomarlo al exorbitante precio de 146 pesos el quintal en este ciudad y aun à mas en otros puntos distantes. Los metales de escasas leyes que son los que abundan pueden beneficiarse, y millones de marcos existen en nuestros *inmensos terreros*, perdidos para los mineros y toda la República. El excesivo precio à que se vende el azogue por la causa que se ha manifestado, y no poder aun asi los mineros conseguir todo el que necesitan para sus beneficios, es un acontecimiento fatal, el mayor de los males y de indefinida funesta trascendencia para la mineria; pues es sabido que lo que constituye su riqueza, es la prodigiosa abundancia de minerales de muy escasas leyes; ó lo que es lo mismo, *somos poseedores de una porcion asombrosa de matriz, penetrada de una corta cantidad de platas, cuya extraccion por lo tanto se hace muy trabajosa y eroga crecidos gastos.*

El exorbitante precio que mantiene el azogue, ha desnivelado aquel equilibrio que debe haber entre las erogaciones y productos, en términos que haciendo subir aquellas, solo se benefician los metales cuyas leyes las pueden cubrir y dejan alguna utilidad à los empesarios; y se abandonan los otros de escasos rendimientos que son los mas, como se ha dicho, en detrimento de la mineria y por lo mismo de toda la República. Si por la reduccion del precio del azogue hasta el valor de 41 pesos, 2 reales, 11 granos el quintal, llegó la acuñacion hasta la enorme suma de 27 millones; por una razon inversa decreció hasta mucho menos de la mitad, desde el momento que el azogue no se puede conseguir sino hasta tan alto precio. Esta es la principal causa que influye en la decadencia de la mineria. Para ocurrir à un mal que es la mayor de las plagas para la República pues afecta todos los ramos de la pública prosperidad; para hecerla independiente de los cálculos mercantiles que forman los comerciantes Europeos, con el objeto de proporcionarse riquezas monopolizando el azogue; y en fin para ahorrar à la República dos millones anuales que en numerario se exportan, para proporcionarse este necesario ingrediente; se expidió en 2 de Diciembre de 1842 esa la salvadora que tanto crédito dió à la administracion provisional, porque nadie ha sido à ella indiferente, como que à todos alcanzan sus benéficos resultados. Se creó, pues, un fondo exclusivamente destinado à la adquisicion del azogue, para darlo á los beneficiadores de metales á costo y costas, y en consecuencia de este decreto se dieron otros, ya facultando á la Junta para que pudiese contratar el azogue del Almaden, ya para trabajar aviar y protejer las minas que de este metal se encontrasen en la República, ya para nombrar comisiones en toda su vasta extension, que esplorasen y reconociesen los criaderos de cinabrio. Con tan decidida ilustrada proteccion comenzó la Junta sus trabajos, y la lisonjeaba la consideracion de que los dones que allá en otras naciones quiso limitar la sábia mano del Supremo Hacedor, nos los concedió liberal reunidos en este pais venturoso, en donde del uno al otro extremo ostentó su poderio; la multitud de noticias que de espedientes muy cumulosos se encuentran en el archivo de la Junta, sobre investigaciones hechas desde el tiempo del Gobierno Español para descubrir las minas de cinabrio; y en fin los profundos conocimientos cientificos y la respetabílisima autoridad del célebre Humboldt. Este ilustre viagero en la obra que lo ha inmortalizado se expresa en estos términos.

,, Los habitantes de Nueva España han sacado hace siglos el mercurio necesario para la amalgamacion parte del Perú y parte de Europa, de donde ha resultado que se han acostumbrado á mirar su pais como fálto enteramente de este metal. Sin embargo pasando la vista por las investigaciones que se hicieron en el reinado de Carlos IV, es preciso convenir en que pocos territorios presentan tantos indicios de cinabrio, como la mesa de las Cordilleras desde los 19° hasta 22° de latitud boreal. En las intendencias de Guanajuato y de Mejico, se hallan casi en todas partes donde se abren pozos entre San Juan de la Chica y la villa de San Felipe: cerca del rincon de Centeno, en los atrededores de Celaya. y desde el Durazno y Tierra Nueva hasta San Luis de la Paz, y especialmente cerca de Chapin, Real de Pozos, San Rafael de los Lobos y la Soledad. Tambien se ha descubierto mercurio sulfúreo en Ajuchitlan y en el Zapote, cerca de Chisangangueo en la intendencia de Valladolid; en los Tregones, cerca de Tasco; en el Distrito cerca de las minas del Doctor, y en el valle de Tenoxtitlan al Sud de Gazavé, en el camino que va de Mejico á Pachuca. Se han interrumpido tantas veces las obras emprezadas, con el intento de esplorar estos diversos criaderos de mineral, y han sido conducidos con tan tibio celo, y por lo comun con tan poca inteligencia que seria muy imprudente dar por sentado, como varias veces se ha dado, que no merece la pena de emprenderse el laboreo de las minas de azogue de Nueva España. Al contrario, segun las importantes noticias que se deben á las tareas de D. Casimiro Chovel (alumno del Colegio de Mineria) parece que las vetas de San Juan de la Chica, asi como las del Rincon del Centeno y del Gigante, son muy dignas de llamar la atencion de los mineros Mejicanos. ¿Acaso puede exijirse que unas obras sugerficiales, laboreos que estan en sus principios dejasen desde los primeros años ganancias limpias á los accionistas?....

„La America en su estado actual, es tributaria de la Europa en cuanto al mercurio. Es probable que este dependencia no sea de larga duracion, si los lazos que unen las colonias con la metrópoli, se interrumpiesen por largo tiempo, y si la civilizacion de la especie humana, en su movimiente progresivo de Este á Oeste se llegare á fijar en America. Con la poblacion se aumentará el espíritu de emprender y de buscar, y cuanto mas habitado esté el territorio, tanto mas se llegarán á conocer las riquezas naturales que encierra el seno de aquellas montañas. Sino se descubriese nínguna mina igual en riqueza á la de Huancavelíca, se pondran en laboreo muchas á tiempo, cuyos productos reunidos inutilizarán la importacion del mercurio de España y de la Carniola.

„Estas mutaciones se harán con tanta mayor rapidez, cuanto los mineros Mejicanos y Peruanos, se verán mas apurados por la falta del metal necesario para la amalgamacion.... No está lejos época en que mas unidas las colonias entre sí, atiendan tambien mas à sus intereses comunes.... Acaso Mejico y el Perú, en vez de recibir este metal de la Europa, la podrán dar con el tiempo al Mundo antiguo.... Y aun es de esperar que à proporcion que los habitantes del nuevo mundo vayan aprendiendo à sacar partido de las riquezas naturales de su territorio, los progresos de los conocimientos químicos, conducirán à valerse de practicas de amalgamacion en que se pierda menos mercurio. Disminuyendo de un lado el consumo de este metal, y aumentando de otro el producto de los laboreos indígenas, es como los mineros americanos, llegarán à pasarse muy bien sin el mercurio de la Europa y de la China."

La Junta se prometia muy fundadamente que conociendose mejor nuestras riquezas naturales, el espíritu de empresa nos conduciria à esplotar tantas minas de azogue como se encuentran en nuestro suelo, para no ser tributarios al extrangero de este ingrediente que nos cuesta sumas tan crecidas, inutilizando ademas su alto precio en la mayor parte los abundantes productos de nuestras minas de oro y plata. Llegó à persuadirse (y aun al presente son las mismas sus esperanzas) que esos presentimientos del Baron de Humboldt, se verian realizados en nuestros dias, disfrutando el grato feliz resultado de hallarnos, no solo provistos de todo el azogue que necesitamos, sino que la multitud de nuestras minas nos proporcionarian hacerlo un efecto de exportacion, ofreciendolo al mercado extrangero.

No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder à la alta confianza con que la honró el Gobierno. Una parte de ellos van especificados en la presente nota, y los demas se hallan consignados en las memorias, informes y multitud de comunicaciones que obran en ese Ministerio. Por ahora unicamente se reducirá à asegurar lo que consta de esos documentos, à saber: que el espíritu de empresa se logro estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias y ya tambien por particulares: que en el de San Luis Potosí, el azogue que se extrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del extrangero: que en la Alta California, en el Presidio de Santa Rosa, ha llegado à descubrirse un gran criadero, por el Sr. D. Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayes practicados en el colegio de Mineria, que la quedan los frutos comunes sube à un 35½ por 100, cuando los de la mejor mina que se conoce, que es la del Almaden, no pasa de un 13 por 100; y en fin, que por todos los datos que se han reunido, se puede esperar descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ho podido llevarla à cabo, porque se le privó de uno de sus fondos del por 100 de la circulacion de la moneda sin sustituirle otro, y porque del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el gobierno en los apuros de su erario, ha usado de las restantes. El mal se agravó hasta el extremo lamentable de quedarse sin ninguno, por la órden de 10 de Mayo último, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la Junta no se detendrá à pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado.

Cuanto mas aflictivas sean las circunstancias en que se halle el erario Nacional, mas es del deber del gobierno cuidar protejer y consevar, esa única fuente de recursos que solo encontrará en la mineria. En la circulacion falta el numerario, nuestro comercio no tiene accion, nuestra agricultura esta en bancarota, y nuestra naciente y precária industria al momento de desaparecer. Dinero ahora mas que nunca necesita el gobierno para repeler esa injusta agresion, que nos hace una pérfida nacion vecina, que jactandose de una civilizacion sin pudor alguno reproduce la barbarie que fué proscrita, aun en los tiempos de la mayor ignorancia; y ese dinero nuestras minas únicamente lo proporcionaran, pero en la razon inversa de lo que cuesta el azogue. Logrado el facilitar éste ingrediente en abundancia y à precios muy comodos, nuestras minas todas de oro y plata se declararán en estado de Conanza y hasta de nuestros inmensos terreros abandonados, se extraerán esos preciosos metales; que convertidos en moneda creando nuevos valores nos proporcionarán no solo ese dinero de que tanto necesitamos para dejar bien puesto el honor nacional, sino el demas que sea preciso para llegar à ese grado de prosperidad, cuyos gocernos afianzan un clima benigno, tan variados y esquisitos frutos, ocho millones de habitantes y las cualidades sobre salientes con que la naturaliza se ha complacido en distinguirlos.

Paaa lograr fines tan grandiosos en vista de las poderosas razones que la Junta ha tenido el honor de exponer à V. E. terminará formulando las medidas que cree mas adecuadas y que espera de V. E. se servirá apoyar ante el Soberano Congreso Nacional.

1ª. Que se deje à la Junta expedito el úso de todas las facultades que le concedió el decreto de 5 de Julio: que tambien se le deje libre el fondo que para este efecto creó la ley de 2 de Diciembre de 1842: que se le adjudique como equivalente al del uno por ciento sobre circulacion de moneda que se derogó, el uno del tres por ciento que cobra el erario sobre el valor de la plata y oro que se extrae de las minas de la República; y que se arrégle el pago positivo de las cantidades que de estos fondos se han empleado por el gobierno en objetos diversos.

2ª. Que para la oportuna adquisicion à menos precio del azogue europeo, tan indispensable para cubrir el deficiente que deja todavía el del pais, en el consumo de las minas y de las artes, se déclare vigente el Supremo decreto de 17 de Febrero de 1843.

3ª. Que se acuèrden las gracias conducentes para multiplicar las empresas de extraccion y fundicion del fierro Mejicano.

4ª. Que se pida al Soberano Congreso se ocúpe de la refundicion de las ordenanzas de Mineria, haciendo en ellas las mejoras que exijen la esplotacion de los minerales de fierro y de carbon fosil, asi como el cultivo conservacion de los bosques y arboledas de la República.

5º. Que se extinga la renta de alcabalas en todos los minerales de oro, plata y azogue de la República.

6º. Que asi mismo se declare libre la elaboracion de la sal en los puntos en donde no lo está.

7º. Que del producto integro de la recaudacion del fondo dotal se destine un diez por ciento para la redencion de capitales y réditos, que se hará cada cuatro meses rematandose al mejor postor. Tambien se aplicará à esta amortizacion la parte de los creditos contra el erario nacional, tan pronto como sean reconocidos.

La Junta se honra al protestar à V. E. su mas alta consideracion, mas distinguido aprecio y mas profundo respeto.

Dios y Libertad. México, Noviembre 17 de 1846.

VICENTE SEGURA,
[Rubric.] Presidente.

Por ocupacion de Secretario,

ISIDRO R. GONDRA, Oficial 1°.
[Rubric.]

[The foregoing Exhibit is composed of 24 sheets of manuscript, confined with a ribbon, and attested as follows: José M. de Bassoco, la ricibir en 24 de Abril 1859. Rubric.]

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## EXHIBIT, BASSOCO, NO. 5, O. H.

[Page 1, red ink.]

LIBRO TERCERO DE
ACTAS
*Desde* 2 *de Abril de* 1846, *hasta* 30 *de Junio de* 1847.

[Page 2, red ink and 1, black ink.]

El Cajero pagador depositario del Papel Sellado. Certifico que hoy á p$^s$. 18 del libro manual de cargo si ha sentado la partida siguiente:

Son cargo ocho pesos seite reales que entero D. Manuel Rodriguez por valor de ciento cuarenta y dos sellos quintos del bienio de 1846 y 1847 que paga por otras tantas fojas de un libro perteneciente á la Junta de fomento de Mineria.=B$^{to}$. n°. 108....... 8 7 0
Martinez del Campo=Manuel Rodriguez.

Mejico dies y nueve de Junio de mil ochocientos cuarenta y siete.
Con un intervencion.

FRAN$^{co}$. CAMACHO.
[Rubric.]

JOSE MARTINEZ DEL CAMPO.
[Rubric.]

[Page 3, red ink and 13, black ink.]

## *Sesion de* 23 *de Abril de* 1846.

Concurieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f$^{ha}$. 17, del corriente autorisando a la Junta p$^{a}$. que pueda comprometer en Jueces árbitros el asunto del cobro de ocho mil p$^{s}$. á D. Joaquin Llaguno como fiador de Manuel Gonzalez.—Que se formen las instrucciones p$^{a}$. D. Eduardo Penny.

Dos. Del mismo fecha veinte contestando haber transcrito al Ministerio de Hacienda la comunicacion en que se pide se dén órdenes ejecutivas á las Aduanas de Mazatlan y Guaymas p$^{a}$. la entrega de la mitad del derecho de averia consignado p$^{a}$. el pago de lo que adeuda el Gobierno a la Junta.—A su espediente.

Tres. Del E. S. Gobernador de San Luis Potosí acompañando certificados de haber sacado de las minas de Guadalcazar quinientos ochenta y seis qq$^{s}$. de azogue á fin de que se le satisfaga el premio de cinco pesos por quintal concedido por la ley manifestando que los interesados suplican el pronto pago con objeto de proporcionarse un aparato de destilacion.—Que informe la mesa de fomento.

Cuatro. Del Juzgado minero de Zimapan quejandose del Juez de Letras de aquel partido.—Que se incerte con recomendacion al S$^{or}$. Gobernador del Departamento.

Dos de la Direccion General de industria fechas 20 y 22, del corriente acusando recibo de las ultimas libranzas del tres por ciento de importacion con la diferencia de un centavo.—A su espediente el primero y á la Contaduría el segundo.

Otro del Administrador de Hermosillo manifestando la razon por que no ha podido remitir las cuentas [Page 4, red ink.] del uno por ciento que se le piden.—A su espediente.

Otro del Arquitecto D. Antonio Villard presentando una lista de las obras que en su concepto deben hacerse en el colegio p$^{a}$. su reposicion y conservacion importantes dos cientos cincuenta p$^{s}$.—Que el Tesorero informe en vista de las obras que se proponen.

Se leyo un informe de la Contaduria sobre una cuenta del eocargado de la recaudacion en Guadalajara comultando se estrañe el Ensayador y Administrador que la certificaron sin verla.—La Junta acordó de conformidad agregando que al oficiarse al S$^{or}$. Ensayador mayor de le acompañe el certificado de que se trata pidiendole le devuelva p$^{a}$. que remitiendose al encargado se responga la cuenta y que lo mismo se diga á la Direccion de Rentas respecto del Administrador.

Otro informe de la Contaduría haciendo la distribucion de las libranzas del tres por ciento vencidas ultimamente de Tampico importantes tres sientos once $p^s$. sesenta y cuatro centavos.

Se dio cuenta con un dictamen de la mesa de fomento sobre no haber elegido Presidente el Juzgado de Mazatlan. La mesa opina que se pregunte ¿como no hay mineros que sepan leer y escribir cuando en Febrero de este año votaron veinte y tres en votacion secreta mediante cédula?=La Junta acordó de conformidad.

La Secretaria dijo que en los espedientes relativos de Tasco consta ser cierto que D. José Zamora ha dejado de abonarse los diez $p^s$. semanarios que le asigno la Junta como Administrador desde que en 30, del pasado ofreció no cobraria dicha asignacion si liquidada la cuenta de todo el año no resultaba utilidad a favor de la Junta y manifestó tambien que la mesa respectiva de la contaduría habia informado en 14, de Marzo estar conforme en que la [Page 5, red ink and 14, black ink.] utilidad de cuatro mil $p^s$. que dedujo dicho Zamora está deducida con esactitud. La Junta acordó que puede abonarse dicha cantidad desde Agosto hasta fin de Diciembre del año pasado.

Habiendo remitido el Profesor del colegio D. Tomás Ramon del Moral unas muestras de cinabrio del presidio de $S^{ta}$. Clara en Californias se acordó que se pasen al $S^{or}$. Director con copia de las cartas del $S^{or}$. Castillero que las remite para que se haga los correspondiente ensayes.

Se dió cuenta con una lista que presentó la mesa de Administracion de los asuntos pendientes y acordó.

Primero. Que se reclame á D. Enrique Mackintosh el cobro de los abonos que debe hacer al Ensayador D. Mariano Cataño.

Dos. Que se recuerde al $S^{or}$. D. Diego José Perez Fernandez las cantidades y contestaciones que ofrecio dar desde $1^o$. de Marzo haciendo que el ofició se le entregue en propia mano.

Y tercero. Que se repita al Sor. D. Miguel Mosso oficio en que se le preguntó si está en corriente el pago de réditos de los ocho mil $p^s$. que reconoce sobre su hacienda de San Sebastian.

[3 Rubrics.]

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[Page 6, red ink and 18, black ink.)

## MES DE MAYO DE 1846.

### *Sesion del dia* 2.

Concurrieron los S. S. Bassoco y Flores y despues de aprobada la acta del dia anterior se leyó una comunicacion de D. Manuel Mariano Cortazar de 22, del pasado á la que acompaña el Ynventario de las ecsistencias que recibio en la mina de Atargea.—La Junta acordó que entre tantó informa la mesa de fomento se le conteste que se verá al Sor. Echeverria y bien por su conducto ó dirigiendose á Queretaro se le remitirá dinero por el correo del Miercoles.

Se presentó el Sr. Lic. D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas por la Contaduria manifestó que teniendo que marchar á Yxtlahuaca donde ha sido nombrado Juez de Letras presentaria sus proposiciones p^a^. el pago de lo que adeuda á cuyo efecto vendria el Lunes à terminar la liquidacion respectiva.

[3 Rubrics.]

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[Page 7, red ink.]

## *Sesion del* 4 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco leida y aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primero. Del Juzgado de Pachuca fecha 30, del pasado manifestando la falta de pólvora que sufre aquel Mineral.—Se acordo que se incerte al Gobierno.

Segundo. Del Distrito de Nieves fecha 26 del pasado contestando á la circular numero 3.—Que informe la mesa de fomento.

Tercero. Del de Bolaños participando la renovacion de su presidente informe á la orden del Gob°.; y se dio el mismo acuerdo.

Cuatro. Del Administrador de Morelia D. José Maria Cortez escusandose de no haber remitido las cuentas del tres por ciento.—Que informe la Contaduria.

Quinto. Del Coronel D. Miguel Mosso manifestando que aunque reconoce sobre su Hacienda de San Sebastian ocho mil p^s^. al Sor. Fagoaga aun no están designados los individuos á quienes deba pagarse.—Que se traslade esta comunicacion al Sor. Fagoaga.

Sesto. De D. Eugenio Bermejillo fecha 24, en Morelia esceptando el encargo que se le dio p^a^. el cobro en aquella ciudad á D. José Maria Cortez quien le ofrecio que dentro de 15, dias entregaria sus cuentas.

Septimo. Del E. S. Director del Colegio insertando el informe de la Junta facultativa del mismo sobre el resultado del ensaye que hizo de las muestras de cinabrio remitidas por D. Andres Castillero de Californias.—Se acordó se incerte al Supremo Gobierno manifestandole no haberse recibido esta [Page 8, red ink and 19, black ink.] contestacion hasta el dia de ayer y que se ha contestado al S$^{or}$. Castillero manifieste la clase de proteccion ó ausilios que necesita p$^{a}$. el buen cosilo de su empresa y refiriendole por ultimo los premios que se han pagado al azogue Nacional estraido en Guadalcazar.

La Aduana Marítima de Tampico remitió al indice de libranzas por el tres por ciento valiosas cuatro ciento sesenta y nueve p. ochenta y siete centavos.=Que se recosan las letras de la Tesoreria.

Se leyó una comunicacion de D. Julian de los Reyes fecha 29, del pasado avisando de enterado de haberse pagado su libranza anterior de dos mil novecientos treinta p$^{s}$. y haber girado otra de dos mil p$^{s}$. que con dos importantes dos mil quinien los dirigidas por D. Vicente de Bustos entiendo que no se presentarán otras que las que correspondan al Azogue que se recosa en Abril y hasta el 24, de Mayo en que vesa el privilegio. =Se detuvo el acuerdo hasta vir el dictamen de la mesa de fomento.

Cuatro comunicaciones de D. José Zamora fecha 2, del corriente acompañando con la primera las memorias numeros 17, los estados y el corte de caja numero 4 pertenecientes al mes pasado.=Recibo y á la contaduria. En el segundo avisa que necesita dos cientos cincuenta pesos p$^{a}$. la raya de la presente semana.=De enterado y participa en los dos ultimos haber girado los libranzas numeros 18 y 19, las que se mandaron pagár.

Se dio cuenta con un informe de la Contaduria designando las letras que corresponden á la Direccion general de Yndustria de la ultima remesa de Veracruz la que qneda restando once centavos.=Se acordó de conformidad.

[Page 9, red ink.]

Dos informes de la mesa de fomento de los que en el primero consulta se eleve à la suprema aprobacion la acta de eleccion de su presidente y se acordó de conformidad y el otro sobre la comunicacion del E. S$^{or}$. Gobernador de San Luis Potosí remitiendo los certificados que acreditan haber esplotado los mineros de Guadalcazar novecientos quintales de Azogue.=La mesa opinó que debe mandarse satisfacer por el premio que los corresponda á cinco pesos quintal la suma de cuatro mil quinientos y que viniendo endosados los dos mil pesos que pertenecen á D. Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza que avisa hoy haber girado por dicha cantidad.=La Junta acordó de conformidad y se mandó pagar dicha letra.

[3 Rubrics.]

[Page 10, red ink and 20 black ink.]

*Sesion del* 8, *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y aprobada la acta del dia 4, se acordó pasar un oficio al E. S. Ministro de Justicia manifestando que aunque la Junta no se cree comprendida en la circular de 5 del corriente que previene la suspension de pagos, consulta sin embargo, si debe suspendér los que tiene que hacer p$^{a}$. el desempeño de la Administracion que le confio la ley dada p$^{a}$. el fomento de las minas de Azogue.

Acordó igualmente advertir las propuestas que hizo el S$^{or}$. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del sueldo que disfruta como Juez de Letras de partido de Yxtlahuaca la cantidad de cincuenta pesos hasta el completo dol pago de su deuda, que liquidada ha resultado ser de mil cuatro cientos p$^{s}$. comensando hacer sus enteros desde 1°. de Julio.

Se presentó el S$^{or}$. D. Andres Castillero é informó verbalmente sobre el descubrimiento denuncio y estado actual de la mina de azogue situada en el mineral de Santa Clara de la alta California invitando á la Junta á tomár acciones en la compañia que ha estallecido p$^{a}$. su laboreo con otras medidas que pide recabe del Supremo Gobierno en fomento de la empresa. La Junta acordó que el S$^{or}$. Castillero presente por escrito sus indicaciones p$^{a}$. que tomandolas la Junta en consideracion resuelva lo conveniente.

Quedó encargado el S$^{or}$. Bassoco de contestar con el S$^{or}$. D. Pedro Echeverria sobre situar en su hacienda de Ajuechitlan los tres cientos p$^{s}$. mensuales que deben remitirse p$^{a}$. el amparo de las minas de Atargea.

[3 Rubrics.]

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[Page 11, red ink.]

*Sesion del* 7, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta anterior se dió cuenta con las siguientes comunicaciones:

Primera. Del Juzgado de Asientos contestando la circular numero 3.=Que informe la mesa de fomento.

Dos. Del apoderado en Guanajuato remitiendo una letra de cinco mil dos cientos ochenta y un p$^{s}$. cuatro r$^{s}$. tres g$^{s}$. por productos de mineria del mes de Abril.=Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Tres. Del de Pachuca de 5, del corriente con otra letra de novecientos setenta y seis p$^{s}$. por productos del dicho mes.=Se dió el mismo acuerdo.

Cuatro. Del de Guadalajára avisando de esterado de la nota en que se le dijo cual era la responsabilidad de los encargados. =A su espediente.

Cinco. De los S. S. Maning y Mackintosh participando que habiendose retirado del cobro del derecho de mineria en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintos.=De enterado.

Seis. Del Director de la compañia del Mineral del Monte consultando sobre las leyes que arreglan la propiedad de los Estrangeros en las minas.=Se acordó que se pase á informe á los S. S. consultores de la Junta.

Ella confirmó la inteligencia de su acuerdos pª. que se abonase al Sor. Zamora diez ps. semanarios solo hasta el fin de la ultimo semana del año presente.

[Three Rubrics.]

Se presentó por ultimo la cuenta de lo recaudado por las viviendas del Colegio en el mes anterior y se mando pasár á la Contaduria.

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[Page 12, red ink and 21, black ink.]

## *Sesion del* 9, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dió cuenta con los oficios siguientes:

Primero. Del Ministerio de Justicia de 7, del corriente acusando recibo de los Estados anuales de ingresos y egreso que se le remitieron.

Segundo. Del mismo participando haber pasado al de Hacienda el aviso que sobre escaces de polvora de el Juzgado de Pachuca.=Que se incerte al mismo Juzgado.

Tercero. Del comisionado en Guanajuato fecha 4, del corriente remitiendo la contestacion que dió el Administrador de Rentas sobre un certificado que se le pidió.=Que pase á la Contaduria.

Cuarto de la Direccion general de Yndustria acusando recibo de las ultimas letras y avisando estar corriente en la liquidacion.

Se leyó un informe de la Contaduria sobre la contestacion que debe darse á las escusas que alega el Administrador de Rentas de Morelia D. José Maria Cortez pª. no remitir sus cuentas pen- [Page 13, red ink.] -dientes y los productos del uno por ciento que deben existir en aquella oficina.=La Junta acordó de conformidad con respecto á que se ocurra á los S. S. Visitadores de aquella Aduana por conducto del Sor. Bermejillo y que asi se diga al Sor. Cortez.

La Tesoreria dio cuenta de que habiendo ocurrido á la General no se le entregaron por órden del S$^{or}$. Ministro las ultimas letras venidas de Tampico valiosas cuatro cientos sesenta y nueve p$^{s}$. ochenta y siete centavos ni la de dos mil y pico de San Blas por la mitad del derecho de averia.—Que se agreguen los avios á su espediente avisandose de la primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento primero sobre la comunicacion del Juzgado de Nieves de 25, del pasado en contestacion á la circular num$^{o}$. 3, consultando se le pida el acta á que hace mencion y que diga el numero de suplentes que ecisten en aquel Juzgado.—La Junta acordó de conformidad.

Segundo consultando que habiendose elegido de nuevo en este año el Juzgado de Santa Rosa no tiene que renovar ninguno de sus miembros.—La Junta acordó de conformidad.

[3 Rubrics.]

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[Page 14, red ink and 22, black ink.]

*Sesion del* 11, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 9, se dió cuenta con dos comunicaciones del E. S. Ministro de Hacienda fechas 6 y 8 del corriente pidiendo noticias en la primera sobre los productos que ingresan á sus arcas y en la segunda de los que han tenido los ramos consignados p$^{a}$. el fondo de azogue.—Se acordó que se den ambas, advirtiendo al Ministerio qne habiendose recibido sus comunicaciones juntas el 9, á las dos de la tarde se ocupa de contestár detalladamente dos pormenores á que se contrae.

Tres. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias que se le encargaron.—A su espediente.

Cuatro. Del Juzgado minero de Hidalgo remitiendo el Acta de su instalacion.—Al Gobierno si no tiene nulidad.

Cinco. Del de Temascaltepec remitiendo el Acta de eleccion de un suplente.—Que informe la mesa de fomento.

Seis. Del comisionado en Zacatecas fecha 2 de Mayo remitiendo una libranza de seis mil dos cientos veinte y cuatro p$^{s}$. cuatro y medio reales por productos de Mineria del mes pasado y un recibo de veinte y cinco p$^{s}$. del Alumno Ayala.—Que se reconozca la letra se hagan los asientos y se acuse el recibo.

Siete. Del de Zimapan remitiendo otra de ciento treinta y seis p$^{s}$. dos r$^{s}$. cinco g$^{s}$. productos productos del mes de Abril.—Se dió el mismo acuerdo que al anterior agregando que se cobre la letra.

Ocho. Del de Guadalajara fecha 5, del corriente avisando haber puesto en la casa de los S. S. Mannig y Mackintos ciento sesenta p$^s$. por abonos que ha [Page 15, red ink.] hecho el Garay.—Se acordó que se cobren y que la nesa informe sobre abonos pendientes.

Nueve. Del S$^{or}$. D. Demetrio Montes de Oca participando haber hablado con D. Pedro Anda p$^a$. el reconocimiento de la mina de Clavellinas y que avisará el resultado.—A su espediente.

Diez. Tres de D. José Zamora fecha nueve del corriente acompañando con el primero las memorias numeros 18 de la negociacion de Tasco.—Recibo y á la contaduria. Participando en el segundo que en la presente semana va á comenzar la nueva obra y que p$^a$. la raya necesita de tres cientos p$^s$.—De enterado: y avisando en el último haber girado una letra bajo el numero 20, valiosa dos cientos sesenta p$^s$.—Que se pague.

[3 Rubrics.]

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[Page 16, red ink and 23, black ink.]

## *Sesion del dia* 13, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11 se dió cuenta con dos oficios del Ministerio de Justicia fecha 9 del corriente participando la aprobacion suprema de las actas de elecciones de Presidente del Juzgado de Zacualpan y de un suplente del de Asientos.—Se acordó que se inserten á los respectivos Juzgados.

Se leyó una comunicacion de D. Manuel Mariano Cortazar fecha 5 del corriente remitiendo las memorias numeros 3 y 4, de la mina de la Atargea: avisando haber sacado veinte y tres cargas de metal y no haber recibido la libranzas correspondiente á este mes.—La Junta acordó que se solicite una letra de tres cuentos p$^s$. sobre Querétaro girada á favor del S$^{or}$. Cortazar en cuyo acuerdo salvó su voto el S$^{or}$. Flores en virtud de que habiendose consultado al Gobierno si deben hacerse los pagos por el ramo de azogue entre tanto no debe hacerse ninguno se acordó tambien que se diga al S$^{or}$. Cortazar que anote en todas las memorias el numero de cargas que se sacan en cada semana y noticia del Ensaye de su ley siempre que halla motivo p$^a$. creer que hubiese variado.

Por último se dió cuenta con un informe de la mesa de Administracion sobre los abonos mensuales hechos por el S$^{or}$. Garay al comisionado en Guadalajara manifestando que con los hechos queda cubierta hasta el mes de Enero de este año y que se debe cobrar la cantidad de los ciento sesenta pesos que ha recibido el Sor. Blúme sin otro descuento que el corriente de cambio de plaza abonandolos á la cuenta del S$^{or}$. Garay.=La Junta acordó de conformidad.

[3 Rubrics.]

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[Page 17, red ink.]

*Sesion de* 14, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f$^{ha}$. 9, acusando recibo del oficio en que se le comunicó el descubrimiento de la mina de azogue en Californias.

Segunda. Del E. S. Gobernador de San Luis fecha 9 del corriente remitiendo certificados que acreditan haberse esplotado en las minas de Trinidad y San Andres sententa y ocho qq. de azogue.=Que informe la mesa de fomento.

Tercero. Otro del mismo y en la misma fecha acompañando tres ceatificados que acreditan la estraccion de cincuenta y tres quintales de azogue de la mina de San Antonio en Guadalcazar y se pasó á informe de la misma mesa..

Cuarto. Del Juzgado de Sombrerete fha. 5, del corriente insertando la resolucion de la E. Azamblea de Zacatecas p$^{a}$. que dicho Juzgado no obedezca la suprema orden comunicado por la Junta sobre renovacion de suplentes.=Se acordó que se inserte al Ministerio dandole noticia de que en solo este departamento ha habido dicha resistencia.

Quinto. Del de Jesus Maria avisando su instalacion y contestando la circular numero 3.=Que informe la mesa de fomento.

Sesto. Del encargado de la recaudacion en San Luis Potosí acompañando una letra de tres cientos cincuenta y un p$^{s}$. quince centavos por productos de mineria en el mes de Abril.=Que se reconozca la letra se hagan los respectivos asientos y se acuse el recibo.

Septimo. Tres comunicaciones fechas 28 de Abril del encargado en Chihuahua remitiendo una letra de setecientos setenta p$^{s}$. tres r$^{s}$. por productos [Page 18, red ink and 24, black ink.] de aquella Capital y de Jesus Maria en el mes de Marzo y una cuenta que le pidió la Contaduria.=Que se reconozca la letra se hagan los respectivos asientos se acuse el recibo y se pase la cuenta á la oficina respectiva.

Octavo. De D. Manuel Garcia del Valle acompanando la renuncia que hace de primer escribiente de esta oficina.=Se acordó que se eleve al Sup$^{o}$. Gobierno informandole que es de admitirse.

Noveno. D. D. Ygnacio Rosso solicitando la vacante se segundo Escribiente de la misma.=Que se reserve.

Se dió cuenta con un informe de la Contaduria sobre la comunicacion del comisionado en Guanajuato f$^{ha}$. 4, del corriente sobre remision de documentos en el espediente del S$^{or}$. Robles. La Junta acordó de conformidad en todo lo que propone á escepcion de la última indicacion que hacia sobre pedir á los S. S. Tesorero y Administrador de Guanajuato duplicado del certificado de entero que hizó el S$^{or}$. Robles de sesenta p$^{s}$. por el cuatro trimestre del prestamo p$^{a}$. el pago de la deuda de los Estados Unidos.

[3 Rubrics.]

[Page 19, red ink.]

### *Sesion de* 18, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 16 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Jalisco fecha 28, del pasado devolviendo informado el avancel de derechos del Juzgado de Bolaños. Y de acuerdo la Junta con dicho informe se mandó elevár de conformidad al Supremo Gobierno.

Dos. Del de San Luis Potosí acompanando una instancia de D. Andres Barroeta p$^{a}$. que se le pague el premio correspondiente a que se quintales una arroba quince libras seis onzas de azogue esplotado del nuevo almaden y peder nal en el Durazno.=Ynforme la mesa de fomento.

Tres de la compañia restanradora del oro quejandose de la falta de polvora.=Que se inserte al Supremo Gobierno en recomendacion.

Cuatro. Del comisionado en Zacatecas fecha 12, del corriente acusando recibo de los documentos que se le remitieron p$^{a}$. el cobro de la deuda al Sor. Llaguno.=A su espediente.

Cinco. Del de Guadalupe y Calvo avisando haber remetido las cuentas que se le piden.=Que informe la mesa de Administracion.

Seis. Del S$^{or}$. Juez segundo de lo civil pidiendo una noticia relativa al credito que tiene en el fondo dotal el menor Elguea. =Que informe la contaduria.

Siete. De D. Miguel Quiñones fecha 16, del presente pidiendo se de orden al Sor Zamora p$^{a}$. que le proporcione la cantidad necesaria p$^{a}$. satisfacer al Tribunal de Tasco las costas del testimonio de los autos que señalan la parte.=Que se de la órden.

Ocho. De D. José Zamora tres comunicaciones de fecha 16, remitiendo en la primera las [Page 20, red ink and 25, black ink.] memorias numeros 19.=Recibo y á la contaduria. Participa en el segundo que necesita p$^{a}$. la raya de tres cientos p$^{s}$.=De enterado. Avisando en el tercero que de los mil dos cientos setenta frascos p$^{a}$. azogue que hay en aquella negociacion solo habrá uno que otro con alguna faya y que deben valorizarle à tres ps. cada uno por pieza pues que están valuados à dos calcutandolos, por fierro.=Que se manifieste esta diferencia al Sor. Castillero y al Gobierno cuando se aprueben sus propuestas. Y remitiendo en los dos ultimos el aviso de haber girado la letra numero 21, valiosa dos cientos ps. y la 22, de ciento cuarenta.=Que se paguen.

Se leyo una instancia del Sor. D. Tomas Ramon del Moral sobre que le designe la gratificacion de que debe disfrutar por los meses que sustituyó la Direccion del Colegio y leido el dictamen que la mesa de fomento estendió en la solicitud pendiente ante el Gobierno.=La Junta acordó que se inserte esta al Ministerio con copia, del mensionado informe y de los articulos de la ley sobre suplencias de los individuos de la Junta y de su oficina.

Se dio cuenta con los cinco informes siguientes de la mesa de fomento.

Primero. Sobre que se manden satisfacer tres cientos noventa y cuatro p$^{s}$. cuatro r$^{s}$. dos y medio g$^{s}$. à D. Andres Barroeta por premio de setenta y ocho qq. tres arrobas quince libras una y media onzas de Azogue que acredita haber estraido de las minas de la Trinidad y San Andres en Guadalcazar.=La Junta acordó que se suspenda la resolucion de este asunto hasta que el Gobierno resuelva.

Segundo. Sobre que se satisfagagan dos cientos setenta y cinco p$^{s}$. por premio de cincuenta y tres quintales de azogue estraidos por D. Demetrio Toscano de la mina San Antonio en Guadalcazar en el que recayó el mismo acuerdo que [Page 21, red ink.] en el anterior.

Tercero. Sobre que se pida la aprobacion Suprema de la eleccion de un suplente que ha hecho el Juzgado de Temascaltepec.=La Junta acordó de conformidad.

Cuarto. Consultando se apruebe la eleccion de Presidente y su suplente hecha por el Juzgado de Bolaños y que el Gobierno supremo prevenga à los colegas que sirvieron el año pasado continuen haciendolo en este.=La Junta acordó de conformidad. Y opinando en el ultimo que se pida al Juzgado de Jesus Maria en Chihuahua que remita la acta de su istalacion que elija otro Suplente si solo ha electo dos que se le designe el fondo en que conforme a lá ley debe hacer sus gastos y que se le manden los documentos y noticias que pide.=La Junta acordó de conformidad à escepcion de la remesa de uso ejemplar de las ordenanzas de Mineria.

[3 Rubrics.]

[Page 22, red ink and 26, black ink.]

*Sesion de* 22, *de Mayo de* 1846.

Concurrieron los S. S. Segura y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primero. Cinco del Ministerio de Justicia fhas. 16; 19 y 20, del corriente participando en la primera haber admitido la renuncia que hizo de la plaza de primer escribiente de este oficina D. Manuel Garcia del Valle.=Se acordó que se inserte al inserezado: en el segundo acompaña à informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de Mineria y se apruebe la designacion hecha al Secretario y dependientes del Juzgado de Jesus Maria.=Que informe la mesa de fomento. En el tercero avisa estár aprobada el acta de instalacion del Juzgado de Hidalgo del Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el ultimo haberse insertado al Ministerio de Hacienda la solicitud de la compañia restauradora del Mineral del oro sobre escases de polvora.

Dos. Del Juzgado de ojo caliente acompañando el acta de renovacion de un suplente.=Ynforme la mesa de fomento.

Tres. Del de Guanajuato contestando al informe de la contaduria relativo à la cuenta de clavellinas.=Que informe dicha oficina.

Cuatro. Del presidente del Juzgado de Mazapil fecha 5, del corriente haciendo dimision de su empleo.=Que se eleve con apoyo al Gobierno.

Cinco. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.=Que se le den espresivas gracias.

Seis. Del E. S. D. Demetrio Montes de Oca participando que D. Pedro Anda de suficientes conocimientos é intachable honradez se ofrece à [Page 23, red ink.] reconocer la mina de Clavellinas por la gratificacion de doscientos pesos.=Que proceda à la visita y libre contra la Junta dicha cantidad el Sor. Montes de Oca.

Siete de la vista gral. de oficinas del Departamento de Michoacan sobre haber pedido las cuentas al Administrador suspenso de aquella Aduana y que hará se concluyan à la mayor brevedad.=A su espediente.

Ocho. Del comisionado en Guadalajara remitiendo una letra de ochocientos treinta y siete ps. un rl. tres y medio gs. por los productos del derecho de Mineria pertenecientes al mes de Abril.=Que se reconosca la letra se hagan los respectivos asientos se acuse recibo y se de orden p$^{a}$. cobrar los cientos sesenta p$^{s}$. del Sor. Garay.

Nueve, otro del mismo fecha 15, avisando haber recibido ciento sesenta p$^{s}$. del S$^{or}$. Garay por abonos de los meses de Febrero à Mayo.

Diez. Del de Durango remitiendo una letra por valor de mil treinta y ocho p$^{s}$. siete y medio g$^{s}$. productos de mineria del mes de Abril y la cuenta por menorizada del año anterior. =Que se reconozca la letra se hagan los asientos correspondientes se pasen los documentos à la contaduria y se acuse el recibo.

Once. Del de Culiacán fecha 1$^{o}$. de Mayo remetiendo una letra de seiscientos cinco p$^{s}$. dos rs. por productos de Cosalá en Marzo.=Que se reconozca la letra se hagan los respectivos asientos y se acuse el recibo.

Doce. Otro del mismo y de la propria fecha acompañando una letra de ciento tres p$^{s}$. siete r$^{s}$. seis octavos por productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo Ensaye de Culiacán y las cuentas ultimamente pedidas.=Que se reconosca la letra se cobre se hagan los correspondientes asiento y se acuse recibo.

Trece. De D. Manuel Mariano Cortazar fe- [Page 24, red ink and 27. black ink.] -cha 17 del corriente en Querétaro acusando recibo de los tres cientos p$^{s}$. que se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria p$^{a}$. tomar posesion de la mina de Providenda.=Se acordó que con ultima orden de suspension de pagos apenas podrá remitir los tres cientos pesos mensuales de su compromiso de amparo y que informe la mesa sobre las memorias que ha remitido.

Se leyeron por ultimo dos solicitudes p$^{a}$. la plaza de segundo escribiente de la oficina que hacen D. Joaquin Urrutia y D. José Garcia de Arana.=Se acordó que se reserven.

[3 Rubrics.]

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[Page 25, red ink.]

*Sesion de* 25, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 22, se dio cuentas con las comunicaciones siguientes:

Primero. Del encargado de la recaudacion en Guanajuato fecha 22 del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año sus barreajes y la cuenta general de los derechos.=Se acordó que se pasen à la Contaduria.

Dos. Del de Zacatecas fecha 19 ajuntando la cuenta general de Zacatecas y Sombrerete y se le dió el mismo tramite.

Tres. Del mismo fecha 18 adjuntando una libranza de ciento siete p$^s$. dos r$^s$. cinco octavos por derechos colectados en Sombrerete en Abril.═Que se reconozca y cobre la letra se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del Administrador de la Aduana Maritima de San Blas avisando haber girado á favor de la Junta una libranza importante setenta y cinco p$^s$. ochenta y seis centavos por la mitad del derecho de averia.═Se acordó que el Tesorero ocurra por ella à la general.

Cinco. Cuatro comunicaciones de D. José Zamora fechas 23, avisando en la primera que necesita de doce almadanetas. ═Que se compren. Remitiendo en la segunda las memorias numeros 20.═Recibo y à la Contaduria y avisando en las otras dos haber girado la letra numero 23, valiosa cien p$^s$. y la 24 que importa dos cientos.═Que se paguen.

Seis. Un oficio del E. S. Ministro de Justicia fecha 20, aprobando las propuestas de D. Andres Castillero que elevó la Junta al Supremo Gobierno y avisando que habia pasado al Ministerio de la Gobernacion la solicitud de dos citios de ganado Mayor como Colono sobre su propiedad mineria. La Junta acordó que se procediese en el acto à estendér el convenio judicial correspondiente y que se solicitase la letra de [Page 26, red ink and 28, black ink.] los cinco mil p$^s$. sobre Mazatlan à Guadalajara en lo que convino el Sor. Castillero y ultimamente que por el correo del Miercoles se dén las ordenes correspondientes à Tasco p$^a$. que entregue el Administrador à la orden del Sor. D. Tomas Ramon del Moral todos los frascos p$^a$. azogue que se hallen en buen uso en aquellos almacenes los que abonará à su cuenta à razon de dos ps. cada uno.

[3 Rubrics.]

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## *Sesion de* 26, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del 25, se dió cuenta con un informe de la Contaduria manifestando que la escritura cuya fecha desea saber el Sor. Macedo fue otorgado ante el Escribano D. Fernando Tamayo en 20 de Abril de 1807.═La Junta acordó que se participe al Juzgado.

Se leyeron otros tres informes de la mesa de Administracion 1$^o$. sobre la nota de 28 del pasado de D. Enrique Mackintosh opinando que debe esperarse à que embie el barreage que se le tiene pedido.

Dos que se repeta al Sor. Olasenaga fiador de los abonos del Sor. Lebrija un recuerdo sobre los cincuenta ps. del mes de Setiembre procsimo que no ha remetido y por ultimo que se recuerde tambien al Sor. D. Diego Moreno remita el importe de las perlas del Sor. Garay que se le dieron para su venta ó las devuelva por medio de persona de su confianza. La Junta acordó de conformidad.

[Page 27, red ink.]

*Sesion de* 27, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 26, se leyo un oficio del E. S. Gobernador de Michoacan participando que habia dado órden al suspenso administrador de Rentas pª. que dentro de quines dias presente sus cuentas pendientes y entere las cantidades que resta y que avisará del resultado.=A su espediente.

Se leyeron tres informes de la mesa de fomento 1º. consultando se pida la aprobacion suprema de la eleccion de un suplente del Juzgado de Ojo caliente con arreglo à la circular ultima de la materia y la Junta acordó de conformidad.

Dos. Sobre la consulta del Gobierno relativa á una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y que se apruebe la asignacion de treinta pˢ. mensuales hecha al Secretario del de Jesus Maria. La mesa opina que se consulta al Gobierno que no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden à veinte rˢ. y respecto al Sueldo que se diga estár derogado el Decreto que lo estableció dejando solo derechos de arancel=La Junta acordó de conformidad.

Tres. Sobre la ultima comunicacion de D. Manuel Mariano Cortazar y el inventario que acompaña de la mina de Atargea. La mesa opina que se pase à informe à la Contaduriá y asi se acordó.

[2 Rubrics.]

[Page 28, red ink and 29, black ink.]

*Sesion de* 28, *de Mayo de* 1846.

Concurrieron los S. S. Segura y Rozas y aprobada la acta del 27, se dió cuenta con las cuatro comunicaciones que siguen:

Primera. Del Ministerio de Justicia fecha de ayer incertando la del Ministerio de Hacienda de la misma fecha en que manifiesta que intimado el bloqueo à Puertos de Veracruz y Tampico no es de esperarse que continue el curso de las libranzas de aquellas Aduanas por lo que el Gobierno ha dispuesto que la Junta reserve sus ecisistencias pª. los gastos que le son propios y los del colegio suspendiendo por ahora todo pago pª.

la esplotacion de azogue.—La Junta acordó que informe la mesa de fomento.

Dos. Del comisionado en S. Luis Potosi acompañando la cuenta y nota de barreage de la plata ensayada en el mes pasado.—A la Contaduria.

Tres. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacán la orden pª. que el Administrador suspenso de aquellas rentas presente su cuenta dentro de quince dias pasados los cuales se encargará un empleado de hacerlas a espensas del mismo.—A su espediente.

Cuatro de los S. S. Mannig y Mackintosh fecha 27 manifestando que la firma del Sor. Garcia Granados estan solo la de un apoderado del Sor. Stahlhuecht.—A su espediente.

[2 Rubrics.]

[Page 29, red ink.]

## *Sesion de* 29, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 28 se dió cuenta con una comunicacion del E. S. D. Francisco Fagoaga contestando al ultimo oficino que se le puso sobre el crédito de ocho mil pˢ. que tiene impuestos en la Hacienda de San Sebastian.—La Junta acordo que se reserve acompañandose al espediente pª. cuando haya tomado algunos informes el Sor. Rozas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa à la suspension de pagos del fondo de azogue. La mesa consulta primero que se incerte dicha comunicacion al E. S. Gobernador de San Luis Potosi con respecto al pago de los premios de azogue que habia acordado se pagasen por dos mil pesos à D. Timoteo Toscano por dos cientos sesenta y sinco à D. Demetrio Toscano y cuatro cientos setenta y uno cuatro rˢ. ocho y medio gˢ. à D. Andres Barroeta por los premios del azogue Nacional que han estraido à razon de cinco pˢ. quintal y que si no satisfiso la primera cantidad à D. Timoteo Toscano fué por que no se presentó oportunamente y à los demas por haber venido cuando estaba ya comunicada la orden de suspension.

Segundo que se comunique la misma orden a D. Manuel Mariano Cortazar manifestandole que si puede beneficiar algunas ecsistencias de azogue lo verifique pª. cubrir el amparo.

Tercero. Que se incerte igualmente al E. S. D. Demetrio Montes de Oca con el objeto de que se sirva mandar suspender la visita de la mina de Clavellinas pˢ. que si en virtud de lo anteriormente acordado hubiese hecho algun gasto se le satisfará inmediatamente.

En virtud de haber admitido el Supremo Gobierno la renuncia que hizo D. Manuel Garcia [Page 30, red ink and 30, black ink.] del Valle de la plaza de primer escribiente de la Secretaria y que admitio el Supremo Gobierno la Junta acordó se manifestase al Ministerio del ramo que conforme à la ley tocaba el ascenso al escribiente segundo de la misma D. Manuel Couto p^a^. ponerlo en posesion si el Gobierno esta de acuerdo.

Se acordó tambien de acuerdo con lo informado por la contaduria el pago de veinte y cinco p^s^. al Escribano Calapiz por lo actuado en la Escritura de convenio que se habia tenido con D. Andres Castillero p^a^. ausiliar su empresa de azogue de la mina de Santa Clara en la alta Calofornia comprendido en el oficio de suspension de todo pago de este ramo.

[2 Rubrics.]

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[Page 31, red ink.]

## *Sesion de* 30, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 22, se dió cuenta con una comunicacion del Ministerio de Hacienda fecha 23 en que pide informe sobre si están disponibles los dos mil ciento veinte y cinco p^s^. diez y medio g^s^. pertenecientes al fondo de la nueva carcel de Guadalajara la Junta acordó que se le conteste inmediatamente haciendole una breve reseña del origen de este fondo pertenecientes al de azogues y que se le indique que estando pendiente el asunto en el consejo la Junta puso en deposito iregular en una casa fuerte de comercio dicha suma con la condicion de que seria debuelta en Guadalajara en la misma moneda en que hubiese sido recibida al mes de que se le partisipase la devolucion y ofreciendo ampliar el informe si asi lo creyese conveniente el ministerio.

La Secretaria manifestó que el Sor. D. Tomas Ramon del Moral esponia à la Junta que retiraba la solicitud que tenia presentada sobre asignacion de sueldo o gratificacion por el tiempo que sustituyó la Direccion del colegio en el año pasado.

El Sor. D. Joaquin Velazquez à nombre del E. S. Director del colegio manifestó que necesitando en Londres de la cantidad de mil p^s^. y sabiendo que la Junta tenia algun dinero en la casa de los S. S. Baring Herm^s^. le suplicaba se manda se abonar à dicha casa por valor de setenta y dos libras esterlinas siete chelines seis peniques por cuenta de algunos objetos encargados por el colegio à dichos S. S. y que girase una libranza à favor del mismo Sor. Velaquez por valor de ciento once libras nueva Shelines siete peniques p^a^. el completo de mil p^s^. con el cambio actual de cuarenta y cuatro un octavo. La Junta acordó se diese la órden y se girase dicha libranza por cuenta de las dos letras de à quinientas libras cada una que giraron contra aquella [Page 32, red ink and 31, black ink.] casa los S. S. Manig y Mackintos en 30 de Noviembre del año pasado.

[2 Rubrics.]

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[Page 33, red ink and 64, black ink.]

### *Sesion* 21, *de Setiembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones fecha 13, insertando el oficio del Ministerio de Hacienda en que decediendo à las indicaciones de la Junta participa que el Supremo Gobierno ha dispuesto que las ecisistencias del fondo de azogue continuen empleandose como se habia mandado en fomento del colegio y pidiendo en clase de prestamo del fondo dotal la cantidad de veinte y cinco mil p$^s$.

Los S. S. Bassoco y Flores estubieron de acuerdo en que se debian representar manifestando al Gobierno que sin que se entendiera que la Junta desconozca la urgente necesidad que hay de que todos contribuyan à la defensa nacional del modo que los sea posible sin embargo considerando el origen y actual situacion del fondo dotal no se creen con facultades suficientes de sus comitentes p$^a$. emplearlo en ningun otro objeto de aquellos à que lo destinó la ley y despues de una detenida discucion asi se acordó no obstante las observaciones que espuso el Sor. Segura el que salvó su boto presentando una protesta que pidio constase en el acta y manifesto que remitiria el Ministerio justamente con el oficio acordado.

La Junta acordó en cuanto à lo primero que se insertase en el acta dicha protesta y con respecto à lo segundo que el Sor. Segura podia remitir como individuo de la Junta las comunicaciones que creyese [Page 34, red ink.] convenientes p$^a$. que la Junta no podia autorizár las protestas que hiciese contra los acuerdos de la mayorsá. En consecuencia la protesta de que se trata es la siguiente.—El que subscribe aunque con sentimiento se ve en el caso de protestár que su opinion difiere de la de sus apreciables compañeros. La suya es qne en las presentes penurias y aflictivas circunstancias en que se encuentra el Erario publico debe proporcionarse al Sup$^o$. Gobierno el prestamo que solicita del fondo dotal propiedad de los mineros en cantidad de viente y cinco mil pesos; que no habiendo esta cantidad en arcas se remita à la Tesoreria la ecsistencia y se complete el dicho prestamo con el primer dinero de que puede disponér la

Junta: que juzga escusado antes de obedecér la orden del Supremo Gobierno el hacér esas muy bnenas observaciones que obran à favor del mismo fondo y de los intereces del propio Gobierno; por que en la sabiduria de este se han pesado y el fiél de la balanza inclinado acia el bien público cuando peligra por la guerra mas injusta el mas preciosa de los dones cual es el de la independencia Nacional le han hecho dictar una orden que en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente que este es voto el que pide quede consignado en el acta del dia como tambien que el reparto que se está haciendo debe suspenderse pª. que estas cantidades se emplen en el préstamo solicitado y que si se continua haciendo se entienda tambien que salva su voto en dicho acuerdo.

Se dió cuenta en seguida con un oficio del Tribunal de Guanajuato insertando la solicitud de D. Ygnacio Portu como uno de los interezados en la venta de la misma del Toro pª. que se le satisfagan trescientos cincuenta pˢ. que se le restan.—La Junta acórdó que informe la mesa de fomento.

Otro de D. Fernando Pohls fecha 18, acompañando una letra de cuatro mil novecientos cincuenta pesos siete rˢ. un grano por productos de Mineria [Page 35, red ink and 65, black ink.] del mes de Agosto.—Que se reconozca la letra se hagan los debidos asientos y se acuse el recibo.

Del comisionado en Pachuca fecha 12, acompañando en libranza mil quinientos cincuenta y nueve pˢ. un rl. por producto liquido de los derechos de mineria en el mes pasado y recayó el mismo acuerdo que en el anterior. Finalmente otro de 16, del corriente del comisionado en San Luis, remitiendo la cuenta y nota del barreage del último trimestra.—Se acordo pasarle à la contaduria.

Se acordó que contase en la acta como dictamen de los S. S. Flores y Bassoco el oficio que en contestacion se puso el Gobierno y dice asi.—,, Esta Junta recibió ayer Domingo 20, el oficio que V. E. se sirve pasarle, con fecha 19, transcribiendo el del E. S. Ministro de Hacienda del mismo dia [*del mismo*] en el cual se comunica à la Junta que el E. S. General en Gefe en ejercicio del Supremo poder ejecutivo habia tenido a bien acordar en vista del oficio de fecha 12, se de al fondo establecido pª. el fomento de las minas de azogue el distino à que está consignado en beneficio de la instruccion publica, pº. que siendo las graves penurias del erario tan conocidas y perentorias el Supremo Gobierno necesita que del fondo dotal se le haga un prestamo de veinte y cinco mil pˢ. en la inteligencia que se acordará el pago à la mayor brevedad.

Por nada del mundo quisiera la Junta que ni por un momento pudiera pensarse que élla desconoce la urgente necesidad de que todos los que tengan en algo la nacionalidad Mexicana se apresur en a concurrir en su defensa (*y los mineros y acreedores*) del modo que à cada uno sea posiblé pº. cree tambien que faltaria à la confianza que los mineros y acreedores al fondo dotal depositaron en sus mandatarios y aun se haria indigna del aprecio del mismo Supremo Gobierno si dejara de hacer las observaciones que pasa à manifestar.

El fondo dotal consiste en el pago de un real por marco de once dineros y con autorizacion legal se impuso el cuerpo de Mineria pª. formarle y que como caudal [Page 36, red ink.] propio suyo segun las términos de la cedula respectiva letra administrado por medio de sus reprasen tantes con entera inhibicion de las rentas publicas del estado. Bajo tales garantias solicitó y le prestaron varias personas cantidades considerables à depósito irregular con hipoteca del mismo fondo debiendo hoy à estos capitales mas de diez y ocho años de reditos. Esto es lo que constituye la deuda del cuerpo de la que dimuna que forme parte de la Junta el Apoderado de los acredores.

Esta ligerisima indicacion es bastante à nuestro juicio pª. probar que el fondo dotal es una propiedad particular y esta en el caso de ser tratada y grabada como las demas sin que aparezca motivo pª. que este sugeta à otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion nó la ha ocupado en cantidad alguna desde 1842, no obstante que en el mismo periodo ha tomada varias que forman una crecida, suma del fondo de azogue que por su naturaleza es Nacional y público.

Sin embargo de la incolumidad del fondo dotal durante aquel tiempo y à pesar de los esfuerzos con que la Junta ha procurado mejorar su admistracion consiguiendo en ella mejoras de no poca importancia; de tanta trascendencia y de tan funesto influyo fueron las ocupaciones sufridas en tiempos anteriores que no ha podido relebarse del avatimiento y postracion en que le pusieron. La hipoteca es buena; la administracion pura y bastante económica y sin embargo el precio de los creditos bajo en demasia, cuyo mal solo se debe à la causa que dejamos indicada.

Esta consideracion Sor. Exmo. es la que nueve à la Junta à proferir que los individuos y corporaciones que tienen capitales en el fondo sean gravados mas bien por otras contribuciones ó derramas que no en los creditos que aqui tienen puesto que sobre la erogacion que en ellos sufririan habrian de resentir en lo succesivo el funesto resultado de que su valor bajase aun mas de lo que en el dia ha bajado. Los Apoderados de mineros y acreedores no tie- [Page 37, red ink and 66, black ink.] -nen cirtamente mas facultades respecto del fondo dotal en virtud de las leyes de la creacion de este cuerpo que las de administrarle y aplicarle à los objetos que ellas mismas demarcán y ni unos ni otros juzgarán que sus mandatarios han cumplido con su deber si dejare de presentár estas observaciones á una administracion tan ilustrada como la presente. Repite pues que solo el deseo de llenár cumplidamente sus deberes es lo que precisa á espresár lo que lleva manifestado; por lo demás como particulares si han prestado y estan dispuestos á hacer en las criticas circunstancias del dia todo lo que el estado de sus negocios les permita.=La Junta protesta á V. E. las seguridades de su distinguida consideracion y aprecio.

[2 Rubrics.]

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[Page 38, red ink and 77, black ink.]

*Sesion del* 5 *de Noviembre de* 46.

Asistieron los S. S. Segura Flores y Bassòco y leida y aprobada el acta del dia anterior se dió cuenta con un oficio del Ministerio de Relaciones fecha del 3, pidiendo se le remita dentro de ocho dias noticias esactas de los trabajos de la Junta desde 1845, con las indicaciones que creyere oportunas. La Junta acordó que en vista de los apuntes de la memoria formada por el Sor. Castera se dirijan dichas noticias al Ministerio, agregandose los sucesos posteriores hasta el presente mes.

[2 Rubrics.]

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[Page 39, red ink.]

*Sesion del* 9, *de Noviembre de* 46.

Asistieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 5, se dió cuenta con las 5, comunicaciones siguientes del Administrador de Tasco, con la primera remite las memorias num. 43, y una voleta de beneficio que se labo á maquila.=Recibo y a la contaduria: participa en la segunda que remitirá las barras á cuernavaca al martes de esta semana. =De enterado: dice en la tercera, que en la semana anterior se habian labado los ultimas quincientos quintales del Metal de Trinidad: que los trabajas se habian aumentado con dos paradas y que p$^a$. la semana actual necesitaba de quinientos p$^s$.=De enterado. En los dos ultimos avisa haber girado bajo los numeros 72, y 73, dos libranzas valiosas cuatro cientos p$^s$. y la otra 100 p$^s$. (cien.)

Comenzó á leerse la memoria que ha de presentarse al Gobierno y quedaron aprobados los dos capitulos que tratan de oficina y de Juzgados Mineros y se acordó que se oficie al Sor.

Otero preguntandole el estado que tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Admor. de la Aduana Maritima de Veracruz fecha 2, en que participa no haber podido conseguir del giradór de la libranza numero 884, que se respaldó otra en su roemplazo en cuya virtud habiadado conocimiento del asunto desde 10, de Setiembre ofreciendo avisar el resultado.=Noticiese á la Contaduria y á su Espediente.

Otro del Sor. D. José Joaquin de Rozas fecha 5, avisando que ha prevenido á su dependiente D. Antonio Gutierres de Cuernavaca reciba las barras que se le han de mandár de Tasco y que avisará el importe de las seis á de polvora que mandó á la misma negociacion.

Otro de D. Cayetano Buitron fecha 5, remitiendo mil trescientos sesenta y dos p$^s$. nueve g. por productos del derecho de Mineria del mes pasado.=Recibo y á la Contaduria p$^a$. los debidos asientos.

[Page 40, red ink and 78, black ink.]

Otro de D. José Zamora fecha 2, avisando que con el arriero José Apolonio se les remitan los diez quintales de azogue y la misma cantidad de sulfato que tiene pedida.=Que se mande entregar.

De D. Manuel Mariano Cortazár fecha en Rio blanco á 25, del remitiendo la ultima memoria de la Mina de Atargea.=A la Contaduria y avisando que esta pronto el Sor. Rule á otorgar la fianza por el importe de las ecsistencias que se entregaron á Cortazar en dicha Mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el dotal de noventa y ocho p$^s$. seis r. á que asciende la memoria.=La Junta acordó que se diga al Sor. Rule que si ha de venir pronto á Megico podrá otorgar aqui la escritura de fianza p$^o$. que si tarda la estienda ante las autoridades de aquel Mineral ó nombre un apoderado. Que se oficie al Sor. Segura p$^a$. que entregue el anterior oficio y recabe la respuesta del Sor. Rule. Que se diga al Sor. Cortazar nombre su apoderado p$^a$. que firme la escritura: que la Junta no puede pasar conforme al convenio por el pago al cuidador de nueve semanas sino solo por tres y que dificultandose la libranza se le entregará el importe de la memoria deducidos los treinta y seis p$^s$. de dicha partida al comisionado que mande cuando venga á firmar.

[2 Rubrics.]

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[Page 41, red ink.]

### *Sesion del dia* 13, *de Noviembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11, se acordó que se enterasen de una vez los tres tercios de la contribucion de casas por lo perteneciento al Colegio.

[2 Rubrics.]

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*Sesion del dia* 16 *de Noviembre de* 1946.

Concurieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 13, se dió cuenta con las comunicaciones siguientes:

Primerá. Del comisionado en Guanajuato remitiendo una letras de cinco mil seis cientos treinta y nueve p$^s$. siete r$^s$. productos de Mineria en el mes de Octubre.

Dos. Del de Zacatecas remitiendo otra de cuatro mil ciento cuarenta y cinco p. dos rs. nueve g. por los del mismo mes.

Tres. Del de Durango incluyendo otra de mil tres cientos cuarenta y nueve p. cuareuta y cuatro centavos correspondientes à la misma epoca 4°. Del de Zimapan fecha 1°. de Noviembre acompanando otra de tres cientos setenta y tres p$^s$. correspondientes al mes anterior..=Que se reconozcan dichas letras se hagan los correspondientes asi entos y se acuse el recibo.

Cinco. Del de Zacatecas remitiendo otra de ciento veinte y tres p$^s$. seis r$^s$. tres g$^s$. por los productos de Octubre en Sombrerete.

Y otra por ultimo remitiendo el balance y la nota pormenorisado de lo colectado por el derecho de Mineria en aquella Ciudad en el segundo tercio del presente año.=Recibo y la Contaduria.

Concluida la lectura de la memoria que tuvo [Page 42, red ink and 79, black ink.] lugar en los dias anteriores se aprobó acordandose que se remitan igualmente al Supremo Gobierno un oficio pidiendo se espidan por el Ministerio de Hacienda las ordenes respectivas p$^a$. que concluido el bloqueo se pidan directamente por las Aduanas de Veracruz y Tampico las correspondientes libranzas à favor de la Junta facultando à esta p$^a$. que pueda negociar un prestamo p$^a$. acudir á los gàstos del Colegio y los mas urgentes del ramo de azogues acordando por ultimo que el Sor. Presidente la lleve al Sor. Ministro p$^a$. su mas pronto despacho.

[2 Rubrics.]

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[Page 43, red ink and 83, black ink.]

*Sesion del* 5 *de Diciembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dió cuenta con las dos comunicaciones siguientes:

Del Ministerio de Relaciones fecha de ayer acusando recibo en el primero de las noticias que se le remitieron pª. la memoria autorizando à la Junta pª. conseguir con el menor gravamen posible las cantidades que necesite pª. cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo bajo el concepto de que se han dado las ordenes convenientes pª. que desde luego y en cuanto se levante el bloqueo de Veracruz se remitan directamente à la Junta libranzas por el tres por ciento de importacion hasta el com- [Page 44, red ink.] -pleto de ochenta mil pesos anuales. Agrega ademas que en el caso de no optenerse oportunamente dicho prestamo la Junta supla las cantidades necesaria del fondo dotal en calidad de reintegro por el de azogues del que se riembolsará tan luego como reciba algunas cantidades de las Aduanas ó que se realise el indicado prestamo.

Los S. S. Flores y Bassoco manifestaron que estando prefijado el destino del fondo dotal la Junta no tenia facultad pª. distraerlo à otros objetos ni en calidad de prestamo. El Sor. Segura espuso que estando en las facultades del Gobierno dictar la medida de que se trata era de parecer se obsequiase la orden solicitandose desde luego con empeño el referido prestamo cuidando de recabar las ordenes convenientes pª. que vengan las libranzas por valor de cincuenta mil pesos anuales del Puerto de Tampico tan luego como se vea libre de la invacion Anglo-Americana en consecuencia la mayoria de la Junta acordó se diese al Gobierno la contestacion en los tèrminos indicados por los S. S. Flores y Bassoco, y el Sor. Segura pidió constase en la acta su voto agregando ademas que espondria las razones en que se fundaba y las remitiera al Gobierno.

El segundo oficio se contrae á escitár el celo de la Junta pª. que promuevo todo lo conducente à fin de proporcionarse el prestamo de los dos millones de pesos pª. la compra del azogue Español pª. el que la facultó el decreto de 17 del Febrero de 843, y se acordó tomarlo en consideracion el Lunes procsimo.

[2 Rubrics.]

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[SELLO.] *Secretaria de la Administracion del Fondo de Mineria:*

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que existe y forma parte de los Archivos de esta Oficina un libro ese cuadernado que consiste de 142 fojas que están numeradas en el primer lado solo del 1 al 142 inclusive consecutivamente, que contienen y se hallan llenas de las actas de las Sesiones de la Junta de Fomento y Administrativa de Mineria desde el 2 de Abril de 1846 al 30 de Junio de 1847, titulado. „ Libro tercero de actas desde 2 de Abril de 1846 al 30 de Junio de 1847."

Certifico ademas que las actas de las Sesiones del mes de Abril dc 1846 comienzan en la foja 2ª. frente y concluyen en la 17ª. vuelta; que las actas del mes de Mayo de 1846 comienzan en la foja 18ª. frente y concluyen en la 31 frente al principio: que los actas del mes de Setiembre de 1846, comienzan en la foja 60 vuelta y concluyen en la foja 68 vuelta al principio: que las actas del mes de Noviembre de 1846 comienzan en la foja 76 vuelta y concluyen en la foja 82 vuelta; que las actas del mes de Diciembre de 1846 comienzan en la foja 83 frente al principio y concluyen en la foja 90 frente.

Certifico tambien que la precedente y anexa pajina marcada por mi con tinta encarnada con el numero 1 es una verdadera y exacta copia ó calco de la carátula del libro referido, que la precedente y anexa pajina numerada por mi con tinta encarnada „ 2 " es una verdadera y exacta copia ó calco del frente de la primera foja de dicho libro; que las precedentes y anexas pájinas morcadas por mi con tinto encanarda del 3 al 44 inclusive son una verdadera y exacta copia ó calco en papel transparente de las actas de dicha Junia como, aparecen en el referido libra de la sesion del dia 23 de Abril de 1846: de todas las Sesiones del mes de mayo, de la Sesion del dia 21 de Setiembre, de las Sesiones de los dias „ 5, 9, 13 y 16 de Noviembre, y de la Sesion del dia 5 de Diciembre del referido año de 1846.

Certifico asimismo que en las fojas anexas y numeradas por mi con tinta encarnada, como va dicho, del 1 al 44 inclusive están verdaderamente copiados ó calcados los números, segun aparecen en el dicho libro en las fojas que contienen las Actas de las Sesiones referidas.

Certifico por último que en las fojas 1 y 142 del referido libro existe un sello de la oficina del papel Sellado que no aparece en el calco de la primera pajina por que el Sello está estampado en las pajinas sinuso de tinta ó color de clase algunas.

En testimonio de lo cual doy el presente en la Ciudad de México hoy 30, de Marzo de 1859.

MANL. COUTO, Srio.

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Yo Vicente Segura, Admistrador del Fondo de Mineria: Certifico que Dn. Manuel Couto cuyo nombre aparece en el precedente Certificado, es Secretario de esta Administracion y encargado del archivo de la misma Oficina de Mineria à cuyo archivo pertenece el libro referido que setitula. „ Llbro tercero de Actas desde 2 de Abril de 1846 hasta 30 de Junio de 1847," que dicho Couto ejerce el empleo de Secretario en la fecha de su Certificado, que su firma es verdadera y merece toda fé y crédito.

En testimónio de la cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de México á 30 de Marzo de 1859.

[SELLO.] VICENTE SEGURA.
[Rubric.]

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[SELLO.] El que suscribe Oficial mayor del Ministerio de Fomento, Colonizacion, Industria y Comercio certifica, que D. Vicente Segura y D. Manuel Couto, son Administrador el primero y al segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de dicha Oficina, están al cargo del Secretaria y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de lo espuesto doy el presente firmado por mi y sellado con el sello del Ministerio, en la ciudad de México á treinta y uno de Marzo de mil ochocientos cincuenta y nueve =Entre parentesis=ocho=No vale.

[SELLO.] P. ALMAZAN.
[Rubric.]

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José Miguel Arroyo, Yntendente honorario de Ejercito oficial mayor 1°. del Ministerio de Relaciones exteriores de la Republica Mexicana.

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57.

[SELLO.] Certifico que D. Pascual Almazan es oficial mayor del Ministerio de Fomeuto, colonizacion, industria y comercio de la propria República y la anterior firma es la suya que usa en los documentos que autoriza. Mexico Abril 1°. de 1859.

J. MIGUEL ARROYO.
[Rubric.]

Dros. 4 p.

[SELLO, confining ribbon.]

JOSE M. DE BASSOCO.

April 13 de 1859.

No. 111.

CONSULATE OF THE U. S. OF AMERICA,
Mexico April 2, 1859.

I, the nndersigned, Consul of the United States of America for the city of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in foreign countries and that the seal of said attached to said certificate is the same used in the legalization of all documents by said officer.

Register J. Folio 52. Fees $2.

[SEAL.] In testimony whereof I have hereunto set my hand and affixed the Consular Seal the day and year before written.

JOHN BLACK,
United States Consul.

[The foregoing Exhibit is composed of 44 pages of traced manuscript, confined with a ribbon, and attested as follows: José M. de Bassoco, Rubric, Abril 13 de 1859.]

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## EXHIBIT, BASSOCO, NO. 6, O. H.

LIBRO 3°. DE

### ACTAS

*Desde* 2, *de Abril de* 1846, *hasta* 30, *de Junio de* 1847.

[UN SELLO.]

El Cajero pagador, depositario del Papel Sellado. Certifico que hoy à f. 18, del libro manual de cargo se ha sentado la partida siguiente:

Son cargo ocho pesos siete rs. que enteró D. Manuel Rodriguez por valor de ciento cuarenta y dos sellos quintos del bienio de 1846 y 1847, que paga p$^{r}$. otras tantas fojas de un Libro perteneciente à la Jnnta de fomento de Mineria.=B$^{te}$. n$^{o}$. 108....... 8 7 0

Martinez del Campo.=Manuel Rodriguez.

Mejico diez y nueve de Junio de mil ochocientos cuarenta y siete.

Con mi intervencion.

JUAN N. CAMACHO.

JOSE MARTINEZ DEL CAMPO.

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## MES DE ABRIL DE 1846.

### *Sesion del dia* 2.

Asistieron los Señores, Flores y Bassoco y despues de aprobada el acta de 31 del pasado se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio dé Justicia fha. 29, del pasado manifestando que el Gobierno ha resuelto se le dé cuenta con el informe correspondiente en las solicitudes de escusas para no ser miembros de los Juzgados. La Junta acordó que se eleve la que ha dado origen á esta contestacion del suplente del Juzgado de Pachuca.

Del Admor. de Vera Cruz remitiendo libranzas del tres por ciento por valor de setecientos setenta y un pesos setenta y cinco centavos.=Que se haga la separacion correspondiente, se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Segundo. Del Juzgado minero de Guanajuato fha. 30 del pasado en que su Presidente manifiesta no permitirle sus atenciones reconocer la mina de Guadalupe, por lo que seria indispensable encomendarlo á un perito; p$^{o}$. que esta no podria verificarse mientras la Junta no ministre lo necesario, recordaudo con tal motivo cubra lo que se le ha prestado de los fondos de aquella Sierra. La Junta acordó, que se le pregunte cuanto importará la gratificacion del perito, puesto que con respecto á la denda ya se le remite una letra de quinientos pesos.

Tercero. Del Juzgado de Tlalpujahua de 31 del pasado manifestando no poder contestar la pregunta que se le hizo sobre la mina del Socorro p$^{r}$. ecsistir diputaciones territoriales en el mineral del Oro. Se acordó que se diga al E. S. Gobernador del Departamento la permanencia contra la ley de dicha Diputacion.

Cuatro. Otro del mismo, remitiendo el acta de la última eleccion de su Presidente.—Que informe la mesa de fomento.

Quinto. Del Cólega del Juzgado de Pachuca D. Pedro Castelan, pidiendo á la Junta influya para que el Supremo Gobierno derogue la orn. por la que permitió que las elecciones del Juzgado puedan verificarse en el mineral del Monte.—Que informe la mesa de fomento.

De la Direccion gral. de Yndustria fha. 30 del pasado acusando recibo de las últimas libranzas que se le han remitido de Vera Cruz y Tampico, y estar de acuerdo en las respectivas liquidaciones hechas por la Contaduria.

De la Aduana marítima de Mazatlan fha. 18 de Marzo remitiendo la noticia que se le pidió de las cantidades mandadas por el 1 p°₀. de circulacion.—A la Contaduria.

Del encargado de la recaudacion en Méjico, manifestando que perteneciendo al S. Lebrija dar la cuenta del año pasado, le ha encargado la remita con la mayor brevedad.—A su espediente.

De la casa de los S S. F. de la Torre, Yecker y C<sup>a</sup>. de 18 del pasado contestando que aunque no se ha recibido directamente la orn. de la Tesoreria gral., el Admor. de la Aduana, le ha ofrecido enterar los derechos q. causen los buques que lleguen en lo sucessivo. La Junta acordó q. se avise al Ministerio no haber llegado la orn.

Se dio cuenta por último con un informe de la contaduria sobre la cuenta del S. Villar, y que puesta á discusion quedó pendiente.

Se presentó el Lic. D. Cástulo Barreda se acordó se cite á los parcioneros de Tasco para tratar sobre el denuncio de la mina de S. Juan.—una rúbrica—otra rúbrica—otra rúbrica.

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### *Sesion de* 3, *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del dos, se dio cuenta con una comunicacion de D. Cayetano Buitron acompañando una carta del S. Lebrija que por olvido no remitió con la oficio del dia anterior y en que ofrece remitir la cuenta del año de 1845, por lo recaudado en este Departamento del derecho de Mineria. A su espediente.

Continua la discucion del dictamen de la Contaduria sobre las cuentas presentados por el S. Villard, de las obras de Arquitectura que ha hecho en el Colegio hasta el 10 del pasado. La Junta acordó de conformidad en cuanto al rebajo de los honorarios q. hace dicha oficina, y en cuanto á la separacion de las cuentas, debiéndose formar una de los gastos, cuyo presupesto se ha aprobado y de las que hicieron sin dho. requisito.= Que en cuanto á las segundas se aprueba desde luego la partida de seis pesos cinco rs. q. importó la compostura de la atarjea, mandada hacer por el Sor. Delmotte: que en cuanto á las demas, no habiendo ordenado la Junta que se hicieron como está prevenido, se diga á dicho Sor. Villard que se han mandado ecsaminar previamente á la aprobacion de dicho gasto, y por último que el Tesorero de la Junta proceda á ecsaminarlas dandose le copia de la cuenta en lo relativo, á fin de que pueda informar lo que le paresca.

Se leyó la noticia de la recaudado por arrendamiento del Colegio en el mes pasado y se mandó parar á la Contaduria.

Se acordó que se recuerde á D. Diego Moreno la pregunta que se le hizo sobre el resultado de la venta de las perlas en la Feria de S. Juan, que se le encargó.

Se acordó por último que la Mesa de administracion presente una lista de los asuntos pendientes de su ramo á la mayor brevedad y que lo mismo haga la de fomento tan pronto como concluya los seis informes del despacho comun que tiene pendientos.=una rúbrica=otra rúbrica=otra rúbrica.

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## *Sesion de* 4, *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del dia 3, se dia cuenta con un oficio del Ministerio de Justicia fha. 2, del corriente acompañando una nota del Gobernador de Zacatecas, solicitando se derogue el convenio hecho por el Gobierno con los accionistas dal Fresnillo á fin de que en lugar de los alumnos que deben sostenerse en el Colegio por cuenta de la compª. se doten con los mil y quinientos pesos dos Cáledras, una de Matemáticas y otra de Mineralogia en el Ynstituto de aquella capital=Que se busque en el archivo el decreto de que se trata.

Se leyó otra comunicacion de D. Antonio del Castillo que hace presente que estando encargado de dar el curso actual de Mineralogia, no le ha sido posible concluir la carta minera que ofreció hacia dentro de cuatro meses. La Junta acordó se prorrogue el plazo por dos meses.

Otro oficio de la Direccion general de Rentas estaneadas, manifestando no haber en sus almacenes pólvora de minas por estar activando actualmente la fábrica con la Direccion de Artilleria la entrega de las pólvoras necesarias à su surtimiento.= La Junta acordó que se inserte al Supremo Gobierno y al Juzgado de Sultepec.

Se dio cuenta con un informe de la contaduria fha. de ayer presentando la distribucion de las letras remitidas últimamente por la Aduana de Vera Cruz por las que queda restando la Direccion gral. diez y nueve y un tercio de centavos.=Se acordó de conformidad.

La Junta acordó se citase à los S S. parcioneros de Tasco y al S. Lic. Barreda para el lunes à fin de ocuparse del asunto pendiente sobre litigio de la mina del Socabon de S. Juan.

Por último que se oficiase al Supremo Gob°. participándole que la casa de Moneda aun no satisface el importe de seis barras de plata de Tasco q. se le entregaron para su acuñacion desde el 16 del pasado, manifestandole los incalculables perjuicios que reportan los mineros de este Departamento y sus circunvecinos.=una rúbrica=otra rúbrica=otra rúbrica.

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### *Sesion de* 6, *de Abril de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprobada la acta del dia 4, se dio cuenta con los oficios siguientes:

Primero. Del Juzgado minero de Zacualpan fha. 2 del corriente acusando recibo de la circular N°. 3, y avisando haber verificado ya sus elecciones.=A su espediente.

Dos. Del Juzgado de Zimapan fha. 30 del pasado acusando recibo de la misma circular.

Tres. Del Juzgado minero de Temascaltepec fha. 4 y 5, acusando recibo de la circular dicha y de la orn. que mandó dar su licencia absoluta al minero Anastacio Osorio.=A su espediente.

Cuatro. Del encargado en Guanajuato avisando que al recibir la orn. para no satisfacer ya las asignaciones de los Alumnos del Colegio Córdova y Corro, ya habian pagado sus recibos de 19 de Marzo.=De enterado y q. se avise al Sor. Mayordomo.

Cinco. De D. Agustin Font participando haber llegado á Tasco con ánimo de trabajar la mina de S. Joaquin.=A su espediente.

Seis. D. José Zamora en Tasco fha. 4 del corriente remitiendo las memorias numeros 13, y los estados Cortes de caja n°. 3.=Recibo y á la Contaduria.

Siete. Del mismo avisando necesitarse p$^a$. la raya de la presente semana trecientos pesos: que ha dado á Quiñoner ciento cuarenta para gastos judiciales y que recibio diez y nueve por maquila de Don Leonardo Maldonado. De enterado y que se avise à la Contaduria.

Ocho y Nueve. Avisando haber girado dos libranzas por valor de doscientos cincuenta pesos la primera y de ciento cuarenta la segunda.=Que se páguen.

Diez. Avisando haber angostado los labores de Trinidad, de manera que ya es necesaria la obra que tiene propuesta, cuyo gasto ascenderá à mil doscientos veinticinco pesos.=Que informe la mesa con antecedentes.

Se dió cuenta con la carta del Lic. Barreda en que avisa no poder concurrir à la Junta por estar de parto su Señora.=Que se le diga designe el dia en que podrá concurrir para estar los parcioneros.

Se leyó el decreto del Gobierno sobre rivalidacion del contralto de compra de las minas del Fresnillo que hizo la compañia Zacatecano Mejicana; y se acordó que para estender el informe q. pide el Gobierno sobre la pretencion del Gobernador de aquel Departamento se pida al S. Rosas concurra el miercoles à la Junta.

Se dió cuenta con un informe de la mesa de fomento sobre la última eleccion hecha por el jusgado de Tlalpujahua en que consulta se eleve à la aprobacion suprema, y se le diga entre tanto proceda à elegir un suplente, y se acordó de conformidad.

El mismo tramite obtuvo el informe de la contaduria en que propone la distribucion que debe hacersè de las últimas libranzas recibidar de Vera Cruz por el tres por ciento de importacion consultando se endosen á favor de la Direccion general de Yndustria las correspondientes à su tercera parte por valor de mil setecientos veinte pesos cincuenta y nueve centavos, advirtiendo que hecho este pago solo le queda restando la Junta setenta y tres dos tercios centavos.

Habiendo avisado la Tesoreria no haber verificado el pago de las seis barras de Tasco introducidas en la casa de Moneda. =La Junta acordó se oficie al S. Superintendente fijase el dia en que debia cubrir su importe.=una rúbrica=otra rúbrica= otra rúbrica.

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### *Sesion de* 7, *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del seis se dio cuenta con un oficio del S. Superintendente de la casa de Moneda, avisando que la Junta puede ocurrir al Gobierno por el importe de las seis barras de plata de Tasco que introdujo en la casa de Moneda para su acuñacion y se queja de la amenaza de la Junta para poner en conocimiento del Gobierno la conducta de dicha casa.=La Junta acordó que se le conteste que teniendo la junta los perjuicios que le resultarian de la demora en la acuñacion de sus platas, se espresó en los términos que lo hizo, que no encuentra razon para que se cubra el descubierte que halló el Sor. Superintendente à su entrada de nuevo à la casa, con el importe de las barras introducidas por la junta bajo las garantias de la fé pública y de un Direccion, y por último que hará valer sus incuestionables derechos donde y cuando convenga.

La Tesoreria presentó la cuenta de composturas de las accesorias que ocupa D$^a$. Guadalupe Candauvia y la junta acordó pase à la Contaduria, y que no teniendo reparo se pague el alcance.

Se leyó un oficio de D. Cayetano Buitron remitiendo mil quinientos dos pesos por el derecho de mineria del mes pasado, con mas treinta y nueve pesos cuatro rs. que corresponden à D. Manuel M$^a$. Lebrija.=Recibo y que se hagan los debidos asientos en la Contaduria.=una rúbrica=otra rúbrica=otra rubrica.

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## *Sesion de* 8 *de Abril de* 1846.

Concurrieron los S S. Segura Flores y Bassoco, y despues de leida y aprobada la acta del dia 7, se dio cuenta con los tres siguientes oficios del Ministerio de Justicia fha. 1°. del corriente:

Primero. Resolviendo de acuerdo con la opinion de la junta que los recibos ó libranzas que deben estenderse en papel de los sellos 3°. y 4°. podran espedirse en una sola hoja.=Que se avise à la Contaduria.

Segundo. Participando haberse comunicado al Ministerio de Hacienda el oficio de la Junta para que se den las ordenes convenientes à fin de que el Admor. de la Aduana de Tampico en cumplimiento de la ley, remita directamente las libranzas del 3 p%. de importacion.=A su espediente.

Tercero. Declarando nula la eleccion de Presidente del juzgado de Zacualpan y aprobando la del suplente de acuerdo con lo consultado por la junta. Se acordò que se inserte al juzgado la comunicacion dirijida al Gobierno en 28 del pasado y la resolucion anterior.

Otro del mismo Ministerio fha. 2, pasando á informe la solicitud del Gobernador de Jalisco pidiendo la ereccion de un Juzgado de mineria en Lagos.=Que informe la mesa de fomento.=una rúbrica=otra rubrica=otra rúbrica.

### *Sesion de* 11 *de Abril de* 1846.

Asistieron los S S. Segura, Flores y Bassoco. Leida y aprobada el acta del dia 8, se dio cuenta con un oficio del Ministerio de Justicia fha. 6, en que participa haber trascrito al de hacienda la nota de esta junta sobre que se surta de pólvora el Distrito de Sultepec.=A su espediente.

Se dió asimismo cuenta con un oficio del Tribunal de Mineria de Guadalcazar en que con fha. del actual manifiesta no estar renovado su Presidente, en virtud de la proposicion sesta del plan de S. Luis.=Ynforme la mesa de fomento.

Se leyó un oficio del corresponsal de la casa de Manning y Mackintosh en Pachuca, remitiendo una Libranza de 1.322 ps. 4 rs. de los productos del derecho de Mineria en Marzo.=Acúsese el recibo reconozcase la letra para cobrarla à su vencimiento y háganse los debidos asientos.

Se leyeron tambien cuatro notas fhas. 21 del pasado en que el corresponsal de la misma casa en Culiaican remite una libranza de novecientos sesenta pesos uno y cinco octavos rs. producto liquido en Alamos del mes de Fbro.: otra de veintidos pesos sesenta centavos del de Mazatlan en Enero. Otra de ciento veintiseis tres rs, seis granos del de Cosalá en el mismo mes, y la ultima de doce pesos cuarenta y seis centavos por el de Mazatlan en el de Febrero y se acordó se reconosca la primera para cobrar la en su debido tiempo, se cobren las otras, y se hagan todos los asientos correspondientes, acusando el recibo de estilo.

Se mandó pasar à la contaduria para los fines consiguientes un Certificado en que el Ensaye de Mazatlan acredita no haber habido presentacion de barras en el mes de Diciembre de 1845.

En vista de un oficio de los Señores Tomas de lo Torre Jecker y Compª. fha. 25 del pasado en que manifiesta que la Admors. de la Aduana de Mazatlan no aplicará á la Junta la mitad del derecho de averia que le está consignado interin no recibe orn. terminante al efecto; se acordó pedirla al Supremo Gobierno, dándole conocimiento de lo ocurrido.

Ultimamente se mandaron agregar à sus antecedentes un oficio del Ministerio de Justicia fha. 6 en q. participa haber comunicado al de Hacienda para las providencias de su resorte la nota de la junta sobre no haberle satisfecho en la casa de Moneda seis barras de plata que para su acuñacion se introdujeron en el mes pasado; y otro del Director de la espresada casa fha. 8, en q. asegura contestará à los cargos que puedan resultarle por la falta de pago de las mismas barras.=una rubrica=otra rúbrica=otra rubrica.

### *Sesion de* 13, *de Abril de* 1846.

Asistieron los S S. Segura, Flores y Bassoco leida y aprobada el acta de 11, se dio cuenta con un oficio de los S S. Davies y Cª. fha. 7, con q. acompaña la certificacion de la producido por el derecho de mineria en S. Luis Potosi en el ultimo tercio del año anterior=Recibo y a la Contaduria para los efectos correspondientes.

Se mandó acusar el recibo, hacer los asientos que convengan y cobras la letra de doscientos setenta y un ps. cinco rs. un grano que remitió el corresponsal de los S S. Manning y Mackintosh en Zimapan con nota del 1º. del corriente por productos del derecho de Mineria en el mes de Marzo.

Se dispuso acusar recibo y pasar á la Contaduria para los efectos consiguientes las memorias num. 14, de la mina Trinidad y S. Juan y Hacienda del Chorrillo que mandó el Admor. con oficio del dia 11.

Se resolvio pagar la letra numº. 14 previos los asientos respectivos que por valor de trescientos pesos giró el Admor. de la negociacion de la propia fecha.

Tambien se acordó contestar de enterado el oficio en que avisa necesitar de doscientos ps. para la raya de la semana siguiente, asi como q. se acuse recibo y agregue à sus espedientes el documento de entrega hecha à D. Agustin Font en clase de préstamo de su mina de S. Joaquin.

Se dió cuenta con un oficio del Ministerio de Justicia fha. 6, admitiendo la renuncia que del cargo de Consultor del Juzgado minero de Pachuca hizo Don Marcial Fernandez y se acordó transcribirlo al propio Juzgado para los efectos correspondientes.

Se dispuso pasar à informe de la mesa de fomento un oficio del Juzgado minero de Pinos el que con fha. del dia 6, consulta si el suplente últimamente nombrado debe desde luego funcionar como Presidente, ó si se reserva para los casos de impedimento del anterior; y otro del Juzgado de Catorce en que con la propria fha. consulta igualmente sino habiéndose renovado el Presidente á consecuencia de la sesta de las baces del plan de S. Luis, al hacerlo del suplente se verifica con el anterior y se debe el consultor primer nombrado, por ser el primer Cólega el que ahora suple las funciones de aquel.=una rúbrica=otra rubrica=otra rubrica.

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### *Sesion de* 16 *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del dia 13, se dio cta. con las comunicaciones siguientes:

Primera. Del superior Gobierno de este Departamento fha. 11, participando el E. S. D. Luis Gonzaga Chavarri, haber tomando posesion del mando.=Se acordó que se conteste de enterado con satisfaccion.

Dos. Del Juzgado minero de Mazapil acompañando el ultimo decreto de aquella. Exma. Asamblea que reglamentó el modo de renovar los suplentes de los Juzgados.=Ynforme la mesa de fomento.

Tres. Del de Guanajuato fha. 14 del corrte. contestando à la circular nº. 3, manifestando q. no cree necesario nombras suplente.=Que informe la mesa de fomento.

Cuatro. Dos de la Direccion gral. de Yndustria fhas. 7 y 8 del corriente acusando recibo de las últimas libranzas que se le han remitido notando una difencia de diez un tercio centavos en la liquidacion.=Que se le conteste que ella depende de un equívoco de algunos centavos en el cargo.

Cinco. Del E. S. Director del Colegio contestando à la pregunta que se le hizo sobre el artezon que cubre la escalera del Colegio manifestando que le falta el mastic.=Se acordó que se inserte al S. Besozi.

Seis. Una relacion de la Aduana maritima de Tampico de cuatro libranzas pertenecientes al tres por ciento por valor de trescientos once ps. sesenta y cuatro centavos.=A la Tesoreria para que las recoja de la general.

Siete. Del encargado de recaudacion en Zacatecas fha. 10, acompañando una letra valiosa cuatro mil seiscientos noventa y un pesos dos rs. seis granos por productos de mineria del mes pasado deducidos veinticinco pesos que se entregaron al Alumno Ayala.=Se acordo se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Ocho. Del mismo acompañando otro libranza de doscientos treinta y seis pesos un rl. cuatro y medio granos por productos de Sombrerete en el mismo mes.=Que se reconozca y se cobre la letra, se hagan los debidos asientos, y se acuse el recibo.

Nueve. Del S. Blumen encargado de la recaudacion en Guadalajara consultando sobre su responsabilidad.=Ynforme de preferencia la sria.

Diez. Del Arquitecto encargado de las obras del edificio fha de ayer en contestacion à las observaciones que se le hicieron à la cuenta que presentó ultimamente.=Que se le esplique el oficio à que se contrae pues de su contestacion se deduce que no la ha entendido.

Se dio cuenta con los informes siguientes de la mesa de fomento del dia de ayer:

Primero. Sobre las comunicaciones de los Juzgados de Gualdalcazar y el mineral de Catorce en que participan no haber nombrado Presidente à virtud de la base 6ª. del plan del ejercito en San Luis Potosi. La mesa opina se inserten al supremo Gobierno para que resuelva consultándole la conveniencia de que se uniformen todos los Juzgados, habiendo ya aprobado el E. S. Presidente la eleccion de todos los demas.=La Junta acordó de conformidad.

Dos. Sobre la comunicacion del Juzgado de Pinos en que manifiesta la causa por que no ha renovado su Presidente. La mesa si de parecer que se le diga que la circular nº. 3, deroga la resolucion anterior y que debe por consiguiente renovar su Presidente.=La Junta acordó de conformidad.

Tres. Sobre el informe qne pidió el Gobierno acerca del establecimiento de un Juzgado en Lagos. La mesa consulta que se pidá nuevo informe al S. Gobernador de Jalisco; y la Junta acordó de conformidad agregando se le manifiesten los inconvenientes que suelen resultar de la formacion de Juzgados en los lugares donde no hay numero suficiente de mineros instruidos, y q. para evitar los que proceden de las grandes distancias, los Juzgados estan yá autoridados para nombrar comisionados en ellos que reciban denuncios y conoscan de asuntos de menos importancia.

Cuatro. Sobre la comunicacion de Don José Zamora relativa á la obra que propone en la mina de Trihidad; y la junta acordo que se le pida el pretsupuesto que ha formado.

Se dio cuenta con un informe de la mesa de admon. sobre los asuntos que se hallan pendientes del legajo 1º. sobre cuentas de Apoderados, y en su vista la Junta dió los siguientes acuerdos:

Primero. Que si en lo que resta del presente mes no se hubieren recibido las cuentas de Chihuahua y Jesus Mª. por el último tercio de 843, que se pidieron al S. Gral. Monterde en 12 de Enero de este año, se le reclame el 1º. de Mayo.

Segundo. Que se recuerde al S. Pohls la Certificacion sobre la asignacion hecha en Guanajuato para el préstamo de los dos millones y medio de pesos que se le devolvió para su reforma en 23 de Setᵉ. del pasado.

Tercero. Que se reclame igualmente al Sonor Potts, los documentos que ofrecio remitir de Chihuahua desde 25 de Novᵉ. del año pasado.

Cuarto. Que se recuerde al S. Mackintosh de Guadalupe y

Calvo la pregunta que se le hizo en 13, de Enero sobre si podia encargarse del cobro del descubierto de D. Cristobal Rodriguez, asi como tambien al Admor. de Rtas. y al Alcalde 1°. del Parral el informe que se les pidió en 6 de Setiembre del pasado sobre el finiquito de las cuentas y paradero de las existencias del mismo Rodriguez.

El srio. dio cuenta de haber convenido conforme á las instrucciones que se le dieron con el Sor. Coronel D. Manuel M. Lebrija en junta celebrada ante el S. Soraya y el escribano actuario en los siguientes articulos; pero sujetándolos á la previa aprobacion de la Junta.

Prim°. Que D. Manuel Mª. Lebrija continuará abonando de las dos tercera partes restantes de su sueldo, teniendo emplea efectivo, cincuenta ps. mensuales entretanto que los acreedores quedan satisfechos de sus deudas con la otra tercera, en cuyo casa la junta entrará à disfrutarla íntegramente por lo que entonces se le deba. A cuyo efecto se espèdirán por la Comandancia gral. las orns. correspondientes.

Segundo. En el caso de que no obtenga empleo sino jubilacion, abonará à la junta treinta pesos mensuales y el concurso de su tercera otros veinte.

Tercera. La Junta queda libre del pago de las costas que came el negocio, á escepcion de las que tiene satisfechas.

El Sor. Bassoco que no indicándose en los conveinos anteriores cosa alguna sobre los sueldos atrasados del S. Lebrija durante el tiempo de su suspension, deberia agregarse al convenio una cláusula por lo que constase q. abonará à la Junta lo que le corresponda á razon de cincuenta pesos mensuales de las cantidades q. cobre. En cuyos términos la Junta aprobó el convenio mandando espedir en consecuencia el documento correspondiente.═una rúbrica═otra rúbrica═otra rubrica.

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### *Sesion del* 17 *de Abril de* 1846.

Concurrieron los S. S. Flores y Bassoco y despues de aprobada la acta del 16, se leyó un oficio del Admor. de la Aduana maritima de Vera Cruz acompanando libranzas del 3 p°₀. por valor de mil quinientos sesenta y cuatro ps. cuatro centavos.═Se acordó que se haga la distribucion conveniente de las letras, quese reconozcan las que tocan à la Junta y se acuse el rbo.

Se dio lectura á las instrucciones que se remiten á D. Eugenio Bermejillo á quien se encarga el cobro de las cuentas y ecsistencias que debe del derecho de 1 p°₀. de q. estaba encargado como Admor. de Morelia y se aprobaron, acordando se comunique dho. nombramiento al S. Cortez.

Habiendo informado verbalmente la sria. sobre la consulta que hace el comisionado en Guadalajara, relativa à su responsabilidad en el cobro à los causantes del derecho de mineria, la junta acordó se le conteste q. conforme á la contrata de los S. S. Mannig y Mackintosh es de la responsabilidad de los encargados el cobro del derecho à los causantes; pero que si el Supremo Gob$^{o}$. no presta los ausilios necesarios, lo avise á la Junta para recabarlos.

Se dio cuenta con un oficio del Ministerio de Justicia fha. 19 aprobando el acta de renovacion de presidente del Juzgado de Tlalpujahua. Se acordó q. se inserte à dicho Tribunal.=una rubrica=otra rúbrica=otra rúbrica.

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### *Sesion del dia* 20, *de Abril de* 1846.

Concurrieron los SS. Flores y Bassoco y aprobada la acta del 17, se dio cuenta con las comunicaciones siguientes de los comisionados para el cobro del derecho de mineria.

1$^{o}$. Del de Guanajuato remitiendo una letra de tres mil setecientos ocho pesos dos rs. por productos del mes de Marzo.

2$^{o}$. Del de S. Luis Potosi id. id. por valor de mil ochocientos sesenta y ocho ps. sesenta y dos centavos.

3$^{o}$. Del de Durango otra de setecientos noventa pesos dos rs. tres granos.

4$^{o}$. Del de Guadalajara acompañando otra de novecientos setenta y dos ps. tres rs. diez granos.

5$^{o}$. Del de Chihuahua fha. 4 del corriente enviando otra de seiscientos ochenta y cuatro ps. cinco rs. cuatro gs. por productos pertenecientes á Febrero en aquel mineral y en el de Jesus Maria. Y se acordó que se reconozcan, se hagan los asientos y se acuse recibo. Le leyeron las sig$^{tes}$. comunicaciones de D. José Zamora de 18 del corriente:

1$^{a}$. Remitiendo las memorias n$^{o}$. 19, de Tasco.=Recibo y á la Contaduria.

2$^{a}$. Avisando necesita para la raya de esta semana trescientos pesos.=De enterado.

3$^{a}$. Participando haber girado la libranza n$^{o}$. 15, valiosa doscientos cincuenta pesos.=Que se pague.

4$^{a}$. Dando parte de haberse encontrado en la mina de Trinidad algunas nuevas labores que aunque en vetas angostas tienen leyes muy rasonables, pues q. siendo la construccion y beneficio de veinticinco marcos, el de ciento cuarenta ps. por cien quintales, se tendrán de utilidad sesenta pesos por cuya razon aumentará la raya. De enterado con satisfaccion.

5$^{a}$. Manifestando que habiendo propuesto à la Junta en 30 de Agosto prócsimo pasado como una garantia de sus cálculos el que no se abonaria su sueldo como Admor. siempre que la negociacion saliese perjudicada; pero que resultando de la cuenta que remitió en 4 del pasado, haber utilidades, la Junta no tendrá á mal se cubra de los sueldos que ha dejado de percibir. ═Se pidieron antecedentes à la mesa para la debida resolucion.

Se leyó otro oficio fha. 18 de D. Mig^l^. Quiñones avisando que el Tribunal de Mineria no solo negó la audencia à los demas parcioneros de la mina de S. Juan, sino que por si solo negó la apelacion interpuesta y concluye pidiendo la orn. para que el Sor. Zamora haga el pago de sus gastos.═Se acordó que se inserte de toda preferencia al S. Lic. Barreda, y se le diga que ya está dada la orn. al S. Zamora.

Se dio cuenta con la distribucion que hace de las últimas libranzas de Vera Cruz la contaduria, quedándose restando á la Direccion general de Yndustria veintiseis y dos tercios de centavo. Se acordó de conformidad.

Se leyó la minuta de contestacion q. presentó la mesa de Administracion al S. D. Enrique Blumet sobre la responsabilidad de los comisionados para el cobro del derecho de mineria.

Se dio cuenta finalmente con un informe de la Contaduria sobre una cuenta presentada por Don Antonio Villard manifestando haber la diferencia en ella de un peso cuatro rs. y opinando q. deducido del alcance que reclama debe pagársele el resto del presupuesto de obras aprobado por el supremo Gob^o^. en el año anterior, y asi se aprobó.═una rúbrica═otra rúbrica ═otra rúbrica.

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### *Sesion de* 23 *de Abril de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con las comunicaciones siguientes:

1^a^. Del Ministerio de Justicia fha. 17 del corriente autorizando á la Junta para que pueda comprometer en jueces árbitrios el asunto del cobro de ocho mil pesos á Don Joaquin Llaguno como fiador de D. Manuel Gonzalez.═Que se formen las instrucciones para D. Eduardo Penny.

2. Del mismo fha. 20, contestando haber transcrito al Ministerio de Hacienda la comunicacion en que se pide se den ordenes ejecutivas á las Aduanas de Mazatlan y Guaymas para la entrega de la mitad del derecho de averia consignado para el pago de la que adeuda el Gobierno à la Junta.═A su espediente.

3. Del E. S. Gobernador de S. Luis Potosi acompañando Certificados de haber sacado de las minas de Guadalcazar quinientos ochenta y seis quintales de azogue à fin de que se le satisfaga el premio de cinco pesos por quintal con cedido por la ley, manifestando que los interesados suplican el pronto pago con objeto de proporcionarse un aparato de destilacion.=Que informe la mesa de fomento.

4. Del Juzgº. minero d Zimapam quejándose del juez de Letras de aquel partido.=Que se inserte con recomendacion al S. Gobernador del Departamento.

Dos de la Direccion general de industria fhas. 20 y 22 del corriente, acusando recibo de las ultimas libranzas del 3 p%. de importacion con la diferencia de un centavo.=A su espediente el primº. y á la Contaduria el segundo.

Otro del Administrador de Hermosillo manifestando la razon por que no ha podido remitir las cuentas del uno p%. que se le piden=A su espediente.

Otro del Arquitecto D. Antonio Villard presentando una lista de las obras que en su concepto deben hacerse en el Colegio para su reponcion y conservasion, importantes doscientos cincuenta ps.=Que de Tesorero informe en vista de las obras q. se proponen.

Se leyó un informe de la Contaduria sobre una cuenta del encargado de la recaudacion en Guadalajara consultando se estrañe al Ensayador y Administrador que la certificaron sin verla.=La Junta acordó de conformidad, agregando que al oficiarse al S. Ensayador mayor se le acompañe el Certificado de que se trata pidiendole lo devuelva pª. q. remitiéndose al encargado se reponga la cuenta y que lo mismo se diga á la Direccion de rentas respecto del Administrador.

Otro informe de la contaduria haciendo la distribucion de las libranzas del 3 p%. vendidas ultimamente de Tampico importantes trescientos once pesos sesenta y cuatro centavos.

Se dio cuenta con un dictamen de la mesa de fomento sobre no haber elegido presidente el Juzgado de Mazatlan. La mesa opina que se pregunte. ¿Como no hay mineros que sepan leer y escribir cuando en Fbro. de este año votaron veintitres en volacion secreta mediante cédulas?=La Junta acordó de conformidad.

La Secretaria dijo que en los espedientes relativos de Tasco consta ser cierto que D. José Zamora ha dejado de abonarse los diez pesos semanarios que le asignó la junta como Administrador dude que en 30 del pasado ofreció no cobraria dicha asignacion si liquidada la cuenta de todo el año no resultaba utilidad á favor de la Junta y manifesto tambien que la mesa respectiva de la contaduria habia informado en 14 de Marzo estar conforme en que la utilidad de cuatro mil pesos que dedujo dicho Zamora está deducida con esactitud. La Junta acordò que puede abonarse dicha cantidad desde Agosto hasta fin de Diciembre del año pasado.

Habiendo remitido el Profesor del Colegio Don Tomas Ramon del Moral mas muestras de cinabrio del presidio de Sta. Clara en Californias, se acordò que se pasen al S. Director con copia de las cartas del Sor. Castillero que las remite para que se haga los correspondientes ensayes.

Se diò cuenta con una lista que presentò la mesa de Administracion de los asuntos pendientes y acordò.

Primº. Que se reclame á D. Enrique Mackintosh el cobro de los abonos que debe hacer al Ensayador D. Mariano Cataño.

Dos. Que se recuerde al S. D. Diego José Perez Fernandez las cantidades y contestaciones q. ofreciò dar desde 1º. de Marzo, haciendo que el ofº. se le entregue en propia mano.

Y tercero. Que se repita al Sor. D. Miguel Mosso el oficio en que se le preguntò si está en corriente el pago de réditos de los ocho mil ps. q. reconoce sobre su hacienda de S. Sebastain. =una rúbrica=otra rúbrica=otra rúbrica.

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### *Sesion del dia* 25 *dé Abril de* 1846.

Concurrieron los SS. Segura Flores y Bassoco. Leida y aprobada la acta de 23, se dio cuenta con un informe de la mesa de fomento relativa a la comunicacion del E. S. Gobernador de S. Luis fha. 18, del corriente en que pide se satisfagan á la mayor brevedad los premios concedidos al azogue esplotado de las minas Nacionales. La mesa opina que estando conformes los documentos con el reglamento dado para la satisfaccion de dichos premios, debe mandarse satisfacer la cantidad de dos mil novecientos treinta ps. que importan los quinientos ochenta y seis quintales esplotador hasta fin de Mzo. procsimo de las minas de San Antonio y Sta. Lucia en Guadalcazar y que se diga al S. Gobernador, que la Junta por el último paquete ingles ha encargado á Londres dos aparatos de Destilacion de los perfeccionados ultimamente por el Dr. Ure. Proponia tambien se libra se vrn. à su comisionado en S. Luis para que entregase los productos del derecho de mineria en el presente mes; pero habiendose presentado dos libranzas valiosas la mencionada cantidad de dos mil novecientos treinta ps. la Junta acordò se pagase inmediatamente previo el reconocimiento de la firma conformándose en todo lo demas con el informe de la mesa, y que asi se dijese por el correo de hoy al S. Gobernador y al S. D.

Julian de los Reyes manifestandoles los descos y el decidido empeño q. tiene la Junta por el fomento de las minas de azogue de Guadalcazar.

Se acordò finalmente à los parcioneros de la negociacion de Tasco y al S. Lic. D. Castulo Barreda pª. el Lunes procsimo con objeto de imponerlos de las ultimas contestaciones de D. Miguel Quiñonez sobre el litigio pendiente con el S. Madariaga por el denuncio del Socabon de S. Juan.═una rúbrica═otra rúbrica═otra rúbrica.

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### *Sesion del* 27 *de Abril de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprobada la acta del 25, se dio cuenta con las comunicaciones siguientes:

Primª. Del Juzgº. minero de Tacualpam remitiendo la acta de eleccion de su espediente.═Que informe la mesa de fomento.

Segunda. Del de Guanajuato fha. 24 del corriente avisando que el importe del reconocimiento de la mina de Clavellinas, sera de ciento veinticinco ps. y que ha pásado las observaciones á la cuenta anterior del S. Lascano.═Se acordò que se imponga del asunto al S. Montes de Oca por si puede proporcionar un reconocimiento de la mina mas esacto imparcial y barato.

Tercero. De la Direccion gral. de Yndustria fha. 25, acusando recibo de las ultimas libranzas de Tampico valiosas noventa y nueve ps. sesenta y nueve dos tros. centavos y estar conforme en la última liquidacion.

Cuarto. Del Ensayador mayor fha. de hoy devolviendo la cuenta que se le remitiò de Guadalajara y ofreciendo que por el correo pròcsimo hará presente al Ensayador la falta en que ha incurrido.═A su espediente.

Quinto. Del comisionado en Guadalupe y Calvo acompañando una letra de dos mil quinientos diez y siete ps. veintiun centavos por producto del derecho de aquel mineral de Enero á Marzo de este año y la cuenta del ultimo tercio.═Que pase á la contaduria: se reconosca la letra, se hagan los debidos asientos, se acuse el recibo y se le diga al S. Mackintosh que solicite quien se encargue del cobro de la deuda de que habla, asignandole un tanto de lo que comiga.

Sesto. Del S. Admor. de Contribuciones directas reclamando el pago de treinta ps. por el último tercio vencido de la pension de tres al millar de las fincas del Colegio.═Se acordò que se pague.

Setimo. Seis comunicaciones de D. José Zamora fha. 25

del corriente remitiendo con el primº. las memorias num. 16, y acordo se le acuse el recibo y se pasen à la contaduria, avisando en el segundo q. necesita para la raya de la presente semana doscientos cincuenta pesos.=De enterado. Acompañando en el tercero el presupuesto de la obra nueve que propuso en la mina de Trinidad. La Junta acordò que se le autorice para dicho gasto. Avisando en el cuarto haber entregado á D. Miguel Quinones ciento veinticinco ps. por derechos que cobrò á aquel Tribunal por el Certificado q. remitiò dicho Sor.=A su espediente. Y avisando en los dos últimos, haber girado la libranza nº. 16 por valor de trescientos nueve ps. cuatro rs. y la 17, valiosa ciento veinticinco ps. Se acordò su pago.

Octavo. De D. Miguel Quiñones fha. 25, acompañando el certificado de aquel Tribunal q. pidiò el S. Lic. D. Cástulo Barreda y avisando haber recibido D. José Zamora ciento veinticinco ps. pª. pago de costas del mismo.

En este momento se presentó el mencionado Lic. D. Cástulo Barreda, y avisando haber recibido de Don José Zamora ciento veinticinco ps. para pago de costas. Ympuesto de dho. Certificado se acordó que haga la debida instancia ratificando la junta el nombramto. que hizo el antiguo establecimiento para su apoderado en el negocio, en el Srio. de la misma y previniendo se hagan por el escribano las correspondientes anotaciones en el protocolo y en la copia.

No concurrieron los parcioneros de la mina de Trinidad à quienes se habia citado.=una rúbrica=otra rúbrica=otra rùbrica.

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## *Sesion del* 29, *de Abril de* 1846.

Concurrieron los S. S. Flores y Bassoco y despues de aprobada la acta del dia 27, se leyò una comunicacion del E. S. Ministro de Justicia fha. 21 del corriente en que conformándose con la opinion de Junta previene que proceda desde luego à elegir su Presidente los Juzgados de Guadalcazar y el Mineral de Catorce no jusgando comprendida su renovacion en el articulo 6º. del plan de S. Luis Potosi.

Se leyò en seguida el informe dado por el Tesorero sobre las obras efectuadas sin previo presupuesto en el colegio y se acordó que repuesta sòlidamente la compostura de la atarjea de la entrada á la casa del S. Director q. importò seis pesos cinco rs. se pague la suma de cuarenta y dos ps. seis rs. q. importan dichas obras cargándose á la cantidad designada para composturas, para la que está autorizada la Junta en el presente año conforme à la ley.

Se dio cuenta con un informe de la mesa de fomento en que propone se eleve à la aprobacion suprema la eleccion de presidente que hizo en 19, del actual el Juzgado de Zacualpan y se acordò de conformidad.

Se firmò por los S. S. de la Junta el poder que confiere à su Secretario para que represente sus derechos en el litigio pendiente con en S. Madariaga sobre el denuncio de la mina del Socabon de San Juan.—una rúbrica—otra rubrica—otra rubrica.

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### *Sesion del* 30 *de Abril de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 29, se dio cuenta con un oficio del Ministerio de Justicia fha. 28, acusando recibo de los estados de ingresos y egresos de Febrero y Marzo y que en lo sucesivo se remitan mensualmente.—La Junta acordò que se manden los estados del año pasado que son los únicos que faltan.

Tres oficios del E. S. Gobernador del Departamento de S. Luis Potosi de 25 del que acaba remitiendo otras tantas solicitudes de los mineros de Guadalcazar y los Certificados con que acreditan haber esplotado ochocientos quintales de azogue de la mina de S. Antonio y cien quintales de la de Sta. Lucia.—Que informe la mesa de fomento.

Otro oficio del Juzgado de Asientos remitiendo el acta de la eleccion de un suplente.—Que informe dha mesa.

Otro del Admor. de la Aduana maritima de Veracruz fha 25 acompañando libranzas del 3 p$^o_o$. valiosas mil cuatrocientos setenta y cuatro ps. un centavo.—Se acordò que se haga la separacion correspondiente de las que tocan á la Direccion gral. de Yndustria asi como los debidos asientos, que se reconozcan las pertenecientes á la Junta y se acuse el recibo de todas.

Tres comunicaciones del comisonado en Culiacan acompañando otras tantas libranzas, la primera valiosa cuatrocientos trese pesos y un grano p$^r$. productos del derecho de mineria del mes de Febrero en Cosalá. Segunda de trescientos noventa y cinco pesos y siete centavos por los pertenecientes al mes de Marzo en Mazatlan, y la tercera valiosa dos cientos ochenta y tres pesos siete rs siete octavos correspond$^{te}$. á Alamos, por los productos del mismo Marzo.—La Junta acordò que se reconozcan las letras, se hagan los respectivos asientos, se acuse recibo y se cobre la última.

Se leyeron dos informes de la mesa de Administrac$^n$. el primero sobre la deuda de D. Mariano Cataño y La Junta acordò de conformidad pero que se indique al Sor. Mackintosh que la Junta está pronta á abonarle por dicho cobro hasta un diez por ciento y q. de dicho premio podrá abonar lo que le paresca conveniente á su comisionado en el Parral.

En el segundo informe sobre la deuda de Don Cristobal Rodriguez la Junta dispuso que se lleve al cabo su ultimo acuerdo en la materia.

Habiéndose presentado el S. Lic. D. Diego José Perez Fernandez á la conferencia que se le invitò pª. tratas sobre los dos puntos pendientes de su deuda la Junta acordò que se le dé cuenta el dia de mañana por la Contaduria con los antecedentes citando para el sábado á dicho Sor. Fernandez para poder resolver.=una rúbrica=otra rubrica=otra rúbrica.

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## Mes de Mayo de 1846.

### *Sesion del dia* 2.

Concurrieron los Señores Bassoco y Flores, y despues de aprobada la acta del dia anterior, se leyò una comunicacion de D. Manuel Mariano Cortazar de 22 del pasado á la que acompaña el inventario de las ecsistencias que recibiò en la mina de Atargea.=La junta acordò que entretanto informa la mesa de fomento se le conteste que se verá al S. Echeverria y bien por su conducto à dirijiéndose á Querétaro se le remitirá dinero por el correo del miércoles.

Se presentò el S. Lic. D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas por la contaduria manifestò q. teniendo que marchar à Yxtlahuaca donde ha sido nombrado Juez de Letras presentaria sus proposiciones para el pago de la que adeuda à cuyo efecto vendria el lunes à terminar la liquidacion respectiva.=una rubrica=otra rubrica =otra rúbrica.

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### *Sesion del* 4, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco: leida y aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primº. Del Juzgado de Pachuca fha 30 del pasado manifestando la falta de polvora que supre aquel Mineral.=Se acordò que se inserte al Gobº.

Segundo. Del Distrito de Nueves fha 25 del pasado contestando à la circular nº. 3.=Que informe la mesa de fomento.

Tercero. Del de Bolaños participando la renovacion de su presidente conforme à la orn. del Gobierno; y se diò el mismo acuerdo.

Cuarto. Del Admor. de Morelia D. José Mª. Cortez, escusándose de no haber remitido las cuentas del 3 p°/o.=Que informe la contaduria.

Quinto. Del Coronel D. Miguel Mosso manifestando que aunque reconoce sobre su hacienda de S. Sebastian ocho mil pesos al S. Fagoaga aun no estan designados los individuos à quienes deba pagarse.=Que se traslade esta comunicacion al Sor. Fugoaga.

Sesto. De D. Eugenio Bermejillo fha 24, en Morelia, aceptando el encargo que se le diò para el cobro en aquella ciudad á D. José M. Cortes quien le ofrecio que dentro de quince dias entregaria sus cuentas.

Setimo. Del E. S. Director del Colegio insertando el informe de la junta facultativa del mismo sobre el resultado del ensaye q. hizo de las muestras de cinabrio rensilidas por D. Andres Castillero de Californias.=Se acordò se inserte al supremo Gobierno manifestandole no haberse recibido esta contestacion hasta el dia de ayer, y que se ha contestado al S. Castillero, manifieste la clase de proteccion ó ausilios que necesita para el buen ecsito de su empresa y refiriéndole por último los premios que se han pagado al azogue nacional estraido en Guadalcazar.

La Aduana marítima de Tampico remitió el indice de libranzas por el 3 p%. valiosas cuatrocientos sesenta y nueve pesos ochenta y siete centavos.=Que se recojan las letras de la Tesoreria.

Se leyó una comunicacion de D. Julian de los Reyes fha 29 del pasado avisando de enterado de haberse pagado su libranza anterior de dos mil novecientos treinta pesos y haber girado otra de dos mil pesos, que con dos importantes dos mil quinientos dirijidas por D. Vicente de Bustos, entiendo que no se presentarán otras que las que correspondan al azogue que se recoja en Abril y hta el 24 de Mayo en que cesa el privilegio.=Se detuvo el acuerdo hasta vir el dictamen de la mesa de fomento.

Cuatro comunicaciones de D. José Zamora fha 2 del corriente acompañando con la primera las memorias numº. 17, los estados y el corte de caja nº. 4, pertenecientes al mes pasado.=Recibo y á la Contaduria. En el segundo avisa que necesita dos cientos cincuenta pesos para la raya de la presente semana.=De enterado y participa en los dos últimos haber girado las libranzas num. 18 y 19, las que se mandaron pagar.

Se dio cuenta con un informe de la contaduria designando las letras que corresponden á la Direccion gral de Yndustria de la ultima remesa de Vera Cruz la que queda restando once centavos.=Se acordó de conformidad.

Dos informes de la mesa de fomento de los que en el primero consulta se eleve à la suprema aprobacion la acta de eleccion de su presidente y se acordó de conformidad, y el otro sobre la comunicacion del E. S. Gobernador de S. Luis Potosí remitiendo los Certificados que acreditan haber esplotado los mineros de Guadalcazar novecientos quintales de azogue.=La mesa opinó que debe mandarse satisfacer por el premio q. los corresponda á cinco ps. quintal la suma de cuatro mil quinientos, y que viniendo endosados los dos mil pesos que pertenecen á D. Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza que avisa hoy haber girado por dha cantidad.=La Junta acordó de conformidad y se mandó pagar dicha letra.=una rúbrica=otra rubrica=otra rúbrica.

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### *Sesion del* 6 *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y aprovada la acta del dia 4, se acordò pasar un oficio al E. S. Ministro de Justicia manifestando que aunque la junta no se cree comprendida en la circular de 5 del corriente que previene la suspencion de pagos, consulta sin embargo, si debe suspender los que tiene que hacer para el desempeño de la Administracion que le confiò la ley dada pª. el fomento de las minas de Azogue. Acordò igualmente advertir las propuestas q. hizo el Sor. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del sueldo q. disfruta como Juez de Letras del partido de Yxtlahuaca, la cantidad de cincuenta pesos hasta el completo del pago de su deuda, que liquidada ha resultado ser de mil cuatrocientos pesos, comenzando à hacer sus enteros desde 1º. de Julio.

Se presentò el S. D. Andres Castillero é informò verbalmente sobre el descubrimiento, denuncio y estado actual de la mina de azogue situada en el Mineral de Sta Clara de la alta California invitando á la Junta à tomar acciones en la compañia que ha establecido para su laboréo con otras medidas que pide recabe del supremo Gobierno en fomento de la empresa. La junta acordò que el S. Castillero presente por escrito sus indicaciones para q. tomándolas la junta en consideracion resuelva lo conveniente.

Quedò encargado el S. Bassoco de contestar con el S. D. Pedro Echeverria sobre cituar en su hacienda de Ajuechitlan los trescientos ps. mensuales que deben remitirle para el amparo de las minas de Atarjea.=una rubrica=otra rubrica=otra rúbrica.

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### *Sesion del* 7 *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior, se dio cuenta con las siguientes comunicaciones:

Primera. Del Juzgado de Asientos contestando la circular nº. 3.=Que informe la mesa de fomento.

Dos. Del apoderado en Guanajuato remitiendo una letra de cinco mil doscientos ochenta y un pesos cuatro rs. tres granos por productos de mineria del mes de Abril.=Que se reconozca la letra se hagan los asientos y se acuse el recibo.

Tres. Del de Pachuca de 5 del corriente con otra letra de novecientos setenta y seis pesos por productos del dicho mes. =Se dió el mismo acuerdo.

Cuatro. Del de Guadalajara avisando de enterado de la nota en que se le dijo cual era la responsabilidad de los encargados. =A su espediente.

Cinco. De los SS. Maning y Mackintosh participando que habiendose retirado del cobro del derecho de Mineria en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintosh.=De enterado.

Seis. Del Director de la Compañia del mineral del Monte consultando sobre las leyes que arreglan la propiedad de los estrangeros en las minas.=Se acordó que se pase á informe á los Señores Consultores de la Junta.

Ella confirmó la inteligencia de sus acuerdo para que se abonase al S. Zamora diez pesos semanarios solo hasta el fin de la ultima semana del año presente.

Se presentó por último la cuenta de lo recaudado por las viviendas del Colegio en el mes anterior y se mandó pasár á la Contaduria.=una rubrica=otra rubrica=otra rúbrica.

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### *Sesion del* 9, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dió cuenta con los oficios siguientes:

Primero. Del Ministerio de Justicia de 7, del corrte. acusando recibo de los estados anuales de ingresos y egresos que se le remitieron.

Segundo. Del mismo participando haber pasado al de Hacienda el aviso que sobre escasez de pólvora dá el Juzgado de Pachuca.=Que se incerte al mismo Juzgado.

Tercero. Del comisionado en Guanajuato fha 4, del corriente remitiendo la contestacion que dio el Admor. de rentas sobre un Certificado que se le pidió.=Que pase á la contaduria.

Cuarto. De la Direccion gral. de Yndustria acusando recibo de las últimas letras, y avisando estar corrte. en la liquidacion.

Se leyó un informe de la Contaduria sobre la contestacion que debe darse á las escusas que alega el Admor. de Rentas de Morelia D. José M. Cortez para no remitir sus cuentas pendientes y los productos del uno p°/o. q. deben existir en aquella oficina.—La Junta acordó de conformidad con respecto á que se ocurra á los Señores Visitadores de aquella Aduana por conducto del S. Bermejillo y que asi se diga al Sor. Cortez.

La Tesoreria dió cuenta de que habiendo ocurrido á la general, no se le entregaron por orn. del Sor. Ministro las últimas letras venidas de Tampico valiosas cuatrocientos sesenta y nueve ps. ochenta y siete centavos ni la de dos mil y pico de S. Blas por la mitad del derecho de averia.—Que se agreguen los avisos á su espediente avisándose de las primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento primero sobre la comunicacion del Juzgado de Nieves de 25 del pasado en contestacion á la circular n°. 3, consultando se le pida el acta á que hace mencion y que diga el n°. de suplentes que existan en aquel Juzgado.—La Junta acordó de conformidad.

Segundo consultando que habiéndose elegido de nuevo en este año el Juzgado de Sta. Rosa no tiene que renovar ninguno de sus miembros.—La Junta acordó de conformidad.—una rúbrica—otra rubrica—otra rúbrica.

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### *Sesion del* 11, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 9, se dió cuenta con dos comunicaciones del E. S. Ministro de Hacienda fhas. 6 y 8 del corriente pidiendo noticias en la 1ª. sobre los productos que ingresan á sus arcas y en la segunda de los que han tenido los ramos consignados para el fondo de azogues.—Se acordó que se den ambas, advirtiendo al Ministerio qne habiendose recibido sus comunicaciones juntas el 9, á las dos de la tarde se ocupa de contestár detalladamte. los pormenores á que se contrae.

Tres. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias que se le encargaron.—A su espediente.

Cuatro. Del Juzgado minero de Hidalgo remitiendo el acta de su instalacion.—Al Gobierno sino tiene nulidad.

Cinco. Del de Temascaltepec remitiendo el acta de eleccion de un suplente.—Que informe la mesa de fomento.

Seis. Del comisionado de Zacatecas fha 2 de Mayo remitiendo una libranza de seis mil doscientos veinticuatro pesos cuatro y medio rs. por productos de mineria del mes pasado y un recibo de veinticinco ps. del Alumno Ayala.=Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Siete. Del de Zimapan remitiendo otra de ciento treinta y seis pesos dos rs. cinco gs. productos del mes de Abril.=Se dió el mismo acuerdo que al anterior agregando que se cobre la letra.

Ocho. Del de Guadalajara fha 5, del corriente avisando haber puesto en la casa de los SS. Manning y Mackintosh ciento sesenta pesos por abonos q. ha hecho el S. Garay.=Se acordó que se cobren y q. la mesa informe sobre abonos pendientes.

Nueve. Del S. D. Demetrio Montes de Oca participando haber hablado con D. Pedro Anda para el reconocim^to^. de la mina de Clavellinas y que avisará el resultado.=A su espediente.

Diez. Tres de D. José Zamora fha 9 del corrte. acompañando con el primero las memorias n. 18 de la negociacion de Tasco.=Recibo y á la Contaduria. Participando en el segundo que en la presente semana vá á comenzar la nueva obra y que para la raya necesita de trescientos pesos.=De enterado: y avisando en el ultimo haber girado una letra bajo el n°. 20, valiosa doscientos sesenta pesos.=Que se pague.=una rúbrica =otra rubrica=otra rúbrica.

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### *Sesion del dia* 13, *de Mayo de* 1846.

Concurrieron los Señores Segura, Flores y Bassoco y despues de aprobada la acta del dia 11, se dió cuenta con dos oficios del Ministerio de Justicia fha. 9, del corriente participando la aprobacion suprema de las actas de elecciones de Presidente del Juzgado de Zacualpan y de un suplente del de Asientos.= Se acordó que se inserten á los respectivos Juzgados.

Se leyó una comunicacion de D. Manuel Mariano Cortazar fha 5 del corriente remitiendo las memorias n. 3 y 4, de la mina de la Atargea: avisando haber sacado veintitres cargas de metal y no haber recibido la libranza correspondiente á este mes.=La Junta acordó q. se solicite una letra de trescientos pesos sobre Querétaro girada á favor del S. Cortazar, en cuyo acuerdo salvó su voto el Sor. Flores en virtud de que habiendose consultado al Gobierno si deben hacerse los pagos por el ramo de azogue entretanto no debe hacerse ninguno. Se acordó tambien que se diga al Señor Cortazar que anote en todas las memorias el num°. de cargas que se sacan en cada semana y noticia del ensaye de su ley siempre que haya motivo para creer que hubiese variado.

Por ultimo se dió cuenta con un informe de la mesa de Administracion sobre los abonos mensuales hechos por el Señor Garay al comisionado en Guadalajara manifestando que con los hechos queda cubierta hasta el mes de Enero de este año y que se debe cobrar la cantidad de los ciento sesenta pesos que ha recibido el S. Blume sin otro descuento que el corriente de cambio de plaza abonándolos á la cuenta del Sor. Garay.=La Junta acordó de conformidad.=una rúbrica=otra rúbrica=otra rúbrica.

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### *Sesion de* 14, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha. 9, acusando recibo del oficio en que se le comunicó el descubrimiento de la mina de azogue en Californias.

Segunda. Del E. S. Gobernador de S. Luis fha 9, del corriente remitiendo Certificados que acreditan haberse esplotado en las minas de Trinidad y S. Andres setenta y ocho quintales de azogue.=Que informe la mesa de fomento.

Tercero. Otro del mismo y en la misma fecha acompañando tres Certificados que acreditan la estraccion de cincuenta y tres quintales de azogue de la mina de S. Antonio en Guadalcazar y se pasó á informe de la misma mesa.

Cuarto. Del Juzgado de Sombrerete fha. 5, del corriente insertando la resolucion de la E. Asamblea de Zacatecas para que dicho Juzgado no obedezca la suprema orn. comunicada por la Junta sobre renovacion de suplentes.=Se acordó que se inserte al Ministerio dándole noticia de que en solo este departamento ha habido dicha resistencia.

Quinto. Del de Jesus Maria avisando su instalacion y contestando la circular nº. 3.=Que informe la mesa de fomento.

Sesto. Del encargado de la recaudacion en San Luis Potosí acompañando una letra de trescientos cincuenta y un pesos quince centavos por productos de mineria en el mes de Abril.=Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Setimo. Tres comunicaciones fhas 28 de Abril del encargado en Chihuahua remitiendo una letra de setecientos setenta ps. tres rs. por productos de aquella capital y de Jesus Maria en el mes de Marzo y una cta. que le pidió la Contaduria.—Que se reconosca la letra se hagan los respectivos asientos se acuse el recibo y se pase la cuenta á la oficina respectiva.

Octavo. De D. Manuel Garcia del Valle acompanando la renuncia que hace de primer escribiente de esta oficina.—Se acordó que se eleve al Supº. Gobierno informandole que es de admitirse.

Noveno. De D. Ygnacio Rosso solicitando la vacante de segundo Escribiente de la misma.—Que se reserve.

Se dió cuenta con un informe de la Contaduria sobre la comunicacion del comisionado en Guanajuato fha. 4, del corriente sobre remision de documentos en el espediente del S. Robles. La Junta acordó de conformidad en todo lo que propone á escepcion de la última indicacion que hacia sobre pedir á los Señores Tesorero y Admor. de Guanajuato duplicado del Certificado de entero que hizó el S. Robles de sesenta ps. por el cuatro trimestre del préstamo para el pago de la deuda de los Estados Unidos.—una rubrica—otra rubrica—otra rubrica.

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### *Sesion de* 18, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia 16 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Jalisco fha 28, del pasado devolviendo informado el arancel de derechos del Juzgado de Bolaños. Y de acuerdo la Junta con dicho informe, se mandó elevar de conformidad al Supremo Gobierno.

Dos. Del de S. Luis Potosí acompañando una instancia de D. Andres Barroeta para que se le pague el premio correspondiente a quince quintales una a. quince libras seis on. de azogue esplotado del nuevo almaden y pedernal en el Durazno.—Ynforme la mesa de fomento.

Tres. De la compañia restauradora del oro quejándose de la falta de pólvora.—Que se inserte al Supremo Gobierno en recomendacion.

Cuatro. Del Comisionado en Zacatecas fha 12, del corriente acusando recibo de los documentos que se le remitieron para el cobro de la deuda al S. Llaguno.—A su espediente.

Cinco. Del de Guadalupe y Calvo avisando haber remitido las cuentas que se le piden.—Que informe la mesa de Administracion.

Seis. Del S. Juez segundo de lo civil pidiendo una noticia relativa al crédito que tiene en el fondo dotal el menor Elguea.—Que informe la contaduria.

Siete. De D. Miguel Quiñones fha 16, del presente pidiendo se dé orn. al S. Zamora para que le proporcione la cantidad necesaria para satisfacer al Tribunal de Tasco las costas del testimonio de los autos que señalan la parte.=Que se dé la orden.

Ocho. De D. José Zamora tres comunicaciones de fha. 16, remitiendo en la primera las memorias num. 19.=Recibo y á la contaduria. Participa en el segundo que necesita para la raya de trescientos pesos.=De enterado. Avisando en el tercero que de los mil doscientos setenta frascos para azogue que hay en aquella negociacion solo habrá uno q. otro con alguna falta y q. deben valorisarce à tres ps. cada uno por pieza pues q. estan valuados à dos calculándolos, por fierro.=Que se manifieste esta diferencia al S. Castillero y al Gobierno cuando se aprueben sus propuestas. Y remitiendo en los dos últimos el aviso de haber girado la letra nº. 21, valiosa doscientos pesos, y la 22 de ciento cuarenta.=Que se paguen.

Se leyó una instancia del S. D. Tomas Ramon del Moral sobre que le designe la gratificacion de que debe disfrutar por los meses que sustituyó la Direccion del Colegio; y leido el dictamen que la mesa de fomento estendió en la solicitud pendiente ante el Gobº.=La Junta acordó que se inserte esta al Ministerio con copia del mensionado informe y de los artìculos de la ley sobre suplencias de los individuos de la junta y de su oficina.

Se dio cuenta con los cinco informes sigtes. de la mesa de fomento.

Primero. Sobre que se manden satisfacer tres cientos noventa y cuatro ps. cuatro rs. dos y medio gs. à D. Andres Barroeta por premio de setenta y ocho qq. tres a. quince llbas. una y media onzas de azogue que acredita haber estraido de las minas de la Trinidad y S. Andres en Guadalcazar.=La Junta acordó que se suspenda la resolucion de este asunto hasta que el Gobierno resuelva.

Segundo. Sobre que se satisfagan doscientos setenta y cinco pesos por premio de cincuenta y tres quintales de azogue estraidos por D. Demetrio Toscano de la mina S. Antonio en Guadalcazar, en el que recayó el mismo acuerdo que en el anterior.

Tercero. Sobre que se pida la aprobacion suprema de la eleccion de un suplente que ha hecho el Juzgado de Temascaltepec.=La Junta acordó de conformidad.

Cuarto. Consultando se apruebe la eleccion de Presidente y su suplente hecha por el Juzgado de Bolaños y que el Gobierno supremo prevenga à los cólegas q. sirvieron el año pasado continuen haciéndolo en este.=La Junta acordó de conformidad. Y opinando en el último que se pida al Juzgado de

Jesus Maria en Chihuahua que remita la acta de su instalacion, que elija otro suplente si solo ha electo dos; que se le designe el fondo en q. conforme a lá ley deba hacer sus gastos y que se le manden los documentos y noticias que pide.=La Junta acordó de conformidad à escepcion de la remesa de un ejemplar de las ordenanzas de mineria.=una rubrica=otra rubrica=otra rúbrica.

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## *Sesion de* 22, *de Mayo de* 1846.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primero. Cinco del Ministerio de Justicia fhas. 16, 19 y 20, del corriente participando en la primª. haber admitido la renuncia que hizo de la plaza de primer escribiente de esta oficina D. Manuel Garcia del Valle.=Se acordó que se inserte al interesado: en el segundo acompaña à informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de mineria y se apruebe la asignacion hecha al Srio. y dependientes del Juzgado de Jesus Maria.=Que informe la mesa de fomento. En el tercero avisa estar aprobada el acta de instalacion del Juzgado de Hidalgo del Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el último haberse insertado al Ministerio de Hacienda la solicitud de la compañia restauradora del Mineral del oro sobre escasez de pólvora.

Dos. Del Juzgado de ojo Caliente acompañando el acta de renovacion de un suplente.=Ynforme la mesa de fomento.

Tres. Del de Guanajuato contestando al informe de la Contaduria relativo à la cuenta de Clavellinas.=Que informe dicha oficina.

Cuatro. Del Presidente del Juzgado de Mazatlan fha 5, del corriente haciendo dimision de su empleo.=Que se eleve con apoyo al Gobº.

Cinco. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.=Que se le den espresivas gracias.

Seis. Del E. S. D. Demetrio Montesdeoca participando que D. Pedro Anda, de suficientes conocimientos é intachable honradez se ofrece à reconocer la mina de Clavellinas por la gratificacion de doscientos pesos.=Que proceda à la visita y libre contra la Junta dha cantidad el S. Montesdeoca.

Siete. De la vista gral. de oficinas del Departamᵗᵒ. de Michoacan sobre haber pedido las cuentas al Admor. suspenso de aquella Aduana y que hará se concluyan à la mayor brevedad. =A su espediente.

Ocho del comisionado en Guadalajara remitiendo una letra de ochocientos treinta y siete ps. un rl. tres y medio granos por los productos del derecho de mineria pertenecientes al mes de Abril.=Que se reconosca la letra se hagan los respectivos asientos, se acuse recibo y se de orn. para cobrar los cientos sesenta pesos del S. Garay.

Nueve otro del mismo fha 15, avisando haber recibido ciento sesenta ps. del S. Garay por abonos de los meses de Fbro. à Mayo.

Diez. Del de Durango remitiendo una letra por valor de mil treinta y ocho pesos siete y medio gs. productos de mineria del mes de Abril y la cuenta por menorizada del año anterior. =Que se reconozca la letra, se hagan los asientos correspondientes, se pasen los documentos à la Contaduria y se acuse el recibo.

Once. Del de Culiacan fha 1º. de Mayo, remitiendo una letra de seiscientos cinco ps. dos rs. por productos de Cosalá en Marzo.=Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Doce. Otro del mismo y de la propria fecha acompañando una letra de ciento tres ps. siete rs. seis octavos por productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo Ensaye de Culiacán y las cuentas ultimamente pedidas.=Que se reconosca la letra, se cobre, se hagan los correspondientes asiento y se acuse recibo.

Trece. De D. Manuel Mariano Cortazar fha 17 del corriente en Querétaro acusando recibo de los trescientos pesos que se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria para tomar posesion de la mina de Providencia.=Se acordó que con la ultima orn. de suspension de pagos apenas podrá remitir los trescientos pesos mensuales de su compromiso de amparo y que informe la mesa sobre las memorias que ha remitido.

Se leyeron por último dos solicitudes para la plaza de segundo escribiente de la oficina, q. hacen D. Joaquin Urrutia y D. José Garcia de Arana.=Se acordó que se reserven.=una rubrica=otra rubrica=otra rúbrica.

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## *Sesion de* 25, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 22 se dio cuentas con las comunicaciones siguientes:

Primero. Del encargado de la recaudacion en Guanajuato fha 22 del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año, sus barreajes y la cuenta general de los derechos.=Se acordó que se pasen à la Contaduria.

Dos. Del de Zacatecas fha 19, ajuntando la cuenta general de Zacatecas y Sombrerete y se le dio el mismo trámite.

Tres. Del mismo fha. 18 adjuntando una libranza de ciento siete ps. dos rs. cinco octavos por derechos colectados en Sombrerete en Abril.=Que se reconosca y cobre la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuàtro. Del Admor. de la Aduana marìtima de S. Blas avisando haber girado á favor de la Junta una libranza importante setenta y cinco ps. ochenta y seis centavos por la mitad del derecho de averia.=Se acordó que el Tesorero ocurra por ella à la general.

Cinco. Cuatro comunicaciones de D. José Zamora fha 23, avisando en la primera que necesita de doce almadanetas.=Que se compren.=Remitiendo en la segunda las memorias numeros 20.=Recibo y à la Contaduria y avisando en las otras dos haber girado la letra nº. 23, valiosa cien ps. y la 24 que importa doscientos.=Que se paguen.

Seis. Un oficio del E. S. Ministro de Justicia fha 25, aprobando las propuestas de D. Andres Castillero que elevó la junta al supremo Gobierno y avisando que habia pasado al Ministerio de la Gobernacion la solicitud de dos citios de ganado mayor como Colono sobre su propiedad mineria. La Junta acordó que se procediese en el acto à estender el convenio judicial correspondiente y que se solicitase la letra de los cinco mil pesos sobre Mazatlan ó Guadalajara en lo que convino el S. Castillero, y últimamente que por el correo del miercoles se den las orns. correspondientes à Tasco para que entregue el Admor. à la orn. del S. D. Tomas Ramon del Moral todos los frascos para azogue que se hallen en buen uso en aquellos almacenes, los que abonará à su cuenta à razon de dos pesos cada uno.=una rubrica=otra rúbrica=otra rubrica.

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## *Sesion de* 26, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del 25, se dió cuenta con un informe de la contaduria manifestando que la escritura cuya fha. desea saber el Sor. Macedo fue otorgada ante el escribano D. Fernando Tamayo en 20 de Abril de 1807.=La Junta acordó que se participe al Juzgado.

Se leyeron otros tres informes de la mesa de Administracion 1°. sobre la nota de 28 del pasado de Don Enrique Mackintosh opinando que debe esperarse à que envie el barreaje que se le tiene pedido.

Dos. Que se repita al S. Olascuaga fiador de los abonos del S. Lebrija un recuerdo sobre los cincuenta pesos del mes de Setiembre prócsimo que no ha remitido y por último que se recuerde tambien al S. D. Diego Moreno remita el importe de las perlas del S. Garay que se le dieron para su venta ó las devuelva por medio de persona de su confianza.=La Junta acordó de conformidad.=(sin rúbricas.

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### *Sesion de* 27, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 26, se leyó un oficio del E. S. Gobernador de Michoacan participando que habia dado orn. al suspenso Admor. de rentas para que dentro de quince dias presente sus cuentas pendientes y entere las cantidades que resta y que avisará del resultado.=A su espediente.

Se leyeron tres informes de la mesa de fomento 1°. Consultando se pida la aprobacion suprema de la eleccion de un suplente del Juzgado de Ojo caliente con arreglo à la circular última de la materia y la junta acordó de conformidad.

Dos. Sobre la consulta del Gobierno relativa á una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y que se apruebe la asignàcion de treinta ps. mensuales hecha al Srio del de Jesus Maria. La mesa opina q. se consulte al Gobierno, que no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden à veinte rs. y respecto al sueldo que se diga estar derogado el decreto que la estableció dejando solo derechos de arancel=La Junta acordó de conformidad.

Tres. Sobre la última comunicacion de Don Manuel Mariano Cortazar y el inventario q. acompaña de la mina de Atargea. La mesa opina q. se pase à informe à la contaduriá y asi se acordó.=dos rúbricas.

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### *Sesion de* 28, *de Mayo de* 1846.

Concurrieron los SS. Segura y Rozas y aprobada la acta del 27, se dió cuenta con las cuatro comunicaciones que siguen:

Primera del Ministerio de Justicia fha de ayer incertando la del Ministerio de hacienda de la misma fha. en que manifiesta que intimado el bloqueo à Puertos de Veracruz y Tampico no es de esperarse q. continue el curso de las libranzas de aquellas Aduanas, por lo que el Gobierno ha dispuesto que la Junta reserve sus ecisistencias para los gastos que le son propios y los del Colegio suspendiendo por ahora todo pago para la esplotacion de azogue.—La Junta acordó que informe la mesa de fomento.

Dos. Del comisionado en S. Luis Potosi acompañando la cuenta y nota de barreaje de la plata ensayada en el mes pasado.—A la contaduria.

Tres. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacán la orn. para que el Admor. suspenso de aquellas rentas presente su cuenta dentro de quince dias, pasados los cuales se encargará un empleado de hacerlas a espensas del mismo.—A su espediente.

Cuatro. De los SS. Manning y Mackintosh fha 27, manifestando que la firma del S. Garcia Granados es tan solo la de un apoderado del Señor Stahlhuecht.—A su espediente.—dos rúbricas.

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### *Sesion de* 29, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 28 se dió cuenta con una comunicacion del E. S. D. Franco. Fagoaga contestando al último oficio que se le puso sobre el crédito de ocho mil pesos que tiene impuestos en la hacienda de S. Sebastian.—La Junta acordó que se reserve acompañandose al espediente para cuando haya tomado algunos informes el Sor. Rozas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa à la suspension de pagos del fondo de azogue. La mesa consulta primo. que se incerte dicha comunicacion al E. S. Gobernador de S. Luis Potosi con respecto al pago de los premios de azogue que habia acordado se pagasen por dos mil pesos à D. Timoteo Toscano por dos cientos sesenta y cinco à D. Demetrio Toscano y cuatro cientos setenta y uno cuatro rs. ocho y medio granos à D. Andres Barroeta por los premios del azogue nacional que han estraido à razon de cinco ps. quintal y que si no se satisfiso la prima. cantidad à D. Timoteo Toscano fué por que no se presentó oportunamente y à los demas por haber venido cuando estaba yá comunicada la orn. de suspension.

Segundo que se comunique la misma orn. a D. Manuel Mariano Cortazar manifestándole que si puede beneficiar algunas ecsistencias de azogue lo verifique para cubrir el amparo.

Tercero. Que se incerte igualmente al E. S. D. Demetrio

Montesdeoca con el objeto de que se sirva mandar suspender la visita de la mina de Clavellinas p°. que si en virtud de lo anteriormente acordado hubiese hecho algun gasto se le satisfará inmediatamente.

En virtud de haber admitido el Supremo Gobierno la renuncia que hizo D. Manuel Garcia del Valle de la plaza de primer escribiente de la Sria y q. admitió el supremo Gobierno, la Junta acordó se manifestase al Ministerio del ramo que conforme à la ley tocaba el ascenso al escribiente segundo de la misma D. Manuel Couto pª. ponerlo en posesion si el Gobierno está de acuerdo.

Se acordó tambien de acuerdo con lo informado por la contaduria el pago de veintecinco ps. al escribano Calapiz por lo actuado en la escritura de convenio q. se habia tenido con D. Andres Castillero para ausiliar su empresa de azogues de la mina de Sta. Clara en la alta Calofornia, comprendido en el oficio de suspension de todo pago de este ramo.=dos rúbricas.

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### *Sesion de* 30, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 29, se dió cuenta con una comunicacion del Ministerio de Hacienda fha 28 en que pide informe sobre si están disponibles los dos mil ciento veinticinco pesos diez y medio gs. pertenecientes al fondo de la nueva carcel de Guadalajara, la Junta acordó que se le conteste inmediatamente haciéndole una breve reseña del origen de este fondo pertenecientes al de azogue y que se le indique que estando pendiente el asunto en el consejo, la junta puso en deposito iregular en una casa fuerte de comercio dicha suma con la condicion de que seria debuelta en Guadalajara en la misma moneda en que hubiese sido recibida al mes de que se le participase la devolucion y ofreciendo ampliar el informe si asi lo creyese conveniente el ministerio.

La Sria. manifestó que el Sor. D. Tomas Ramon del Moral esponia à la Junta que retiraba la solicitud que tenia presentada sobre asignacion de sueldo ó gratificacion por el tiempo q. sustituyó la Direccion del colegio en el año pasado.

El S. D. Joaquin Velazquez à nombre del E. S. Director del Colegio manifestó q. necesitando en Londres de la cantidad de mil pesos, y sabiendo que la Junta tenia algun dinero en la casa de los SS. Baring Herm. le suplicaba se mandan se abonar à dicha casa por valor de setenta y dos libras esterlinas siete chelines seis peniques por cuenta de algunos objetos encargados por el colegio à dichos Señores y que girase una libranza à favor del mismo Señor Velasquez por valor de ciento once libras nueve chelines siete peniques para el completo de mil ps. con el cambio actual de cuarenta y cuatro un octavo. La Junta acordó se diese la orn. y se girase dicha libranza por cuenta de las dos letras de à quinientas libras cada una que giraron contra aquella casa los SS. Mannig y Mackintosh en 30 de Nov$^{e}$. del año pasado.=dos rúbricas.

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## Mes de Junio de 1846.

### *Sesion del dia* 1°.

Concurrieron los SS. Segura y Rozas. Leida y aprobada la acta del dia 30 del pasado se dio cuenta con las cuatro comunicaciones siguientes del Ministerio de Justicia:

Primera. Fha 29, admitiendo la renuncia q. hace de la presidencia del Juzgado de Mazapil el Señor Espino.=Se acordo que se inserte al Juzgado.

Dos. De 28 del mismo participando haber aprobado el arancel de Bolaños.=Que se inserte al Juzgado.

Tres. De la misma fha aprobando la eleccion hecha en el S. D. Agustin Romo para suplente del Juzgado de Ojo caliente.=Que se inserte al Juzgado.

Cuatro. Fha 30, participando estar de acuerdo el suprema Gobierno en la promocion p$^{r}$. escala de D. Manuel Couto para primer escribiente de la Sria.=La Junta acordó q. se ponga en posesion desde la fha del oficio.

Se leyó otro oficio del Juz°. minero de Catorce acompañando la acta de las elecciones de su presidente y un consultor.=Se acordó q informe la mesa de fomento.=Otro del S. D. Cástulo Barreda pidiendo ochenta ps. por cuenta de sus honorarios.= Que remita el recibo y la cuenta q. se le tiene pedida.

Tres de D. Jose Zamora fha 30 del pasado remitiendo con el prim°. las memorias num. 21.=Que se acuse el recibo y se pasen á la contaduria.

Dos participando que las leyes de los metales de Trinidad y socabon han llegado à cuarenta y cuarenta y cinco marcos: que la saca en la semana llegará á cuarenta cargas y que ha dado principio à la obra nueva que sigue con buen écsito. De enterado; y avisando en el último haber girado una letra bajo el n°. 29, valiosa cuatrocientos cincuenta ps. à favor de D. Jose Mariano Zárate.=Que se pague=una rubrica.

### *Sesion del* 3, *de Junio de* 1846.

Concurrieron los SS. Segura y Rozas y despues de aprobada la acta del dia 1°. se leyó una comunicacion del Ministerio de Hacienda fha 31 del pasado en que à virtud de la cesion que ha hecho la H. Asamblea Departamental de Jalisco para las atenciones de la campaña, de los veinte mil ciento veinticinco pesos diez y medio granos que tiene en depósito la Junta por el fondo de azogues, previene se gire una letra à favor de los Ministros de la Tesoreria general por dha suma. La Junta acordó se le conteste que está pronta à girar dha libza. pero que se encuentra en el deber de manifestarles, q. por el Ministerio de Justicia se ha girado un espediente con motivo de las reclamaciones hechas por el E. S. Gobernador de aquel Departamento sobre esta cantidad: el supremo Gobierno lo pasó en consulta à su Gobierno y que este espuso que la resolucion era del resorte del poder legislativo, lo que se comunicó à dicha Gobierno por lo que la Junta no sabe como pueda asegurar que es suya la cantidad de que se trata, por lo que para salvar su responsabilidad espera se sirva indicarles si ha de girar la libranza en los términos indicados ó en los que paresca mas conveniente al supremo Gobierno.

Se acordo tambien que se diga al Ministerio de Justicia la anterior resolubion comunicada por el de Hacienda como informe à la ultima solicitud del Gobierno de Jalisco que le pasó à informe en Marzo prócsimo pasado.

Se leyó otro oficio del Juzgado de Anganguco remitiendo el acta de la renovacion de su presidente.=Que informe la mesa de fomento.

Se dio cuenta por último con un informe de la misma mesa consultando que se eleve à la aprobacion suprema la acta de renovacion de su Presidente y un consultos, q. remitió el Juzgado de Catorce y se acordó de conformidad.=una rubrica.

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### *Sesion del dia* 4 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rosas y despues de aprobada la acta del dia 3, se dio cuenta con comunicacion del Ministerio de Justicia fha 2 del corriente en que inserta un oficio del de Haciendo participando que la Direccion gral del Tabaco ha preveindo se remitan veintiseis cajas de pólvora para que se provea de la que necesita la Admon subalterna de Tulaneingo que es la que debe surtir à Pachuca=La Junta acordó que se inserte al Juzgado de Pachuca.=S. Segura=una rúbrica.

### *Sesion de* 6 *de Junio de* 1846.

Concurrieron los SS. Segura, Flores y Rozas, y despues de aprobada la acta del dia 4, se leyó un oficio del Ensayador mayor acompañando ochocientos noventa y seis pesos dos rs. nueve gs. resta liquido de lo que ha cobrado por el derecho de mineria en el mes anterior, é incluyendo veintidos pesos siete rs. nueve gs. pertenecientes á D. Manuel Lebrija.=Recibo y á la Tesoreria.

En seguida se dio cuenta con los informes sig^tes^.:

Primero. De la contaduria sobre la cuenta remitida por el Tribunal de Guanajuato en 18 del pasado y la Junta acordó que se inserte á dicho Tribunal.

Dos. De la misma sobre los inventarios compasados de las ecsistencias q. tenia y q. hoy tiene la mina de Azogue de Atargea, contraido á que se pidan esplicaciones sobre dichas diferencias al Juzgado de Guanajuato.=La Junta acordó de conformidad.

Tres. De la mesa de fomento consultando se eleve á la suprema aprobacion el acta de la eleccion de Presidente y un consultor de Anganguco verificadas en 20 de Abril y se acordo de conformidad.

Se leyó por ultimo la cuenta que presentó la Tesoreria de la recaudado por las viviendas del Colegio en el mes de Mayo y se mandó pasar á la Contaduria=dos rúbricas.

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### *Sesion de* 8 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 6, se dio cta. con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 6 insertando un oficio del E. S. Ministro de Hacda. en que comunica la orn. suprema para q. se gire á favor de los ministros de la Tesoreria gral los veinte mil ciento veinticinco pesos diez y medio gs. que tiene en depósito del fondo de azogue perteneciente á Jalisco en la casa del S. D. Ancelmo Zurutuza bajo el concepto de que queda á salvo el derecho de quien tenga accion legal á dicha suma.=La Junta acordó que se estienda y remita la letra recojiéndose por la Tesoreria de la junta el correspondiente Certificado de entero: que se avise al S. Adone entregue dicha suma avisando el dia que lo verifique para liquidar la cuenta réditos y por último que se avise al Ministerio quedar cumplida la orn. suprema.

Dos. Del encargado de la recaudacion de Guanajuato acompañando una letra valiosa cuatro mil setecientos treinta y cuatro ps. dos rs. siete granos producto líquido del derecho de mineria en el mes de Mayo.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Tres. Del de Pachuca remitiendo una letra de mil cuarenta y seis ps. un rl. cuatro gs. por productos de dho mes y se dió el mismo acuerdo q. el anterior.

Cuatro. Del de Hermosillo acompañando una Libranza valiosa quinientos cincuenta y ocho ps. noventa y ocho centavos por producto líquido del derecho de mineria de 1°. de Setᵉ. á fin de Diciembre del año pasado con mas un Certificado y cuenta de dho tercio.—Que se reconosca la letra, se hagan los debidos asientos, se pasen los documentos á la Contaduria y se acuse el recibo.

Cinco. Del de Sinaloa fha 16 de Mayo ajuntanda libranza por valor de seiscientos sesenta y nueve pesos siete rs. seis gs. producto líquido del mismo derecho en Cosalá perteneciente al mes de Abril.—Que reconosca la letra, se hagan los asientos debidos y se acuse el recibo.

Seis. Del mismo fha 9, de Mayo acompanando otra valiosa trescientos cuarenta y nueve ps. seis rs. dos octavos producto liquido del mencionado derecho en todo el mes de Abril y se dió el mismo acuerdo.

Siete. Del mismo y de la propia fha acompañando Lbra por valor de sesenta y cinco pesos correspondientes á los derechos cobrados en Mazatlan por el mes de Abril.—Se acordó que se reconosca y sobre la letra: se hagan los debidos asientos y se acuse recibo.

Ocho. Otra de D. Miguel Quiñonez fha 6, acompañando un pliego cerrado pª. el Lic. D. Cástulo Barreda quien informará á la Junta de las últimas actuaciones en el negocio sobre el sacabon de S. Juan.

Y por ultimo tres oficios de D. T. Zamora fha 6, acompañando al 1°. las memorias num. 22, los estados n°. 5 y el corte de caja del mes pasado.—Recibo y á la Contaduria. Participando en el segundo que va á comenzar los trabajos beneficio para lo que necesita de seis qq. azogue: que las leyes siguen en buen estado y las labores lo mismo especialmente hacia el rumbo del Socabon de S. Juan para penetras á cuyas labores últimas, calcula se necesitará un gasto de cincuenta pesos.—La Junta acordó que se informe lo Tesoreria del precio del azogue y que asi se diga al S. Zamora, agregándole q. inmediatamente proceda á las medidas subterraneas de que habla y por ultimo remitiendo una Libranza valiosa doscientos cincuenta ps. contra D. Jorge Rafard.—Que se pague.—dos rúbricas.

## *Sesion del* 12 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 8, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzg$^{o}$. minero de Nieves acompañando el acta de su instalacion.=Que informe la mesa de fomento.

Dos. Tres oficios fha 25, de Mayo del encargado de la recaudacion de Chihuahua acompañando un Certificado y una libranza de trescientos treinta y un pesos cinco rs. tres gs. por los productos de Chihuahua y Jesus M$^{a}$. por el mes de Abril =Que se reconosca la letra se hagan los correspond$^{tes}$. asientos y acuse el recibo.

Tres. De D. Diego Moreno fha 8 de Mayo en la haciendo de la Guaracha contestando al oficio que se le dirijió en 17 de Nov$^{e}$. dicienda que entregó el hilo de perlas pertenecientes al S. Garay á D. Elenterio Mendez quien tuvo la desgracia de perderlo en el camino y que contestacion del oficio de 4 de Abril último añade que el mismo Mlendez se presentará á dar sus descargos y D. José Antonio Nieto contestará por el interesado D. José Garay.=La Junta la pasó á informe de la mesa de Admon.

Finalmente se leyó una comunicacion de D. Castulo Barreda acompañando una carta de D. Miguel Quiñones sobre el giro de las actuaciones pendientes en el negocio del denuncio de la mina del Socabon de S. Juan pidiendo se abonen al S. Zamora cincuenta ps. para limpiar el camino á las últimas labores de la mina Trinidad mas cercanas al Socabon. Estando ya acordado y comunicado este punto por el correo del miercoles la junta se limitó al segundo punto relativos á que se le remitan en copia p$^{a}$. la prueba testimonio de la posesion de la mina Trinidad que se recibo en 1807, otra en 816 y la última en 819.

Se acordó igualmente acceder á la solicitud de D. Manuel Couto primer escribiente de esta oficina concediéndole licencia por un mes p$^{a}$. asuntos personales bajo el concepto de que si el recargo de la oficina fuese tal que entretanto ecigiese poner otro escribiente se pagará en la parte que le toque de su sueldo sin que en manera alguna se grave el fondo.=Dos rúbricas.

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## *Sesion del* 13 *de Junio de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 12, el Tesorero devolvió el oficio de 14 de Mayo del Admor. de la Aduana de S. Blas en que avisaba haber remitido una libranza por valor de setenta y cinco pesos ochenta y seis centavos por cuenta del derecho de averia de la que habia dispuesto el Supremo Gobº.=A la contaduria.

La mesa de Admon. presentó por via de informe el recibo dado por D. Diego Moreno de las perlas pertenecientes al S. Gonzales y se acordó q. se remita copia al S. Moreno de dicho recibo para que en su vista se sirva decir cuando puede la Junta ocurrir por los quinientos pesos pues que nada tiene que ver con el Sor. Mendez en virtud del espresado documento.

Se dio cuenta con un informe de la mesa de fomento consultando pase á la aprobacion suprema el acta de renovacion del presidente del Juzgº. de Nieves y se acordó de conformidad.

El oficial 1º. presentó un mapa topografico hecho por D. Miguel Arriaga con sus correspondientes medidas en el año de 1822 de las labores de la mina Trinidad y se acordó que se manifieste al S. Lic. Barreda insistiendo en que cuanto antes se verifiquen las medidas y reconocimiento de las labores contiguas á la mina de S. Juan.=Dos rúbricas.

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### *Sesion del* 15 *de Junio de* 1846.

Concurrieron los SS. Flores y Rozas y despues de aprobada la acta del dia 13 se dio cuenta con las comunicaciones siguientes:

Primero. Del Tribunal minera de Guanajuato fha 9, del corrte acompañando el denuncio q. ha hecho D. Julio Arreguin à la mina de Guadalupe en Clavellinas situada en la ladera del cerro del capulin jurisdiccion de S. Felipe à virtud de hallarse abandonada hace mas de un año.=La Junta acordó que se inserte al suprema Gobierno consultandole si en virtud de la orn. de suspension de pagos consentirá en perder la propiedad de dha mina à sostendrá su posesion.

Dos. Otro oficio fha 9, del corriente en Zacatecas por el comisionado de la recaudacion acompañando una letra de cinco mil novicientos sesenta pesos y un recibo de veinticinco pesos pagados al alumno Ayala por productos del mes de Mayo y un certificado del barreage del último tercio.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango acompañando otra letra de seiscientos cincuenta y ocho ps. ocho granos por productos del mismo mes y recayó el mismo acuerdo que al anterior.

Cuatro. Del de Zimapan con una Libranza de trescientos cuarenta y ocho ps. dos rs. seis y medio granos productos pertenecientes al mismo mes, y se acordó del mismo modo.

Cinco. Cuatro oficios de D. Jose Zamora remitiendo con el primero las memorias num. 23 de la negociacion de Tasco.=Recibo y à la Contaduria. Avisando en el segundo haber puesto en el Chorrillo un ayudante el azoguero con sueldo de tres ps. semanarios para que cuide la galera en las aumencias de éste en todo el tiempo que se hace el beneficio de la plata, y por ultimo que necesita de trescientos pesos para la raya de la presente semana.=Se aprobó el gasto y que se conteste de enterado, y avisando en los dos últimos haber girado la libranza nº. 27, por valor de doscientos cincuenta pesos y la 28, valiosa 80 pesos.=Que se paguen.=Dos rúbricas.

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### *Sesion del* 16 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 15, se dio cta. con un oficio de D. José Zamora fha 8, del corriente avisando que con el arriero Fis pueden remitírsele las almadanetas que habia pedido=Que se le manden y se satisfaga su importe.

Se leyeron dos informes de la contaduria. Primero sobre no haberse recibido la libranza que mandó á la Tesoreria general el Admor. de la Aduana de S. Blas consultando que se haga lo acordado en caso semejante en el mes pasado=La junta acordó de conformidad y por consecuencia que se agregue el oficio à su espediente y se conteste lo acaecido al Admor. de S. Blas.

El segundo dictamen consulta se cobren al S. Monterde quinientos dos pesos cinco rs. once granos que sale restando de la recaudacion del fondo de mineria hecho en Chihuahua.=La Junta acordó de conformidad.

Habiendo manifestado el Tesorero el dia de ayer que habia ocurrido repetidas veces á la casa de los SS. Cecillon y Bernede para el cobro de la parte cumplida de varias letras valiosas ochocientos setenta y siete pesos veintiun centavos procedentes de la Aduana de Veracruz y Tampico, por derechos del tres por ciento, no pudo lograr la aceptanon ni el pago, bajo varios protestos y que sabiendo que se hallaban presentados en quiebra dhos Señores, al Tribunal mercantil, la Junta resolviera lo conveniente. Esta acordó que se protestaran las letras y se remitieron a la Tesoreria avisandole al supremo Gobº. para que por ello se cobren como deuda privílegiada.=Dos rúbricas.

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### *Sesion del* 19, *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del 16, se dio cuenta con los siguientes oficios:

Dos oficios del Ministerio de Justicia fha 18 del corrte. Aprobando en el primº. el gasto de trescientos cuarenta y cuatro pesos cuya autorizacion se le pidió para los reparos y composturas que hay necesidad de hacer en el edificio, lo q. se acordó poner en conocimᵗᵒ. de la Contaduria y aprobando en el segundo la acta de renovacion del Presidente del Juzgado minero de Nieves el que se mandó insertar al Jusgº. respectivo.

Otro oficio del S. Gral. D. Mariano Monterde contestando á las observaciones que le hace la Contaduria y se acordó que se sirva asercarse á dicha oficina pª. cerziorarse de la esactitud con que se ha practicado la liquidacion de que se trata.=Dos rúbricas.

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### *Sesion del* 22 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas: leida y aprobada la acta del 19, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 17, del corriente pasando à informe de la Junta la consulta del E. S. Gobernador de Chihuahua sobre fondos pª. los Juzgados mineros. Que informe la mesa de fomento.

Dos. Del S. Consultor D. José Delmote remitiendo veintinueve pesos medio rs. correspondientes á la contribucion de sueldos de los últimos tercios del año pasado. Que se acuse el recibo.

Tres. Del comisionado en S. Luis Potosi acompañando una letra de dos mil trescientos ochenta y seis pesos noventa y cinco centavos por productos del derecho de mineria en el mes de Mayo. Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del encargado de Guadalajara acompañando otra letra de setecientos veintitres pesos dos rs. tres gs. por los mismos derechos y en el propio mes y se dió el mismo acuerdo que el anterior.

Cinco. Otra del mismo fha 5, del corriente manifestando que siempre ha sido costumbre en aquella capital que solo Certifique los derechos de platas el Director de lo casa de Moneda. A la contaduria pª. q. informe.

Seis. Tres de D. José Zamora fha 20, acompanando al primero las memorias num. 24.=Recibo à la Contaduria: avisando en el segundo haber girado una libranza de doscientos noventa y cinco ps. dos rs. seis gs. á favor de los SS. Sobrino hermanos.=Que se pague: y participando en el último que la saca de metal vá en aumento pues que pasará en esta semana de setenta cargas: que la limpia y compostura del camino p$^a$. las labores del rumbo del socabon estaban terminadas: que en la compostura del labadero se habian encontrado mas de treinta libras de azogue y que para activar el beneficio necesita de seis bestras y seis quintales de azogue.=La Junta acordó q. se le conteste puede enviar por el azogue cuando quiera y comprar las seis bestias si lo juzga necesario.=dos rúbricas.

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### *Sesion del* 23 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de leida la acta del dia 22 se dio cuenta con tres informes de la contaduria. Primero sobre que se reclamen cuatro rs. diez granos que quedó debiendo Don José Cordero. La Junta acordó de conformidad.

Segundo. Reclamando igualmente à Don Fernando Pohls tres ps. seis rs. ocho granos q. resulta debiendo por la recaudacion de Chihuahua hasta fin de Diciembre del año pasado. La Junta acordó igualmente de conformidad y ultimamente con respecto à una comunicacion del S. Blumet de Guadalajara opinando opinando se conteste de enterado à la noticia de que en aquella ciudad la Direccion de la casa de moneda hace las veces de Admon. y se acordó tambien de conformidad.

Finalmente se leyó un informe de la mesa de fomento sobre la consulta que le para el Gobierno relativa à fondos para los gastos de los Juzgados habilitacion de local y entregados de los archivos de las antiguas Diputaciones de Mineria. La mesa opina se conteste que los fondos no son otros que los derechos de arancel: que los gobiernos Departamentales pueden proporcionarles Salones para su despacho en los edificios públicos à donde los haya y q. por ultimo pueden mandarse los archivos de las antiguas diputaciones à los Juzgados que las han succedido conforme à la ley en lo que convino la junta.=dos rúbricas.

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### *Sesion del* 30 *de Junio de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 23 se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 27 pasando à informe la solictud de D. Juan Sutherlan sobre q. se libre ecsitativa de Justicia al Tribunal de mineria de Tasco para que no le corra el término que le fijó para comenzar el desagüe de la mina de S. Mateo del Monte. La junta acordó que se devuelva la instancia consultando al supremo Gobierno ser de accederse à ella por q. estando impedido Sutherlan para introducir la máquina de vapor en razon de hallarse bloqueados nuestros puertos, es claro que al impedido no le corre término.

Dos. De la Direccion de Yndustria fha 27 remitiendo tres libranzas protestadas con sus respectivos documentos para que se devuelvan à las Aduanas de su origen à fin de que las repongan.═La Junta acordo q. acompañadas de las que se hallan en igual caso de su pertenencia se devuelvan con el mismo objeto las de Veracruz à aquella Aduana maritima y las de Tampico à la Tesoreria gral acusandose el recibo à la Direccion gral y avisándole no haberse remitido por el correo del Sábado por la hora avansada en que se recibieron en esta oficina ese mismo dia.

Tres. Del Juzgado de Mazapil fha 16, manifestando la triste situacion en que se hallan los mineros de aquel Distrito.═Que informe la mesa de fomento.

Cuatro. Del de Temascaltepec fha 23, quejándose del Juez de Paz de aquel partido de que contra las ordenanzas ha impedido à los mineros el libre uso de los terrenos y pastos que conforme à ellas deben poseer. Que informe la mesa de fomento.

Cinco. Cuatro comunicaciones de D. José Zamora fha 27 remitiendo con la primª. las memorias nº. 29 de aquella negociacion.═Recibo y à la contaduria. Avisando en la segunda q. se han labado en la semana los trecientos doce quintales que se hallaban en beneficio, habiéndose incorporado otros trescientos diez y ocho de Yxtajal y que pª. la raya necesita de trescientos pesos.═De enterado. Y avisando en los dos últimos haber girado las letras nº. 30, valiosa de trescientos ochenta y cuatro ps y 31, por valor de ciento.═Que se paguen.

Presentada la nómina de los sueldos, la junta acordó se pagasen sin rebajo de la cuarta parte por no estar comprendidos en la circular del ministerio de Hacienda que previno dho descuento à las oficinas que se pagan de la Hacienda pública por las diversas razones que se espusieron, siendo entre otras una de ellas la de no haberse sujetado al descuento otras oficinas que se encuentran en el caso de la de la Junta. La segunda que esta medida se dictó pª. disminuir las erogaciones que el erario tiene que hacer cuando sus fondos se hallan tan exanstos en razon de la guerra con los Estados Unidos, cuya razon no milita respecto de los sueldos de la Junta pues que su importe no tiene que salir de su Tesoreria. No lo perteneciente al fondo dotal por ser un fondo particular independiente en lo absoluto del erario público: no tampoco el de azoguez por q. habiéndose suspendido en pago por ahora en razon de las circunstancias politicas el supremo Gobierno ha prevenido se reserven las ecistencias para el pago de los gastos del colegio y los sueldos de la oficina. Dos rúbricas.

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## Mes de Julio de 1846.

### *Sesion del dia* 3.

Concurrieron los SS. Segura Flores y Rozas y leida y aprobada la acta del dia 30, se leyeron las comunicaciones siguientes:

Primero. De los SS. Ministros de la Tesoreria gral acusando recibo de las libranzas de la Aduana de Tampico que se les remitieron protestadas por las casas de los SS. Cecillon y Bernedé y Serment y Comp^a^. p^a^. en reposicion y devolviendo las num. 117, 122 y 132 valiosas cincuenta pesos sesenta y cuatro centavos por que estando concluidos los plazos dicen no ser de la responsabilidad de aquella Ademas. La junta acordó que se vuelvan à remitir por que no estando cumplido el tercer plazo la Aduana es responsable de la tercera parte de dicha cantidad y con respecto à las otras dos como aquello oficina tiene los privilegios del fisco puede hacer efectivo el cobro en ambos concurros, lo que no logrará por si sola la junta.

Dos. Del Juzgado minero de Mazapil fha 23, del pasado en que avisa D. Rafael Espino haber entregado el Juzgado al 1^er^. Cólega Don Antonio Porto. De enterado.

Tres. Del mismo Tribunal en que avisa al citado primer cólega quedar encargado de la Presidencia. De enterado en atencion à no haber suplentes.

Se leyó un dictamen de la mesa de fomento sobre la comunicacion del mismo Juzgado de 16, de Junio, escusándose de la eleccion de suplentes por la falta de mineros aptos para desempeñar estos encargos. La mesa opinaba por que antes de todo se proceda à la eleccion de Presidente en razon de habérsele admitido su renuncia al S. Espino p^o^. vista de las comunicaciones anteriores opinó que se le conteste proceda desde luego al nombramiento de un presidente propietario y de un suplente conforme à la circular n^o^. 3, de este año y asi se acordó.

Se leyó otra dictamen de la misma mesa relativa à la queja que presenta el Juzg^o^. de Temascaltepec contra el Juez de paz de aquel partido. La mesa opina que se inserte al E. S. Gobernador del Departamento p^a^. que prevenga à aquella autoridad política el cumplim^to^. de las ordenanzas con respecto à potreros y à aguajes para los mineros.=Y se acordó de conformidad.

El S. Flores promovió y la junta acordó q. se pido al Gobierno la autorizacion conveniente p$^a$. pagar de ambos fondos un escribiente con doce rs. diarios q. ausilie los trabajos de la contaduria mientras se restablece de sus enfermedades D. José Fran$^{co}$. Bonilla, pues estando p$^a$. arreglarse el pago de la deuda pùblica, dicha oficina tiene que ocuparse de la liquidacion de todo lo que ha prestado de su fondo al Gobierno ó que éste ha tomado en las Administraciones desde la época de la Yndependencia titala fecha.

El contador manifestó las dificultades que pulsaba para vericar esta operacion con la prontidud y esactitud descadas.

La Junta convino en que no siendo fácil tener la pronta y esacta liquidacion de dicha deuda en tantos años podrian reunirse de pronto las partidas de facil comprobacion y presentarse al Gobierno para obtener se consideren en via de pago entre tanto se arregla la repetida liquidacion pidiéndose á la Contaduria mayor la cuenta de la Junta provicional q. sucredió al antiguo Tribunal de Mineria, y todos los demas docum$^{tos}$. que se necesita para el objeto.=Dos rúbricas.

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*Sesion del* 6 *de Julio de* 1846.

Coñcurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 3 se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado de Zimapan remitiendo una letra de ciento catorse ps. tres rs. dos granos.=Que se reconosca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Dos. Del encargado del cobro en Guadalupe y Calvo participando que teniendo que marchar de aquel mineral dejaba encargado de la recaudacion à la Direccion de la casa de moneda à quien ha entregado los productos de Abril y Mayo no habiendo recibido todavia lo perteneciente al Parral.=De enterado y q. se le estrañe el no haber remitido el dinero por Libranzas como siempre.

Tres. Del S. Ensayador gral. remitiendo ochocientos sesenta y nueve pesos tres rs. por productos del derecho de mineria en el mes pasado inclusos veintidos pesos dos rs. tres gs. que abona D. Manuel Lebrija.=Recibo y á la Contaduria.

Cuatro. Seis de D. José Zamora acompañando con la primera las memorias num. 26, los estados n. 6, y la volita de beneficio num$^o$. 5, de la negociacion de Tasco.=Recibo y á la contaduria. Dos avisando que la cantidad de azogue que se recojio de la compostura del labadero fué de cnarenta y una libras y que para la raya de la presente semana necesita de ciento cincuenta ps.=De enterado. Tres. Proponiendo se quite el Guarda de la mina de Tocotitlan pues que los metales que custodia no costean su beneficio y que de este modo se ahorrará el gasto de treinta y nueve ps. anuales.=La Junta acordó de conformidad. Finalmente avisando en las tres últimas haber giradò la libranza nº. 32 valiosa cien ps. la 33, ciento doce y la 34, ciento cincuenta.=Que se paguen.

La Junta acordó se pregunte al S. Zamora el estado de los alquileres de las casas pertenecientes à la negociacion, y que estando ya ajuntado el azogue mande al arrievo por él.=Dos rúbricas.

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### *Sesion del* 7, *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas, y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del ministerio de Justicia fha. 29, del pasado participando que el Gobierno ha resulto no se contrarie el denuncio que ha hecho D. Julian Arreguin de la mina de Guadalupe en Clavellinas. La Junta acordó que se inserte al Juzgado de Guanajuato suplicándole mande inventariar las ecsistencias que haya en dicha mina para los efectos à que haya lugar conforme al artículo 1º. del titulo 6º. de la ordenanza.

Dos. De la Tesoreria gral. fha 4 del corrte acusando recibo de las Libranzas de Tampico numeros 109, 112, y 114 valiosas cincuenta ps. cuenta y cuatro centavos, que habia remitido y se le devolvieron.=A su espediente.

Se mandó pagar la cantidad de veinticinco pesos por valor del Ensaye político y del viaje del Baron de Humboldt en once tomos, cuya compra para el uso de esta oficina autorizó el Gobierno en el año pasado.

Se acordó por último que se repita à Don Manuel Moreno de Tejada el oficio q. se le dirijió en 4 de Setiembre del año pasado advirtiéndole que conforme à las orns. del Supremo Gobº. hoy está suspenso el pago de todo gasto perteneciente al fondo de azogue.=Dos rúbricas.

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### *Sesion del* 9 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 7 se dio cuenta con las tres comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 6, avisando haber aprobada el Gobierno el gasto de doce rs. diarios para un escribiente que sustituya al de la contaduria.=Que se comunique á dha oficina.

Dos. De la Direccion de Yndustria de la misma fha. remitiendo cuatro ejemplares de su memoria del año pasado.=Que se acuse recibo dándole las gracias.

Tres. Del comisionado del cobro en Pachuca remitiendo las cuentas certificadas en el tercio pasado.=Recido y á la contaduria para su ecsamen.

A peticion de la contaduria la Junta acordó se pidan algunos certificados à los encargados del cobro del derecho de mineria y á la contaduria de propios.=Dos rúbricas.

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### *Sesion del* 11 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 9, se dió cuenta con un oficio del E. S. Ministro de Hacienda fha 7, previniendo que los productos del descuento de la cuarta parte de sueldo que debe hacerse à los empleados del resorte de la junta se enteren mensualmente en las Tesorerias Departamentales respectivas.=La Junta acordó q. se reserve este asunto para el lunes.

Se leyó un informe de la contaduria en q. hace algunas consultas sobre los creditos que deben liquidarse para negociar su cobro en el nuevo arreglo q. va à darse al crédito público.=La Junta acordó q. con respecto à los intereses del dos por ciento mensual que habian causado los treinta mil pesos del contrato que tuvo lugar con D. Gregorio Mier y Ferán en 1838 se lleve por cuenta separada para no compliar el cobro de las cantidades restantes en q. no hay las dificultades que esta presenta.

Que lo mismo se verifique con el crédito de la concordia del Tabaco.

Y que por ultimo se escluyan de la lista los créditos de cobre, prestamo forzoso, subsido de guerra y cualquiera otro cuyo pago este consignado yá por una ley, puesto que todos estos deben cobrarse por cuenta separada conforme á los diversos arreglos q. han tenido ó que de nuevo se les dé.=Dos rúbricas.

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### *Sesion del* 13 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 11 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de este Departam$^{to}$. participando haber pedido informe al Juzg$^{o}$. de Paz de Temascaltepec y que por ahora se abstenga de disponer de los terrenos ó ejidos que reclama aquel Juzg$^{o}$. de mineria.=Que se le inserte como resultado de su comunicacion.

Dos. Del Jusgado de Guanajuato insertando una propuesta que hace el D$^{r}$. D. Leopoldo Vidal, sobre arrendamiento de la mina de Guadalupe en Clavellinas.=Ynforme la mesa de fomento.

Tres. Del Juzgado de Jesus M$^{a}$. remitiendo el acta de su instalacion y una libranza de quince pesos para la compra de seis ordenanzas.=La Junta acordó que se eleve la acta al supremo Gobierno, se cobre la letra y se remita la circular que pide.

Cuatro. Del encargado de la recaudacion en Zacatecas fha 7, del corriente remitiendo una letra de seis mil trescientos setenta y nueve ps. un rl. diez gs. por productos del mes pasado en aquella capital, deducido el honorario, y veinticinco ps. dados al alumno Ayala; y otra de diez y nueve ps. mas doscientos pesos siete rs. seis gs. por los productos de Sombrerete.= Que se reconoscan, se hagan los respectivos asientos y se acuse el recibo cobrándose desde luego la de Sombrerete.

Cinco. Del encargado en chihuahua remitiendo otra valiosa setecientos cuarenta y ocho pesos seis rs. nueve gs. los doscientos noventa ps. seis rs. dos gs. pertenecientes à Jesus Maria y el resto à aquella capital por los productos de Mayo.=Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Seis. Ocho comunicaciones de D. José Zamora en Tasco, fha 11 del corriente remitiendo en la primera las memorias num. 27.=Recibo y à la contaduria. Participando en la segunda haberse labado en la semana los trescientos diez y ocho quintales de Yxtajal é incorporados otros trescientos diez y ocho con cuatrocientos libras de azogue; que una de las labores barrenò en limpio y otra angostò, por lo que disiminuyó la saca reduciendo el trabajo à solo el metal de pinta: acompañando en las cuatro sig$^{tes}$. las libranzas num. 35 á 38.=Que se paguen, y participando en la última que habiéndose estraviado la girada á favor de D. José M$^{a}$. Rodriguez, solo se satisfaga á dicho Señor.=Dos rúbricas.

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## *Sesion del* 16 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 13, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha. 15 participando haber obtenido la aprobacion suprema el acta de instalacion del Juzgado de Jesus Mª.=Que inserte à dicho Tribunal.

Dos. De la contaduria de propios de la misma fha. contestando á la comunicacion que se le dirijiò pidiéndole algunos Certificados para comprobar la deuda del Gobº. que algunos de ellos no ecsisten en aquella oficina y q. los otros como comprobantes de las cuentas no se pueden separar de ellos sin conocimiento del Gobierno; pº. q. para obsequiar los deseos de la junta acompaña un Certificado de ecsistir en aquella contaduria los tres certificados de mil doscientos cuarenta ps. enterados en la antigua Coninaria de S. Luis Potosí, aunque no fija el año, y finalmente que eciste en las cuentas de Guadalajara correspondientes al año de 34. Otro Certificado de cuatrocientos pesos enterados al mismo supremo Gobierno.=La Junta acordò que no pudiéndose hacer el uso conveniente de le Certerficacion que acompaña el S. Contador de proprios para el cobro de las deudas correspondientes à diversos años y no contando ademas en una de ellas la época à que pertenece, se suplique a dicho Sor. Contador aprovechando la buena disposicion que manifiesta para obsequiar los deseos de la Junta, se sirva mandarle cópia por separado de ambos Certificados, acompañando al calce de ambos la Certificacion de estar conformes con los originales que ecsisten en esa oficina, pues de esta manera la deuda quedará acreditada y en el caso de que el Gobierno creyere necesario tener á la vista el certificado original lo pedirá á la repetida Contaduria.=Que se averigüe por la contaduria de la Junta el lugar donde esten los demas Certificados que se pidieron á la de propios para reunirlos originales ó en copia al suprema Gobierno.

Tres. Dos del Apoderado en Guanajuato fha 13 del corriente acompañando al primero una letra de cuatro mil setecientos cuatro pesos un real seis granos valor líquido de los derechos de mineria de aquel Departamento del mes de Junio.=Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.=En la segunda acnsa el recibo de la nota en que se le comunicó haberse satisfecho a algunos mineros el importe de las platas que tomó el Gral. Santa Anna en Guanajuato por cuya razon no habian satisfecho el importe del derecho de mineria correspondiente á Noviembre de 1844.

Se leyo un informe de la Contaduria que es de parecer que la cuenta presentada por el apoderado de la Junta que lo ha sido hace cuatro años el Secretaria de la misma.=Se suspendió su resolucion.=Dos rúbricas.

### *Sesion del* 20 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 16 se leyeron las comunicaciones siguientes:

Primera. Del E. S. Director del Colegio de Mineria contestando à la recomendacion en favor del hijo del Sor. Zamora que será colocado en la primera vacante que haya de dotacion. =Que se inserte al S. Zamora.

Dos. Del comisionado en Durango acompañando una letra de setecientos (pesos) noventa y cinco ps. cuatro rs. resto líquido de los productos de mineria en el mes de Junio.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del Ensayado del Parral contestando al cobra que se le hizo de los abonos que à razon de diez ps. mensuales debio haber ya verificado, y agregando que ha satisfecho de su deuda mas de cuatrocientos pesos.=Que informe la contaduria en cuanto á este punto y vuelva al acuerdo.

Cuatro. Seis comunicaciones de D. José Zamora, la primera fha 13 del corriente remitiendo al arriero por el azogue.=Que se le entregue. Acompañando en la segunda las memorias numeros 28 y la boleta nº. 6.=Recibo y à la Contaduria. Acompañando á la tercera la cuenta de la casa de la Sra. Yndaburo. =A la Contaduria para que la tenga presente en la glosa y al S. Zamora q. amplie el informe con respecto à las otras casas. Noticiando no la cuarta que necesita para la raya de trescientos pesos.=De enterado y avisando en las dos últimas haber girado las libranzas n. 39, valiosa doscientos pesos y la numº. 40, valiosa cincuenta y dos ps.=Que se paguen.

Habiendo manifestado el Contador de la Junta que al de propios se le devolviese su oficio en que acompañaba la Certificacion de los Certificados q. se le pidieron por haber padecido un equíboco.=La Junta acordò que se le devuelva.=una rúbrica=otra rúbrica=otra rúbrica.

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### *Sesion del dia* 21 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 20, se dio cuenta con las comunicaciones siguientes:

Primera. De la contaduria de propios fha. 15 del corriente manifestando que no pudiendo remitir los Certificados originales que se le pidieron remite una Certificacion en la que espresa que no deborá entenderse que de algun derecho contra el erario publico y q. cause efecto de pago en las oficinas de la Hacienda Nacional.=La Junta acordó que siendo el objeto de pedir tales certificados el de cobras al Gobº. las cantidades q. acreditan debe ocurrirse al mismo manifestándole lo sucedido y que en atencion alli dichos certificados con solo objeto de que servieren a la gloza de comprobantes de la cuenta, la que no se ha glozado hasta la fha, se sirva prevener à la mencionada Contaduria entregue los repetidos Certificados á la Junta quedándose con copia certificada de ellos para la gloza.

Dos. De D. Manuel Mariano Cortazar fha 14, del corriente remitiendo las memorias de la mina de Atargea desde el num. 5, hta el 15, correspondiente á la semana que términó en 11 de este mes. De su contestacion se infiere no haber recibido la última en que se le avisó de la suspension de pagos por el fondo de Azoguez pues que pide se le remitan las dos últimás libranzas de trescientos pesos y por último que se le diga desde cuando debe abonarse su sueldo.=La Junta acordó q. las memorias pasen á la contaduria y que se repita la comunicacion en que se le avisó en que suspenso todo pago del ramo de azogues por orn. del Gobº. no puede la junta remitirle las libranzas q. pide.

Tres. De la casa de los SS. Bering y Herm. de Londres acusando recibo de las mil libras esterlinas que giró contra ellos y á favor de la Junta y acompañando las contestaciones q. han mediado con el Dr. Ure sobre los aparatos de destilacion que ofrece dirijir y poner muy pronto en Liverpool á razon de doscientos cincuenta libras cada uno. Con este motivo se acordò citar al S. Mayordomo del Colegiò para el pago de mil pesos que se prestaron al colegiò en el mes pasado por cuenta de la ecsistencia que queda en la casa de los SS. Bering.

Se diò cuenta por último con un informe de la Contaduria contraido à que se pidan para la formacion de la cuenta de las cantidades que debe el Supremo Gobierno algunos documentos á Don Lorenzo Carrera y à los apoderados en Hermosillo, Guadalajara, Parral, Chihuahua y Guanajuato y la junta acordó de conformidad.=una rúbrica=otra rubrica=otra rúbrica.

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### *Sesion del* 22 *de Julio de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dió cuenta con un informe de la mesa de Administracion en el asunto de la deuda del S. Cerraton y como en el se espresa que el S. Bassoco habia dicho que el Lic. Yrayo era magistrado de Morelia y se asiento que el mismo Sor. habia quedado encargado de buscar persona que se encargase de dicho cobro, la junta en vista de la acta de 23 de Marzo del presente año á que se refiere acordò que conste en el espediente respectivò que el S. Bassoco no dijo que el S. Yrayo fuese magistrado de Morelia sino de Querétaro y que no que se le habia encargado de buscar persona en Morelia à quien se comisionase para el cobro y por último que en esta virtud los Sores. de la Junta procurarian informarse de una persona q. fuese à propòsito para dicho encargo.

En otro informe de la misma mesa propone se acuerde al Supremo Gobierno lo súplica que se le hizo en 30 de Marzo para que resuelva sobre la conducta que debe observar la junta para hacer efectivo el cobro de los treinta y cuatro mil pesos q. tomó el Gral. Sta. Anna en lo casa de moneda de Guanajuáto, y otro para que se repita el oficio en el cual se dijo en 7 de Fbo. al Admor. de rentas de Durango para el pago de los dos mil ciento cuarenta y nueve pesos cinco rs. que resta por valor de dos libranzas respaldadas y lo Junta acordó de conformidad, agregando que habiéndose remitido las libranzas al comisionado por la casa de los SS. Manning y Mackintosh se diga a este Sor. inste al Apoderado por el cobro.

Se leyò por ùltimo un oficio del Ministerio de Hacienda fha 7, del corriente en que comunica la orn. del E. S. Presidente contraida á que los productos del descuento de la cuarta parte del sueldo que debe hacerse á los empleados del resorte de esta junta se entere mensualmente en las Tesorerias Departamentales respectivas.=La Junta acordò que se verifique el entero por la cantidad de ciento setenta y ocho ps. un rl. cuarta parte de la suma que importan los sueldos de la oficina que se pagan del fondo de azogue descontandose en el presente mes à todos los empleados á provata de sus asignaciones, cuyo prorateo se ha adoptado con unaminidad de todos los empleados por principios de equidad, sin que se entienda q. el pago perjudica los derechos con q. cada uno se considere, y con respecto al colegió que se inserte la orn. de que se trata al E. S. Director avisándose al Gobierno lo una y lo otro por conducto del Ministerio de hacienda é insertándose el oficio al de Justicia.=una rubrica=otra rubrica=otra rúbrica.

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## *Sesion del* 23 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dio cta. con una comunicacion de la Subpref$^{a}$. de Colotlan en el Departamento de Jalisco participando à la junta que habiendose pronunciado el presidente del Juzgado de Bolaños D. Juan Fran$^{co}$. Cantabrana por tal motivo y por otros crimenes de que le acusa no puede continuar con el caracter de Presidente.—La Junta acordò q. se inserte al supremo Gob°.

Dos. Del Tribunal de Bolaños en que el suplente del Presidente D. Manuel Velasquez participa haberse encargado del Juzgado por haberse fugado el S. Cantabrana aunque sin entregar el archivo ni los espedientes.—La Junta acordò que se le conteste de enterado y se inserte al supremo Gobierno, como resultado de la nota del Subprefecto de Colotlan.

Tres. Del comisionado en Pachuca remitiendo una letra valiosa mil cuatrocientos noventa y tres ps. dos rs. cuatro gs. por derechos de mineria del mes pasado.—Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del apoderado en S. Luis Potosi acompañando otra valiosa mil trescientos cuarenta y cinco pesos treinta y tres centavos por los productos del mes de Junio y recayó el mismo acuerdo.—una rubrica—una rubrica—otra rúbrica.

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### *Sesion del* 24 *de Julio de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia anterior se dio cuenta con los informes siguientes:

Primero. De la Contaduria sobre la última comunicacion de D. Mariano Catano relativa á su deuda como fiador de Dª. Ana Sierra q. concluye pueden abonarse à Cataño doscientos noventa pesos y no cuatrocientos y tantos como dice.—La Junta acordó que se inserte á dicho S. Ensayador este informe y que entretanto contesta á él no sola verifique los abonos de diez pesos mensuales sino lo mas que pueda por los que ha dejado de hacer.

Segundo de la mesa de Administracion con respecto á la deuda del S. Fagoaga proponiendo q. la contaduria proceda á su liquidacion.—La Junta acordò de conformidad.

Se leyó una comunicacion del E. S. Director del Colegió insertando un oficio del Sup. Gob°. de Veracruz en que le participa haber nombrado yá los doce alumnos que deben venir al Colegio de mineria pertenecientes al Cuerpo de marina conforme al decreto de cuatro de Abril de este año haciendo presente que no hay en el colegio un dormitorio pª. recibirlos.—La Junta acordò que siendo esta la primª. noticia q. tiene acerca del referido decreto ignorando si se han recibido ya algunos de dichos alumnos cual es la dotacion que paguen al Colegio y en donde esté consignada su paga: por último donde haya de hacerse el nuevo dormitorio y cúanto importa este gasto se comunicase al S. Presidente de la Junta para q. impuesto del S. Director de todos estos pormenores y ecsaminadas las localidades convenientes del colegió informe á la Junta para que esta resuelva en vista de todo, lo que creyere conveniente.=una rúbrica=otra rubrica=otra rúbrica.

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### *Sesion del* 27, *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 24, se dió cuenta con las comunicaciones siguientes:

Primera. Dos del Ministerio de Justicia fhas 25, del corrte. acusando recibo del oficio en que se le participó haber sustiluido al Presidente del Juzgº. de Bolaños el sustitulo á quien llama la ley, y la otra del oficio en que se le trascribiò la contestacion al Ministerio de Hacienda sobre la exhivision de lo cuarta parte del sueldo de los empleados del resorte de la Junta. A sus espedientes.

Dos. Dos del E. S. Director del colegió de mineria de 25 del corriente insertando en el primº. una esposicion de los Profesores D. Joaquin Velasquez, Don Sebastian Camacho, D. Antonio Castillo D. José Salazar y D. Blas Balcarcel sobre que se declare no estar comprendidos en el decreto que rebaja una cuarta parte de sus sueldos à los empleados agregando q. en su concepto la solicitud está fundada en justicia pues no podria sin faltar à ella rebajarse à unos profesores y no á otros.=La Junta acordò que se inserte al supremo Gobierno por conducto del Ministerio de Justicia y se diga asi al S. Director manifestandole la diferencia entre los profesores pagados por el fondo dotal y las que lo son del de azoguez á quienes ella considera comprendidos en el mencionado decreto. En el segundo propone que en virtud de tener que pagar en la semana entretanto una cantidad crecida de libros y maquinas que para el colegio y el museo ha traido Don Clemente Bourges y algunos fletes cuyo importe de mil quinientos pesos consta de la cuenta del S. Mayordomo que acompaña, abonará los mil pesos q. se le proporcionaron en Londres deduciendo quinientos cada mes de lo que se entrega á dicho mayordomo.=La Junta acordó que se la conteste de conformidad verificándose el primer abano de los dos mil pesos que del fondo de azogue se le han de anticipar en el mes que entra.

Tres. Del comisionado en Guanajuato que en 14, del corriente remite el recibo de sesenta ps. que entregó el Sor. Robles en 1844 por el cuarto trimestre del préstamo forzoso. Remite igualmente un oficio del Tesorero Departamental por no poder duplicar el certificado que se le pidiò de dos mil setecientos veintidos pesos siete rs. nueve gs. q. dice el Sor. Hoffay el que asegura haberlo remitido con las cuentas de Marzo de 845. Por ultimo agrega que el S. Robles le reclama las boletas de Mineria que quedaron pendientes del tiempo de su recaudacion. La junta acordò q. se pase à informe á la Contaduria.

Cuatro. Cuatro oficios del S. Zamora fha 25, del corriente acompañando al primero las memorias numeros 29, de la negociacion de Tasco. Que se acuse recibo y se pasen á la Contaduria. Avisando en el segundo haber girado á favor de S. Rafael Solarez la libranza nº. 41, valiosa doscientos cincuenta pesos.=Que se pague. Participando en el tercero que para la raya de la presente semana necesita de doscientos cincuenta pesos.=De enterado. Y dando las gracias en el último por la recomendacion que ha hecha la junta à favor de su hijo.=Al archivo.

El Srio. manifestó que D. Agustin Font que tiene prestada la mina de S. Joaquin de Tasco, le escribia en 21 del corriente desde Orizaba si la Junta querria habilitarlo puce que se habia encontrado una labor muy buena no tanto por su ley como por lo abundante de su saca.=La Junta acordó que no teniendo fondos para esta clase de habiltaciones se le contestase asi, pº. que se le recuerde que entre tanto consiga el avio la mina debe continuar amparado por él pª. evitar un denuncio.=una rúbrica=otra rúbrica.=otra rúbrica.

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## *Sesion del* 28 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se leyó una comunicacion del Tribunal minero de Temascáltepec anunciando que habiendo llegado á entender que en el informe del S. Prefecto se trató de desbanecer la realidad con que apoyó su queja ofrece remitir los justificantes.=La Junta acordó que se le conteste de enterado y que se espera la justificacion q. ofrece.

Se dio cuenta con un informe de la Contaduria que comprende la liquidacion de la deuda del S. Fagoaga la que queda reducida á dos mil ochocientos diez y seis ps. seis rs. diez gs.=La Junta comisionò al S. Segura para que impuesto de los créditos que presenta el S. Fagoaga informe en vista de los antecedentes cual sea mas conveniente admitir.=una rubrica=otra rubrica=otra rúbrica.

### *Sesion del* 30 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 28, se leyó una comunicacion del encargado del cobro en Pachuca manifestando que no habiendo recibido el recibo de las cuentas q. remitió en 7, del corriente pide se le diga si han padecido entrabio pª. reponerlas.=Ynforme la sria.

Se dio cuenta con los dos siguientes informes de la Contaduria. Primero sobre la equivocacion que se advierte en el poder dado por los herederos de D. José Amares en que dice Berroete en lugar de Berroecos.=La Junta acordó que en atencion á la conveida honrades del Sor. Berroecos continue reconociendosele como apoderado de dichos herederos; pero que se le diga oficialmente q. dentro de seis meses acredite del modo conveniente el equivoco de la palabra Berroete en lugar de Berroecos.

Segundo sobre la ultima contestacion del apoderado en Gnanajuato relativa á la cuenta del S. Robles.=La Junta acordó de conformidad.=una rúbrica=otra rúbrica=otra rúbrica.

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## MES DE AGOSTO DE 1846.

### *Sesion de* 3 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 30 se dio cta. con las comunicaciones sig$^{tes}$:

Primera. Del Juzgado minero de Angangueco consultando á la junta que debe hacer en virtud de que habiéndose recusado á su presidente este no ha querido darse por tal recusado.= La Junta acordó q. occura al Juez del partido para consultarle conforme á la ley que estableció los Juzgados y al Gobierno superior del Departamento si tuviere necesidad de hacer obdecer sus acuerdos.

Dos. De Diego José Perez Fernandez fha 2, del corriente participando que en cuanto recibo su sueldo mandará el abono de este mes.

Tres. Del Comisionado en Culiacan remitiendo dos libranzas una de ciento veintiocho ps. dos rs. por productos de mineria en Cosalá en Mayo y otra de treinta y siete pesos setenta y nueve centavos por los de Mazatlan pertenecientes al mismo mes.

Cuatro. Del apoderado en Guanajuato ofreciendo que en lugar del Certificado que se le pidió mandará un testimonio de la protesta que hizo el S. Hoffay en aquella época.=A la contaduria.

Cinco. Siete comunicaciones de D. José Zamora la 1ª. de 27 del pasado avisando que el arriero no habia llevado mas de cuatro quintales y medio de azogue. Averiguado que habian quedado el uno y medio restantes en la casa donde se comprò se le remitiesen. Con la segunda acompaña las memorias num. 30 y los estados y corte de caja nº. 7 de la negociacion.=Recibo y á la Contaduria. En la tercera pide se le remita una tela que necesita para la rueda del molino de seis varas de larga, si tuviere una tercia de ancho, y de tres si fuere doble el ancho y participando que siguen bien los metales de pinta y q. para la raya de la semana entrante necesita de trescientos ps.=De enterado y que se solicite la lela.=En la cuarta participa que habiendo sido rechasados los invasores de Ygnala se habia restablecido la tranquilidad.=De enterado. En la quinta remite ampliado su informe sobre las casas pertenecientes á aquella negociacion.=Que informe la mesa de fomento y acompañando en las dos últimas las libranzas num. 42 y 43, valiosas ciento cincuenta pesos y doscientos pesos.

Se leyó por último una instancia de Dª. Maria Ygnacia Barron en que solicita se le devuelvan los descuentos que se hicieron del monte pio á sus dipuesto esposo D. Fernando Tamayo. =Que informe la mesa de fomento.=una rúbrica=otra rubrica=otra rúbrica.

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## *Sesion del* 7 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 3, se leyeron las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 5, del corriente autorizando á la junta para q. haga lo quo la paresca mas conveniente en cuanto al denuncio y propuesta de arrendamiento de la mina de Clavellinas.=La Junta acordó que se inserte al Juzgado de Guanajuato.

Dos. Del encargado de la recaudacion del derecho de mineria en Méjico remitiendó mil tres pesos cinco rs. por lo cobrado en el mes prócsimo anterior inclusos veinticinco ps. cinco rs. nueve gs. que abonó D. Manuel Lebrija.=Recibo y á la Contaduria.

Tres. De D. Eduardo Scheleiden adjutando en copia una instancia que dirijió al E. Sor. Gobernador del Departamento de Michoacan contra el presidente del Juzgado de Angangueo por que habiéndosele recusado no solo no ha admitido la recusacion sino que ha seguido conociendo en el asunto con citar á los partes y con llamar á los cólegas asosiados con dos de los suplentes.=La Junta acordó que se suplique al E. S. Gobernador de Michoacan que tomando los informes q. estime convenientes en el asunto haga que se administre pronto y debido justicia por aquel Tribunal en todo lo que este en sus facultades.

Cuatro. Se leyò un informe de la Contaduria opinando que puede pedirse el certificado de la casa de moneda de Guanajuato de que habla D. Fernando Pohls en su oficio de 31 del pasado supuesto que no puede remitirlo el S. Admor. de rentas de aquel lugar.=La Juuta acordò de conformidad.=una rúbrica=otra rúbrica=otra rúbrica.

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## *Sesion del* 10 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 7, se dio cuenta con las comunicaciones siguientes:

Primera. Del encargado de la recaudacion en Zimapan remitiendo una letra de doscientos treinta y siete pesos un grano por derechos de mineria del mes de Julio.=Que se reconosca y cobre la letra, se hagan los asientos y se acuse el recibo.

Dos. Cuatro comunicaciones de D. José Zamora del dia 8 del corriente acompañando á la primera las memorias num. 31, y la boleta de beneficio numº. 7.=Recibo y á la contaduria.= Participando en la segunda que los metales ultimamente labados han rendido una ley casi de setenta marcos por cien quintales: manifiesta la necesidad de que se le remistan otros seis quintales de azogue y que en la semana presente se labará una partida de trescientos quintales y finalmente que pª. la raya necesita de trescientos pesos.=La Junta acordó de enterado y que se le conteste que para el dia 21, podrá venir el arriero por el azogue.=Con la tercera y cuarta avisa haber girado la libranza nº. 44 valiosa doscientos setenta y ocho pesos y la nº. 45, por valor de cincuenta.=Que se páguen.

Hablendo leido el oficial 1º. un decreto de la Asamblea Departamental de Chihuahua fha. 10 del pasado en que señala para las atenciones militares de aquel Departamento el producto del derecho de mineria la Junta acordó que se oficie al E. Sor. Gobernador de aquel Departamento desvanciendo la equivocacion en que ha incurrido aquella Asamblea suponiendo este fondo como pertenecientes á rentas públicas remitiéndole copia de la esposicion que se elevó al Goberno en 10 de Enero del ano pasado con motivo de una igual ocupacion que tuvo la Asamblea de Guanajuato y la orn. que de conformidad diò en consecuencia el Sup°. Gobierno de acuerdo con el consejo suplicando le derogue tal orn.

Se acordó igualmente que se oficie à D. Autonio Castillo reclamando la conclusion del mapa minero qne quedó en entregar hace algun tiempo y que entretanto remita el que se le presto del S. Segura.=una rúbrica=otra rúbrica=otra rúbrica.

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### *Sesion del* 13 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzgado de Guanajuato de 8 del corrte participando que ha trasladado al S. Arreguin todas las comunicaciones de la Junta é inserta à la letra la contestacion nada comedida de dicho Sor. El Tribunal dá à entender que no sabiendo que hacer ha pasado el asunto al Acesor.=La Junta acordó que informe la mesa de fomento y que se diga al D$^r$. Vidal que está pronta à ceder en su favor todos los derechos que tiene á la mina de Clavellinas con tal de que azogue los gastos que sean necesarios en el pleito que indica el S. Arreguin en el concepto de que el importe de ellos se deducirá de la tercera parte de utilidades que ofrece.

Dos. De la Direccion gral. de Yndustria fha. 10 acusando recibo de una libranza de ciento veintidos noventa y cuatro centavos que devolvio la Aduana de Veracruz. A su espediente.

Tres. Del encargado en Durango acompañando quinientos cincuenta y cuatro ps. tres rs. un grano, por productos del derecho de mineria en el mes de Julio.=Que se reconozca la letra se hagan los debidos asientos y se acuse el recibo.

Cuatro. Del de Culiacan remitiendo dos libranzas una de setecientos treinta pesos cinco octavos de real por productos del derecho de mineria en todo el mes de Mayo en Alamos y otra de cuatro cientos cincuenta y cuatro pesos tres y medio rs. por los mineros productos pertenecientes á Junio.=Que se reconoscan las letras, se hagan los respectivos asientos y se acuse el recibo.

Cinco. Otras tres del mismo acompañando tres libranzas, una de doscientos veintidos pesos y cinco octavos de real por productos de mineria en Culiacan en el mes de Junio. Otra de ciento cincuenta y dos p. noventa centavos por los de Mazatlan en Junio y la ultima de cuarenta y seis pesos cinco rs. por los de Cosalá en el repetido mes. Que se reconozcan las letras, se hagan los respectivos asientos y se acuse el recibo.

Seis. Se leyó la cuenta de lo recaudado en Julio por las viviendas del Colegio.=A la contaduria.

Se leyò finalmente una instancia de D. Jose Mª. Arteaga solicitando la escribania que desempeñaba Don Manuel Garcia Romero.=La Junta acordó que se reserve para su caso.

Se leyó un oficio de la Junta menor de S. Juan de la Chica manifestando que la Junta de S. Juan de la Chica habia acordado pedir á los accionistas, enteracen el segundo dividendo para el dia 22.=una rubrica=otra rubrica=otra rúbrica.

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### *Sesion del* 17 *de Agosto de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada del dia 13, se dio cuenta con las comunicaciones siguientes:

Primera. Fechas 14 del corriente en Pachuca del apoderado remitiendo una letra por valor de mil cuatrocientos sesenta y cinco ps. seis rs.=La Junta acordó se reconozca la letra, se hagan los asientos y se acuse el recibo.

Dos. Del de Zacatecas á 10 del corriente remitiendo dos letras una de seis mil trescientos veintitres ps. uno y medio gs. por los productos de aquel Distrito en el mes de Julio y otra de ciento cincuenta y tres ps. cuatro rs. productos de los derechos de Sombrerete en el mes de Julio.=Que se reconosca la letra de seis mil trescientos veintitres ps. uno y medio gs. se reconosca y cobre la de ciento cincuenta y tres ps. cuatro rs. y se acuse el recibo.

Tres. Del comisionado en Guanajuato fha. 14, acompañando una libranza de seis mil ciento treinta y nueve pesos cinco rs. un grano.=Que se reconozca la letra, se hagan los asientos y se acuse el recibo informando la contaduria sobre los introductores de plata que no hayan pagado sus derechos.

Cuatro. Del de Chihuahua de 18 de Julio remitiendo una libranza de trescientos cuarenta y cinco pesos un real valor de los productos de mineria del mes de Junio en Chihuahua y Jesus Maria.=Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Cuatro comunicaciones de D. José Zamora fha 15 acompañando en la primera las memorias num. 32.=Recibo y à la Contaduria.=Acusando recibo en el segundo del completo de lo seis quintales de azogue que se le enviaron y avisando haber girado los letras num. 46 y 47, por valor de ciento cincuenta pesos cada una.=una rubrica=otra rubrica=otra rúbrica.

### *Sesion de* 19 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y los SS. Licenciados D. Arcadio Villaloa y D. Francisco Gomez como representantes de los parcioneros de la Junta en la mina de Trinidad de Tasco y el Lic. D. Cástulo Barreda como su patrono en el asunto promovido por D. José Mª. Madariaga sobre denuncio de la mina llamada el Socabon de S. Juan.

Este último S. manifestó que habia promovido ante la Junta se citacen á los SS. parcioneros para q. promovicien por su parte la justa defensa de sus derechos en el despojo que trata de hacerseles de su propiedad, cuyo recurso podria ser tanto mas útil cuanto que ampliado de este modo el término de prueba ésta podria ser mas amplia y competente.

El Sor. Presidente manifestò que la Junta estaba pronta á continuar haciendo los gastos q. erogase este recurso cargándolos á la cuenta de avio que lleva con los Señores Parsionistas.

El S. Gomez dijo que no tenia embarazo en tal concepto en sostener por su parte los derechos al Socabon de S. Juan.

El S. Villaloa indicò que no le parecia útil el ocurso de que se trata por que al menos por su parte no tendria que alegar nuevas pruebas á las que habia espresado el S. Barreda en defensa de los derechos de la Junta en los que estaba de acuerdo y no creia necesario dar este paso con solo el objeto de dilatar este asunto.

El S. Barreda insistiò en que por lo mismo si para ampliar y corroborar la prueba fuese necesario usar de este recurso quedase acordado desde luego se usase de él en los términos indicados, en lo que convinieron unáminemente pidiendo por ultimo dicho S. Barreda y conviniendo la junta en que se le diese còpia de este acta para los usos q. creyese convenientes.

En seguida se dio cuenta con una comunicacion de los SS. Manning y Mackintosh fha. del 18, acompañando respaldadas las libranzas num. 95 y 100, de 20 de Noviembre de 844, y 4 de Enero de 845, contra la Admon. gral de rentas de Durango por valor la primera de quinientos siete ps. dos rs. tres gs. y de mil ochocientos veinte ps. siete rs. la segunda.=Se pasó á informe á la Contaduria.

Se presentò la cuenta de honorarios de Don Celso Muñoz por los reconocimientos, medidas y plano levantado de la mina de Trinidad y la Junta acordò se pasan à informe de D. José Zamora.=una rubrica=otra rubrica=otra rúbrica.

## *Sesion del* 19 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y los SS. Licenciados D. Arcadio Villaloa y D. Fran$^{co}$. Gomez como repretantes de los parcioneros de la Junta en la mina de Trinidad en Tasco, y el Lic. D. Cástulo Barreda como patrono de la junta administrativa en el asunto promovido por D. José M$^{a}$. Madariaga, sobre denuncio del socabon de S. Juan en Tasco.

Este último S. manifestó que habia promovido ante la junta se citacen à los SS. Parcioneros para que concurriesen por su parte à la junta defensa de sus derechos de propiedad en lo que les toca, y que el recurso de terceria coadyubante, podria ser tanto mas util, cuanto que este modo la prueba podia ser mas amplia y competente.

El S. Presidente manifestò: que la Junta estaba pronta á continuar haciendo los gastos que erogase este recurso cargandolos á la cuenta de avio que llevaba con los SS. Parsionistas.

El Lic. Barreda hizo una reseña de todos los pasos é incidentes del asunto, desde que se hizo la denuncia en Julio de 1842, hasta la fha eñ que el asunto se halla en estado de haber sido restituido por cuarenta dias al término de prueba. Espuso cuales son los puntos que habia promovido relativamente à ella, cuales las razones en que se fundò la oposicion á la denuncia, las mismas que constan en los escritos que obran en los antos, cual el fin y écisto de los artículos promovidos para obtener la ampliacion del tèrmino de prueba. Habló tambien del estado que guarda la apelacion interpuesta del anto en que facilmente se escluyò la audiencia de los parcioneros.

El S. Gomez dijo: que no tenia embarazo supuestos los mèritos de que se ha hecho uso en el negocio, en sostener por su parte los derechos del socabon de S. Juan.

El S. Villaloa espuso: que no le parecia ùtil el recurso de terceria coadyubante por que al menos por su parte nada tendria que alegar, sobre lo que ha espuesto el patrono de la Junta, ni tiene otras pruebas a demas de las que èste ha espresado en defensa de los derechos comunes en el socabon de S. Juan.

Habièndose adherado el S. Gomez el concepto manifestado por el S. Villaloa, el Lic. Barreda pidió que se le diese la constancia de que los Señores parcioneros aprobaban como habian indicado la conducta de la Junta administrativa y los medios de defensa relativamente al Socabon de S. Juan, á fin de concluir con esta constancia el punto promovido sobre que se les oyese, lo cual no juzgan necesario. Se acordò por los Señores presentes de conformidad.

Espuso ademas el mismo Lic. Barreda q. si para ampliar ò corroborar las pruebas consideraba necesario que se hiciese el recurso de terceria coadyubante quedará acordado interponerlo luego que manifiesta esa necesidad la calificacen los SS. interesados y la Junta. Convinieron tambien unanimemente en este punto.

Asi mismo acordaron por mosion del Lic. Barreda, que luego que se concluya la prueba les espondrá su opinion difinitiva sobre el asunto, y su concepto sobre su escrito final, para los objetos que convengan á todos.

Se acordó por ùltimo se dé testimonio de esta acta al Lic. Barreda y concluyó esta junta.=una rubrica=otra rúbrica=otra rùbrica.

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### *Sesion del* 20 *de Agosto de* 1846.

Coñcurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Dos del 17 la 1ª. del E. S. Luis G. Chavarri participando haber entregado el Gobierno del Departamento y la segunda del E. S. D. Josè Gomez de le Cortina avisando haberse encargado de èl.=Que se le conteste haberse vido con satisfaccion.

Dos. De la Direcion gral. de Yndustria fha. 19, dovolviendo respaldada la libranza nº. 884 valiosa ciento veintidos pesos veinticinco centavos y la cuenta de los gastos del protesto para que se devuelva á la Aduana maritima de Veracruz.=La junta acordó que se inserte al S. Admor.

Cuatro. De los SS. Manning y Mackintosh fha 18 del corriente acompañando un decreto de la Asamblea de Chihuahua ocupando los productos del derecho de mineria para la guerra =La junta acordó que se le conteste que ya ocurrió al Supʳ. Gobierno de aquel Departamento y que asi se diga tambien al encargado en Chihuahua.=La junta acordò que se encargase de las anotaciones en el protocolo de la junta por muerte del S. Garcia Romero á D. Ramon de la Cueva, Escribano Nacional y pùblico.=una rubrica=otra rùbrica=otra rùbrica.

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### *Sesion del* 21 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con un oficio del E. S. Gobernador de Michoacan fha 17, contestando á la junta haber dictado yá las providencias convenientes en el asunto del . Schleiden.=Que se inserte al interesado.

Dos. Del encargado en S. Luis Potosi acompanando una letra de dos mil novecientos noventa y siete pesos siete rs. seis gs. por productos de mineria en el mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del comisionado en Culiacan acompañando otra valiosa ciento ochenta y un real por productos del mes de Mayo. =Que se reconosca y cobre la letra, y hacièndose los respectivos asientos acùusese el recibo.

Se leyò una propuesta del S. D. Manuel Marº. Cortazar sobre compra de los metales y herramienta ecsistentes en Atargea, la que subio despues á mil cien pesos.=La junta acordò que no era admisible y q. encargaria á una persona à quien entregase dichas ecsistencias. Con arreglo al informe de la contaduria se mandaron pagar a dicho Sor. doscientos noventa y dos pesos importe de lo que quedò pendiente por las diez y siete semanas del amparo que se ha verificado en Atargea y quedando solo pendiente la memoria de la ultima semana para cuando la remita y lo que importa el cuidador á la mina à razon de seis pesos semanarios desde la fecha en que cèso el trabajo. =una rubrica=otra rùbrica=otra rùbrica.

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### *Sesion del* 24 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzgº. minero de Angangueo manifestando que espera conseguir en vista de lo que consulta del acesor a quien se han dirijido, reponer el honor de aquel Tribunal que por desgracia habia sufrido en estos ultimos dias.=Que conteste enterado con satisfaccion.

Dos. De la Administracion de rentas de Zacatecas fha 18, del corriente participando tener à disposicion de la Junta doce ps. siete rs. nuevè granos abonados por el Admor. de Villanueva por lo que debia del uno por ciento de estraccion de moneda. =Que entregue dicha cantidad al comisionado en aquella ciudad y á este q. la remita en libranza por separado para no mes clar los fondos.

Tres. Del comisionado en Guanajuato remitiendo un Certificado de aquella casa de moneda que se le pidiò.=A la Contaduria.

Cuatro. Del S. D. Mariano Monterde acompañando un documento en contestacion á las observaciones hechas à su cuenta. =A la misma Contaduria.

Se leyó y firmó el contrato celebrado con Don Manuel Mariano Cortazar por venta de las ecsistencias y metales de la mina de Guadalupe en Atargea.

Se acordó que se recuerde al S. D. Diego Moreno el asunto de las perlas.=una rùbrica=otra rùbrica=otra rùbrica.

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### *Sesion del* 25 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y se leyó y aprobó la acta anterior:

Se dio cuenta con un oficio del apoderado en Tasco D. Miguel Quiñones fha del dia 21, sobre pago de cuatrocientos cincuenta pesos que por costas causadas en el negocio de S. Juan cobra aquel Tribunal de mineria y se acordó que remita original ó en copia la respectiva cuenta informando lo que sobre ella le veurvlese.

Se mandaron pagar las libranzas num. 48 y 49, por ciento y por trescientos pesos girados por el encargado de los negociaciones de Tasco con fechas del 22 asi como que se hagan los asientos correspondientes.

Se dispuso acusar recibo de la memoria de la mina y de la Hacienda marcadas con el nº. 33 y de la boleta nº. 8, y que se pasen à la Contaduria para los efectos que convengan.

Asi mismo se acordó contestar de enterado la nota en que el proprio encargado avisa haberse lavado en la semana una partida de trescientos quintales y quedar incorporadas con seis cientas libras de azogue otras dos de à tresciensos cada una y de que para la raya de la semana entrante necesita de trescientos pesos.=una rubrica=otra rubrica=otra subrica.

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## MES DE SETIEMBRE DE 1846.

### *Sesion del dia* 3.

Asistieron los SS. Segura Flores y Bassoco:

Se leyó un oficio de D. José Mariano Cataño, fha 17 del pasado Agosto en que suplica se le abonen los doscientos cuarenta y cinco ps. cinco y medio gs. que dió á D. Juan Argüelles y los ciento treinta y tres que entregó à los S. S. Lujan y Mackintosh segun acreditan los comprobantes q. acompaña.=Se acordó que informe la contaduria.

Se mandó pagar, previos los asientos correspondientes la cuenta de trescientos veintidos ps. presentada por D. Celso Muñoz y remitió D. José Zamora de Tasco con oficio de 28 del pasado por los honararios que devengó en los reconocimientos que hizo y medidas y plano levantado de los minas de Trinidad y Socabon de S. Juan à consecuencia del nombramiento q. para este efecto hizo de él D. Miguel Quiñones.

Se dio cuenta con tres oficios del apoderado en Culiacan D. Tomas Mackintosh sus fhas 15 de Agosto último con que remite tres letras n. 99, a 101, importantes mil doscientos treinta y cuatro ps. veintisiete tres cuartos centavos que produjo el derecho de mineria en el mes de Julio último en Cosalá, Mazatlan y Alamos.═Que se reconoscan las letras, se hagan los asientos debidos y se cobren las 100 y 101, y se acuse el recibo correspondiente.

Se mandó pasar à la Contaduria para los efectos correspondientes la cuenta presentada por la Tesoreria que manifiesta lo recaudado por arrendam$^{to}$. de las viviendas del Colegio en el procsimo pasado mes de Agosto.

Asi mismo se mando trascribir con recomendacion à la Direccion del Tabaco y demas rentas estancadas un oficio del presidente del Juzg$^{o}$. mlnero de Angangueo su fha 28 de Agosto último en que participa no haber polvora en aquel mineral y manifiesta los graves perjuicios que se originan por la carcacia de este artículo.═una rubrica═otra rúbrica═otra rubrica.

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*Sesion del* 7 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 3, se dio cuenta con las comunicaciones siguientes:

Primera. Del Gobierno de Chihuahua pidiendo de nuevo nueve ejemplares de la ordenanza para aqnellos juzgados.═La Junta acordó q. se suspenda la resolucion de este asunto hasta saber si continuan à nó dichos Tribunales en aquel Estado.

Dos. Del E. S. Director del Colegio fha 7, acompañaudo las cuentas de los dos primeros tercios de este año.═A la Contaduria.

Tres. D. Eugenio Bermejillo en Morelia à 2 de Set$^{e}$. acompañando el inventario de las cuentas del Admor. de rentas D. Joaquin Caballero═Que informe la Contaduria y la mesa de fomento.

Cuatro. Del Comisionado en Zimapan de 1$^{o}$. del corriente remitiendo una letra de ciento cincuenta y cinco pesos cinco rs. por productos del dro. de mineria en el mes de Agosto.═Que se reconosca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. De D. José Joaquin de Guergue en Oajaca á 24 del pasado acompañando testimonio del escrito que presentó ante aquel Tribunal el minero D. José Contreras, sobre si caen ó nó en la pena de comiso el oro y plata en ciertos casos q. señala la panta.=Que informe la mesa de fomento.

Seis. Seis comunicaciones de D. José Zamora fha 5, del corriente acompañando à la primera las memorias nº. 35, y los estados y corte de caja nº. 8, de la negociacion de Tasco.=Recibo y á la Contaduria. Avisando en la segunda haber remitido con el arriero Luna seis barras de plata con peso de 814 marcos 4 on que estaran en Méjico el miercoles ó jueves: que los trabajos continuaban sin novedad siendo los metales de la ultima saca iguales à los que han dado la ley de 70 marcos, y por último que para la raya de la semª. actual necesita de trescientos pesos.=De enterado: adjuntando á las tres siguientes las libranzas n. 52, 53 y 54, valiosas la primera y la última cien ps. cada una y doscientos la segunda.=Que se paguen. Y manifestando finalmente en carta particular al S. Segura la injusticia con que lo calumnia el S. Madariaga probando igualmente haber cumplido con la ordenanza con el rayador Capitan de barras y demas dependientes y por último que en el titº. 9º. de las ordenanzas puede encontrarse la defensa de Trinidad.= La Junta acordó que se le diga que está satisfecha de su honrodez y que se tendrán presente sus indicaciones en el caso en que se verifique el denuncio.

Se acordó oficiar al Supremo Gobietno manifestándole que aunque la orn. que previno la suspension de todo pago del ramo de azogues, comprendió el pago de los dividendos correspondientes à la accion que tiene en la mina de azogue de S. Juan de la Chica se vè en la necesidad de pedir se derogue dicha orden en este punto pues que ademas de que mediando una escritura se podria obligár judicialmente à la junta à cubrir sus compromisos sino verifica sus abonos oportunamte. tendrá que perder todas las cantidades invertidas hasta la fha. en la empresa por todo lo cual la junta propone se satisfaga el dividendo pendiente tomando su importe del importe de los rèditos que devengaron los veinte mil pesos pertenecientes al Departamento de Jalisco para el fomento de azogue y q. tomó enclase de préstamo la Administracion anterior.=una rubrica= otra rubrica=otra rúbrica.

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### *Sesion de* 10 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 7, la Sria. manifestó, que no sabiéndose si D. Joaquin Lebrija habia ó no obtenido algun empleo, el hecho se que no habia comenzado à hacer abonos de su deuda y que ademas à los reclamos hechos al S. Olascoaga por los cincuenta pesos que como fiador de Lebrija debia haber entregado no ha contestado dicho Sor.=La Junta acordó que se averigue si ha obtenido empleo de S. Lebrija y que se ponga otro recuerdo al S. Olascoaga entregándose el oficio al S. Bassoco.

Se acordo igualmente que se diga al S. Diego José Perez y Fernandez que en vista de en carta de 2 del pasado, la Junta espera que remita inmediatamente el abono del mes pasado fundamente con el de este.

Se acordó tambien que se oficie al mismo supremo Gobierno manifestándole lo acaendo en el espediente sobre repaldos de Libranzas del Admor. de rentas de Durango para que el sup°. Gobierno resuelva lo que corresponda.

Se leyó una instancia de D. José Antonio Nieto pidiendo se le venda à costo y costas uno de los aparatos del Dr. Ure que ha comprado la junta para colocar en Guadalcazar.=La junta accedió à la solicitud previniendo que se pondria de acuerdo con el S. Nieto por si le convenia tomar el aparato en la Habana.

La junta acordó oficiar al Sup°. Gobierno dandole las gracias por el decreto en que declara libre la fabricacion de la polvora. =una rubrica=otra rubrica=otra rúbrica.

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## *Sesion del* 17 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 10 con algunas pequeñas bariaciones se dio cuenta con los oficios siguientes:

Primero. Del E. S. Gobernador del Estado de Chihuahua fha 1°. de corriente acusando recibo de la comunicacion dirijida à su antecesor en que le manifestó q. no siendo el fondo de mineria renta Departamental, la junta no podia convenir en que se ocupasen sus productos. Dicho Sor. Gobernador ofrece que habiendo pasado el asunto à dicha corporacion participará oportunamente luego que ella resuelva.=A su espediente.

Dos. Del E. S. Gobernador del Estado de Méjico avisando haber traslado su recidencia à la ciudad de Toluca.=De enterado con aprecio.

Tres. Del comisionado en S. Luis Potosi fha. 12 del corriente acompañando una libranza de doscientos cincuenta y dos pesos cincuenta y siete centavos por productos del derecho de mineria en el mes de Agosto.=Que se reconosca y cobre la letra, se hagan los asientos correspondientes y se acuse el recibo.

Cuatro. Dos comunicaciones de D. José Zamora fecha 12 participando en la primera que en la semana anterior ascendio la saca de metal en Trinidad à cincuenta y cuatro cargas: participa el denuncio hecho dela misma mina por D. José Maria Madariaga, y que se habian labado en la semana anterior trescientos quintales de metal quedando en salmuerados trescientos cincuenta y que por ultimo necesitaba para la raya de trescientos cincuenta pesos. Con la segunda acompaña las memorias num. 36, y la boleta n. 10 de aquella negociacion.=Recibo y à la Contaduria. En carta particular insiste el mismo en que se le pase la visita que tiene pedida.=La Junta acordó q. no considerando necesaria tal visita omite el gasto que ella importaria y agradese las noticias que le dá y que continue comunicandoselas.

Cinco. De D. Miguel Quiñones fha. 12 remitiendo la cuenta de los gastos que presentó la Secretaria del Tribunal de Tasco, pidiendo se mande pagar asi como la del perito D. Celso Muñoz.=La Junta acordó que se mande pagar al S. Zamora esta última, devolviéndose al S. Quiñones la primera en razon de que el mismo dice que deben hacerse de ella algunas deducciones y no puede servir de comprobante para la contaduria mayor dho. documento advirtiéndole que no se puede pagar mientras no venga esacta y que las otras partidas se documentaran en otra cuenta.=una rúbrica=otra rubrica=otra rúbrica.

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### *Sesion del* 18 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 17, se dio cuenta con dos informes de la contaduria relativos à la deuda del S. Cataño: en el primera la junta acordò de conformidad previniendo que se le devuelvan los documentos que no prueban bastante el entero de las sumas que resan, q. queden en la Contaduria los pertenecientes á las cantidades que crea abonables dicha oficina y que se inserte el dictamen al S. Cataño. En el segundo acordó que se oficie al apoderado en el Parral insertandole el informe é instruyéndole del asunto de manera que puede verificar cuanto antes el cobro.

Se leyo otro dictamen de la misma contaduria relativo à la ultimo contestacion del S. Monterde apoderado que fué de Chihuahua.=La junta acordó que se suplique à dicho Sor. se acerque á esta oficina en donde se le impondrá del mencionado dictamen y de lo demas que sea conveniente pª. la terminacion de este asunto.

Se dio cuenta con las dos siguientes comunicaciones. Primera del Juzgado minero de Angangueo de 11 del corriente pidiendo à la junta recabe del Gobierno declare libre su correspondencia oficial.=La junta acordó que se le diga: que habiendo solicitado ya en otra vez la francatura de la correspondencia de los Juzgados, el supremo Gobierno no ha tenido à bien acceder à ella.

Segundo. D. José Antonio Nieto acompañando una carta del S. Barroeta en que participa el buen estado del laboreo de Guadalcazar y la poca duracion de las retortas de fierro que trajo el Señor Tobin á fin de que se tomen las debidas precausiones en el aparato del D. Ure.=La junta manifestó al S. Nieto que probablemente dicho aparato vendrá ya en camino y por consiguiente es indispensable que se resuelva si toma ó nó el dicho aparato y contestó que à vuelta de correo contaduria.= una rubrica=otrá rubrica=otra rúbrica.

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### *Sesion del* 21 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 18, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones f ha 19, insertando el oficio del Ministerio de Hacienda en que accediendo à las indicaciones de la Junta participa que el supremo Gobierno ha dispuesto que las ecisistencias del fondo de azogue continuen empléandose como se habia mandado en fomento del colegio y pidiendo en clase de prestamo del fondo dotal la cantidad de veinticinco mil pesos.

Los SS. Bassoco y Flores estubieron de acuerdo en que se debia representar manifestando al Gobierno que sin que se entendiera que la Junta desconozca la urgente necesidad que hay de que todos contribuyan à la defensa nacional del modo que les sea posible, sin embargo considerando el origen y actual situacion del fondo dotal no se creen con facultades suficientes de sus comitentes para emplearlo en ningun otro objeto de aquellos à que lo destinó la ley, y despues de una detenida discusion asi se acordó no obstante las observaciones que espuso el S. Segura, el q. salvó su voto presentando una protesta q. pidio constase en el acta y manifestó que remitiria el Ministerio juntamente con el oficio acordado.

La Junta acordó en cuanto á lo primero que se insertase en el acta dicha protesta y con respecto á lo segundo que el Sor. Segura podia remitir como individuo de la Junta las comunicaciones q. creyese convenientes, paro que la Junta no podia autorizar las protestas que hiciese contra los acuerdos de la mayoria. En consecuencia la protesta de que se trata ès la sig$^{te}$.—El que suscribe aunque con sentimiento se vè en el caso de protestar que su opinion difiere de la de sus apreciables compañeros. La suya es que en las presentes penurias y aflictivas circunstancias en que se encuentra el erario público debe proporcionarse al Supremo Gobierno el prèstamo que solicita del fondo dotal propiedad de los mineros en cantidad de vienticinco mil pesos; que no habiendo esta cantidad en arcas se remita á la Tesoreria la existencia y se complete el dicho prèstamo con el primer dinero de que pueda disponer la Junta: que juzga escusado antes de obedecer la orn. del supremo Gobierno el hacer esas muy bnenas observaciones que obran à favor del mismo fondo y de los intereses del propio Gobierno; por que en la sabiduria de éste se han pesado y el fiel de la balanza inclinado acia el bien público cuando peligra por la guerra mas injusta el mas precioso de los dones cual es el de la independencia nacional, le han hecho dictar una orn. que en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente: que este es su voto el que pide quede consignado en el acta del dia como tambien que el reparto que se esta haciendo debe suspenderse para que estas cantidades se empleen en el préstamo solicitado y que si se continua haciendo se entienda tambien, que salva su voto en dicho acuerdo.

Se dio cuenta en seguida con un oficio del Tribunal de Guanajuato insertando la solicitud de D. Ygnacio Portu como uno de los interesados en la venta de la mina del Toro para que se le satisfagan trescientos cincuenta pesos que se le restan.—La Junta acordó que informe la mesa de fomento.

Otro de D. Fernando Pohls, fha 18 acompañando una letra de cuatro mil novecientos cincuenta ps. siete rs. un grano por productos de mineria del mes de Ag$^{to}$.—Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Del comisionado en Pachuca fha 19, acompañando en libranza mil quinientos cincuenta y nueve pesos un real por producto liquido de los derechos de mineria en el mes pasado y recayó el mismo acuerdo que en el anterior.—Finalmente otro de 16, del corriente del comisionado en S. Luis remitiendo la cuenta y nota del barreage del último trimestre.—Se acordó pasarla à la contaduria.

Se acordó que constase en la acta como dictamen de los SS. Flores y Bassoco el oficio que en contestacion se puso el Gobierno y dice asi.—„ Esta Junta recibió ayer Domingo 20, el oficio que V. E. se sirve pasarle con fha 19, trascribiendo el del E. S. Ministro de Hacienda del mismo dia en el cual se comunica à la junta que el E. S. Gral el Gefe en ejercicio del supremo poder ejecutivo habia tenido a bien acordar en vista del oficio de fha 12, se dé al fondo establecido para el fomento de las minas de azogue, el destino à que está consignado en beneficio de la instruccion pbca. pero que siendo las graves penurias del erario tan conocidas y perentorias, el supremo Gobierno necesita que del fondo dotal se le haga un préstamo de veinticinco mil pesos en la inteligencia que se acordará el pago á la mayor brevedad.

Por nada del mundo quisiera la Junta q. ni por un momento pudiera pensarse que ella desconoce la urgente necesidad de que todos los que tengan en algo la nacionalidad Mexicana se apresuren á concurrir en su defensa del modo que à cada uno sea posible; pº. cree tambien que faltaria ó la confianza que los mineros y acreedores al fondo dotal depositaron en sus mandatarios, y aun se haria indigna del aprecio del mismo supremo Gobierno, si dejara de hacer las observaciones que pasa a manifestar.

El fondo dotal consiste en el pago de un real por marco de once dineros q. con autorizacion legal se impuso el cuerpo de Mineria para formarle y q. como caudal propio suyo segun los términos de la cedula respectiva le ha administrado por medio de sus representantes con entera inhivicion de las rentas públicas del Estado. Bajo tales garantias solicitó y le prestaron varias personas, cantidades considerables á depósito irregular con hipotecas del mismo fondo debiendo hoy à estos capitales mas de diez y ocho años de reditos. Esto es lo que constituye la deuda del cuerpo de la que dimana que forme parte de la junta el Apoderado de los acreedores.

Esta ligerisima indicacion es bastante à nuestro juicio para probar que el fondo dotal es una propiedad particular y está en el caso de ser tratada y gravada como las demas sin que aparezca motivo para q. este sujeta á otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion no la ha ocupado en cantidad alguna desde 1842, no obstante que en el mismo periodo ha tomada varias que forman una crecida suma del fondo de azogue que por su naturalesa es nacional y público.

Sin embargo de la incolumidad del fondo dotal durante aquel tiempo y à pesar de los esfuerzos con que la Junta ha procurado mejorar su administracion consiguiendo en ella mejoras de no poca importancia; de tanta trascendencia y de tan funesto influyo fueron las ocupaciones sufridas en tiempos anteriores que no ha podido relevarse del abatimiento y postracion en que le pusieron. La hipoteca es buena; la administracion pura y bastante económica y sin embargo el precio de los créditos bajo en demasia, cuyo mal solo se debe à la causa q. dejamos indicada.

Esta consideracion Sor. Exmo. es la q. nueve á la junta á proferir que los individuos y corporaciones que tienen capitales en el fondo sean gravados mas bien por otras contribuciones á derramas que no en los créditos que aqui tienen puesto q. sobre la erogacion que en ellos sufririan habrian de resentir en lo succesivo el funesto resultado de q. su valor bajase aun mas de lo que en el dia ha bajado. Los Apoderados de mineros y acreedores no tienen ciertamente mas facultades respecto del fondo dotal en virtud de las leyes de la creacion de este cuerpo que las de administrarle y aplicarle à los objetos que ellas mismas demarcan, y ni unos ni otros juzgarán que sus mandatarios han cumplido con su deber si dejarca de presentar estas observaciones á una administracion tan ilustrada como la presente. Repite pues que solo el deseo de llenar cumplidamente sus deberes es lo que la precisa à espresarlo que lleva manifestado; por lo demas como particulares se han prestado y estan dispuestos à hacer en las criticas circunstancias del dia todo lo que el estado de sus negocios les permita.=La Junta protesta à VE. las seguridades de su distinguida consideracion y aprecio.=dos rubricas.

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### *Sesion del* 22 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las siguientes comunicaciones de D. Josè Zamora fha 19, del corrte:

Primera. Acompañando las memorias num. 37, y la boleta de beneficio numº. 11.=Recibo y à la Contaduria.

Dos. Participando que la saca de metal vá en aumento, que habia suspendido las labores del socabon por falta de pólvora que no habia en aquella administracion, pidiendo se le diga si podrá remitírsele de esta capital y por último que necesita para la raya de la semana entrante cuatrocientos cincuenta pesos.=De enterado y que se informe de la administracion si hay pólvora de minas y à que precio para avilatar la mina de Trinidad.

Tres. Acompañando testimonio de la vinta que hizo el Tribunal de Tasco en 10 de Febrero á la mina de Trinidad.=Que se dé conocimiente al S. Lic. Barreda.

Cuatro. Acusando recibo de los seis quintales de azogue que se le remitieron ultimamente y preguntado su importe.=Que se le diga cual fuè.

Otros tres finalmente avisando haber girado tres libranzas bajo los num. 54, por valor de sesenta pesos á favor de D. Antonio Herrera, 56, valiosa trescientos à favor de D. Leonardo

Maldonado y 57, de cuatrocientos sesenta y cuatro pesos al D. Rodriga Solarez—Que se pague.

Un oficio de D. Miguel Quiñones fha. 19, instando por el pago de los derechos de aquel Tribunal y del perito que hizo la visita.—La junta acordó que se estè à lo resuelto anteriormente en ambos asuntos.

Se acordó por último se remita la tornaguia de las barras procedentes de Tasco y el pero de ellas.—una rubrica—otra rúbrica.

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### *Sesion del* 24 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 23, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia del 23, pidiendo licencia temporal para que el srio. D. Jose Mª. Castera se encargue de una comision temporal que el Gobierno ha tenido à bien confiarle, en el concepto de que oportunamente volverá à servir la secretaria de la Junta. Ella acordó la licencia y que se conteste al Gobierno estar obsequiada su orden.

Dos. Del encargado de la recaudacion de Guanajuato remitiendo lo cuenta y documentos del segundo trimestre de este año.—A la contaduria y que se le acuse recibo.

Tres. Del encargado de Zacatecas remitiendo la cta. y documentos por el proprio trimestre, à la que recayó el mismo acuerdo.

Cuatro. Del comisionado en Guaymas remitiendo un Certificado de mil trescientos ocho pesos q. enteró aquel Departamento D. Pablo Rubio.—A la contaduria.

Se acordó acusar el recibo de siete mil doscientos sesenta y dos ps. siete rs. tres gs. por las seis barras de Tasco que se le vendieron en su valor al S. D. Zavier Echeverria.

Se dio cuenta con el informe de la mesa de administracion y el de la contaduria en que promueve se estienda un poder especial al S. Bermejillo pª. que pueda ecsijir las cuentas pendientes al Admor. de Morelia D. Joaquin Caballero.—La junta acordó de conformidad y que se le inserten los dos informes pero el de la mesa hasta la palabra *por si fuese necesario* dandose orn. à la Tesoreria para q. satisfaga el importe del poder al escribano.

Se mandó satisfacer un recibo de seis pesos del Lic. D. Cástulo Barreda para francatura y certificacion de un pliego con documentos que tuvo que dirijir para el Juzgado minero de Tasco y diez ps. que importó el estraordinario que tuvo q. ponerse pª. una comunicacion urgente que se remitio al mismo mineral.

Se dio cuenta por último con una comunicacion del E. S. Director del Colegio à la que acompaña el oficio del Ministerio de Relaciones en que se le manda entregar la Direccion al Catedrático del mismo D. Andres del Rio nombrado interinamente para sustituirle y la contestacion q. dio á dicho Ministerio.—La Junta acordó q. insertandose al Gobierno los artículos de la ley q. habla del modo de sustiluir al Director, dandole conocimiento del oficio del S. Tornel para q. se sirva resolver en que caso se halla la separacion de este Señor, y que la junta pueda ejercer respectivamente las atribuciones que la ley le comete.—Dos rúbricas.

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### *Sesion de* 28 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 24, se dio cuenta con las comunicaciones siguientes:

Cuatro del ministerio de Justicia fha 22 del corriente acusando recibo de los estados corte de caja pertenecientes á los meses de Abril a Julio.—A su espediente.

Otra del E. S. Director del Colegio fha 24 en que pide se le anticipen novecientos pesos del fondo de azogue para el pago unas colecciones q. compró para el museo, los que abonará à razon de trescientos ps. cada mes en Octubre Novᵉ. y Diciembre del corriente año.—Se acordó que se anticipen.

De D. E. Schleiden en Trojes de Anganguco á 24 del corriente participando haber pasado la causa del S. Lopez Romano à la Comandancia general.—A su espediente.—Dos rúbricas.

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### *Sesion del* 29 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 28, se leyeron las siguientes comunicaciones:

Primera. De D. Rafael Olascoaga escusandose de haber formado la fianza de Lebrija como dependiente de D. Jose M. Gonzales pues q. no tiene bienes proprios.—Se acordó que el mismo Señor Bassoco se encargaria de averignar si en efecto es cierta la insolvencia.

Dos. De D. Miguel Quiñones pidiendo se le remitan cien pesos que necesita para pagar al Acesor y otros pequeños gastos entre tanto q. con vista del espediente puede comprobar la cuenta q se le devolvio.—La Junta acordó que se diga al S. Zamora puede entregarle dicha cantidad si lo juzga conveniente y que se pida al Sor. Barreda la noticia del resultado del ocurso q. se remitio por estraordinario á Tasco.

Tres. Cinco del S. Zamora fha 26, del corrte. acompañando á la primera las memorias num. 38, de aquella negociacion.—Recibo y a la contaduria. Avisando en la segunda haber entregado trescientos veintidos pesos de sus honorarios á D. Celso Muñoz: que se habian labado en la semana cuatrocientos quintales de metal ixtajal y que se necesitaba pª. la raya cuatrocientos cincuenta ps.—De enterado. Con la tercera acompaña el presupuesto de los gastos y utilidad que podrá tener el laborio de los posos de la Purísima y de Dolores en el socabon de Guadalupe, supuesto que las leyes sean de la misma clase que la que se está sacando actualmente y que la saca llegue à dos cientas cargas semanarias.—La junta acordó se le conteste diga si no hay inconveniente en q. se emprenda primero el laborio de un poso y despues el del otro en cuyo casa puede emprender desde luego el laborio del que le paresca mejor avisando à la junta en caso contrario. Adjutando à las dos ultimas las letras num. 58 y 59, valiosa la 1ª. trescientos cincuenta pesos à favor de D. Teodoro Chaves y trescientos veintidos la segunda al de D. Rafael Zarate.—Que se paguen.—Dos rúbricas.

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## Mes de Octubre de 1846.

### *Sesion estraordinaria del dia* 4.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con un oficio del Ministerio de Hacienda fha 3 en el que manifiesta que à pesar de las reflecciones q. hizo la junta pasa no entesar los veinticinco mil pesos que en clase de prèstamo le pidió del fondo dotal en 19, del pasado el E. S. Gral. en ejercicio del poder ejecutivo habia prevenido que se enterasen en la Tesoreria gral. en el mismo dia no obstante ser feriado pues de no verificarse asi el supremo Gobierno se veria obligado à tomar otra clase de providencias que descaba esensar. La junta acordó q en materia de tanta gravedad se debian citar inmediatamente a los SS. Consultores para vir su opinion y en efecto se mandaron citar en el acto por oficios suspendiéndose entre tanto la sesion.

Los SS. Gordoa y Delmote contestaron de palabra no podian concurrir por hallarse enfermos y habiendose presentado el S. Fagoaga continuó la sesion.

La junta impuso à dicho Sor. de los oficios que han mediado sobre el asunto entre el supremo Gobierno y ella. Sus individuos manifestaron su opinion muy detenidamente y despues de una detenida disienson convinieron en que se citase á los acreedores al fondo dotal para darles cuenta de lo acaceido y que personalmente se acercasen al E. S. Ministro de Hacienda manifestándole q. no teniendo otras facultades para el manejo del fondo dotal la apoderados de los mineros y acreedores que la de recirbir y distribuir los candales conforme à la ley se creia indispensable ocurrio à la junta de acreedores pª. q. resuelva à fin de evitar todo responsabilidad si bien el S. Segura insistió en que manifestaria su opinion particular de que se entregase dha cantidad al Gobierno en todo caso conforme fuese entrando en sus arcas, suspendièndose el pago del tercio que se está satisfaciendo. Y asi se acordó.═Dos rúbricas.

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### *Sesion del* 5 *de Octubre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y aprobada la acta del dia 4 se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 2, participando haber accedido el Gobierno á la solicitud del S. Director interino del Colegio para que se le entreguen las cantidades que dá la la Junta para el colegio al mayordomo del mismo ó á la persona à quien comisione.═La junta acordó que se le conteste que entregará al que sea mayordomo del Colegio con el Vº. Bº. del Director como lo ha hecho hasta ahora y como está prevenido en el reglamento el que señala lo causion q. debe dar el mayordomo.

Dos, de la Direccion del Colegio fha. de hoy pidiendo la orn. correspondᵗᵉ. para que se aenda al alumno de dotacion D. Josè M. Gomez del Campo que para à practicar en el mineral del monte con los veinticinco ps. designados por la ley y se le recomiende al Tribunal de Pachuca y al Director de la compañia inglesa.═La junta acordó de conformidad.

Tres. De D. Manuel Mariano Cortazar fha. 29, participando no haber conseguido hasta ahora la fianza del Director de la compania Ynglesa.═La junta acordó que se le diga q. espera la recabe cuanto antes á la sustituya con otra persona.

Cuatro. Del encargado de la recaudacion de Cualiacan remitiendo una letra de catorce ps. un real por productos del derecho de mineria pertenecientes al mes de Agosto.═Que se reconosca y cobre la letra, se hagan los asientos correspondᵗᵉˢ. y se acuse el recibo.

Cinco. Del comisionado de Guadalajara participando que el S. D. Jose M. Garay se rehusa á hacer los abonos à que se comprometió.═Se pasó à la mesa para informe.

El Sor Bassoco manifestó que Don Rafael Olascoaga á quien le habian abonado en Toluca para fiador de Lebrija tenia en efecto bienes bastantes para pagar los cincuenta ps. del abono que resta; pero que habiendo otro D. Rafael Olascoaga dependiente de D. Josè Mª. Gonzales fue el que firmó la fianza.=Dos rubricas.

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### *Sesion del* 7, *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior la sria manifestó que el S. Director del Colegio pedia un ejemplar de las ordenanzas de mineria para el alumno del colegio D. Jose M. Gomez del campo que debe salir para su práctica en el mineral del Monte el dia de mañana y la junta acordó que se le mandase entregar.

Se leyeron en seguida la comunicaciones sigtes:

Primera. Del Tribunal minero de Tasco fha 12 del pasado remitiendo la matricula de los mineros de aquel Distrito que no habia podido mandar desde Fbo. por recargos de ocupaciones y falta de escribiente.=De enterado y que se acuse recibo.

Dos. Nueve oficios de D. Jose Zamora fha. 3 remitiendo con el primº. las memorias num. 39, los estados num. 9, y el corte de caja de fin de Setᵉ. pertenecientes a la negociacion de Tasco.=Recibo y á la Contaduria. Participando en el segundo que la mina continua sin novedad: que para evitar los robos habia mandado poner dos puertas en la boca del socabon de Guadalupe y otras dos en la mina de Trinidad: que quedaban incorporadas tres partidas en la Hacienda y que para la raya de esta semana necesitaba de cuatrocientos cinçuenta ps.=De enterado. En el tercero avisa que ha comensado el laborio del poso que está mas cercano á las labores actuales y que servirá de ensayo para el otro conforme à la indicacion q. se le hizo.=De enterado. En el cuarto manifiesta haber entregado á D. Miguel Quiñones cien pesos para gastos judiciales.=De enterado y á la Contaduria, y en los cinco restantes avisa haber girado la letra nº. 60 valiosa trescientos ps. à favor de D. Rafael Zarate, la 61, valiosa doscientos a favor del mismo, la 63, valiosa cincuenta a favor de Jorge Raffard, y por último la 64, importante ciento cuarenta y cinco ps. cuatro y medio rs. á favor del E. S. D. Francº. Modesto Olagnivel. Y se acordó que se pague.

La Tesoreria presentó la cuenta de lo recaudado por las viviendas del colegio en el mes anterior, y se acordó parase á la contaduria.

En vista de las contestaciones tenidas con el S. Ministro de

Hacienda en lo verval y de lo acordado por la junta de acreedores citada por el S. su apoderado y verificada el dia anterior, cuya acta original se agregó al espediente y se puso al fué; La junta acordò se remitieren al supremo Gob°. los veinticinco mil pesos en clase de préstamo de pronto reintegro con los productos de las nuevas contribuciones que pidio desde 19, del pasado remitiéndose á ó la Tesoreria general por no haber numerario veinticuatro mil ochocientos diez pesos cinco rs. seis y medio granos en letras contra la casa de los SS. Marning y Mackintosh.=Dos rubricas.

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### *Sesion del* 9 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 7, se dio cuenta con las siguientes comunicaciones:

Primera del Ministerio de Relaciones fha 5, del corriente sobre que habiendo nombrado à D. Andres del Rio para que visite al Colegio se le remita un cuaderno con el informe de los SS. Bustamente Laenza y Varela que el ministerio remitiò á la junta.=Ella acordó que se remita el proyecto de ley para el arreglo del colegio y que se diga asi al supremo Gobierno, advirtièndole que no se ha recibido ningun informe.

Dos. Del mismo Ministerio del dia de ayer acusando recibo de los estados cortes de caja de los meses de Agosto y Set$^{e}$.= A su espediente.

La Sria. manifestó una carta del Lic. D. Castulo Barreda pidiendo ciento cincuenta pesos por cuenta de sus honorarios ofreciendo pasar las cuentas ya arregladas en la semana entrante para que las revise la contaduria.=La junta acordó que mande su recibo el dia de mañana para que se le entreguen.= Sin rúbricas.

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### *Junta de acreedores.*

Senores que han concurrido á la Junta habida en el salon de actos del dia 7, de Octubre de 1846 con motivo del pedido de veinticinco mil pesos hecho por el Gobierno.

S. D. Fran$^{co}$. Fagoaga por si q la Señora Doña Faustina.
S. D$^{r}$. Rojas por la parroquia de S. Pablo.
Sor. Lombardini por la testamentaria del Señor Santiago.
B$^{r}$. D. Mariano Picazo por el S. Obispo de Cesarea.
D. Rafael Diaz por las aniversarios de Catedral.
S. Escalante por Santa Ysabel.
S. Mackintosh.

SS. Agüero Gonzalez y Compª. por si y los Señores Yturrigarais.

D. Juan M. Flores por si y la Sra. Ferán.

D. José Rafael Berruecos por los Arnares y Gomez del Castillo.

D. Francº. Mª. de Yturbe.

D. Ygnacio Cortina Chaves.

D. Donato Monterola por la Sra. Aniesola.

D. Ygnacio Fainaga por la testamentaria de la Sra. Fauregui.

D. Eladio Ramon del Rivero por D. P. Fáuregin y D. Francº. la Yglesia y Larrae.

La Señora Dª. Ramona Ordoñer.

D. José Fernandez por el Pº. Prietas.

D. José Joaquin de Rozas por si y la mesa de Burgos.

D. José Maria Bassoco.

Dada cuenta con todas las notas del Gobierno y contestaciones de la Junta hizo la siguiente proposicion por el S. Flores.

Que el apoderado de los acreedores en compañia de otro acreedor que nombre la junta pasen à hablar con el E. S. Ministro de Hacienda esponiéndoles euantas razones les ocurran para que se sirva disminuio cuanto sea posible la cuota del pedido.—Se aprobó despues de discutida.—Se nombró al S. Lic. D. José Rafael Berruecos—Se levanto la sesion—Josè Mª. Bassoco apoderado de los acreedores—Donato Manterola—Fran ᶜ. Yturbe—Agüero Gonzalez y Cª. Manning y Mackintosh—Antonio Algara—Juan M. Flores—Ygnacio Cortina—Francº. Fagoaga—Josè Rafael Berruecos—Ygnacio Fainaga—Pedro Rojas—Mariano Picazo—Eladio Ramon del Rivero—Josè Fernandez—Atenógenes Mª. Lombardini—Rafael Diaz—Francº. Veles de Escalante—Josè Joaquin de Rozas.

Es copia Mèjico Octubre 13 de 1846.

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### *Sesion del* 13 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del S. Director interino del Colegio fha de hoy pidiendo se manden entregar en Guadalupe y Calvo los veinticinco pesos de la asignacion del alumno D. Josè M. Gomez del Campo que ya no vá al mineral del Monte sino á dicho punto á verificar su pràctica y se acordó de conformidad.

Dos. Del Juzgado minero de Pachuca á 7, del corriente insertando un oficio del Director de la compañia Ynglesa para que se pida la escepcion del servicio en la Guardia Nacional à todos los dependientes y empleados en las minas.=La Junta acordó que pudiendo cumplir la ley los empleados y dependientes mineros que no estan esceptuados en la clase de contribuyentes está evitado el inconvemiente que indica el S. Director de la Compª. Ynglesa, pudiendo conseguerie que la contribucion sea de la infima clase y que la Junta no tendria embarazo en pedirlo asi al E. S. Gobernador del Estado si se creyese necesario.

Tres. De la Tesoreria gral de la federacion del dia 8, manifestando la dificultad que presentaba la casa de los SS. Manning y Mackintosh para el pago de las Libranzas que se giraron contra ella para el prestamo pedido por el supremo Gobierno. =Se pidio que se agregue à su espediente por haberse allanado posteriormente lo dificultad que se presentó sobre el descuento de las letras.

Cuatro. Del encargado de la recaudacion en Chihuahua en 19 del pasado remitiendo en cuatro notas la noticia de lo recaudado en dicho capital y Jesus Maria por los meses de Julio y Agosto y una letra de ochocientos diez y siete pesos siete rs. tres gs. q. importa el total.=Que se reconozca la letra, se hagan los asientos respectivos y se acuse el recibo.

Cinco. Del mismo fha 22 remitiendo unos documentos que pidio la contaduria.=Se pasen à la misma.

Seis. Del de Durango de 2, del corriente remitiendo seiscientos cuarenta y dos pesos noventa y tres centavos del derecho de mineria por el mes de Setiembre.=Que se reconosca la letra, se hagan por la contaduria los respectivos asientos y se acuse el recibo.

Siete. Del de Zimapan del 1º. del corriente remitiendo ciento treinta y un pesos cuatro rs. nueve gs. pertenecientes al mes pasado.=Que se reconozca y cobre la letra se hagan los debidos asientos y se acuse el rbo.

Ocho. Del Admor. de la Aduana maritima de Veracruz del dia 8, remitiendo el pro rateo q. hizo del importe de los gastos del protesto de las libranzas que no aceptó la casa de los SS. Serment y Compª.=A la Contaduria.

Nueve. De los SS. Manning y Mackintosh de 9, del corriente escusándose del descuento que à razon de $\frac{7}{8}$ tiene que hacer de las libranzas que endozó la Junta á favor del Gobierno. =Se acordó q. se archive por haberse convencido ya de estar obligados á ella, y de haber convenido posteriormente en el descuento.

Diez. De los mismos contestando à la nota relativa de la Junta que por muerte del S. Villett quedaban encargados de la recaudacion los SS. D. Jorge Lebrun y D. Luis Belangé.=A su espediente.

Once. Cuatro de D. José Zamora del dia 10, remitiendo con la primera las memorias num. 12 y 13, de la negociacion de Tasco.=Recibo y à la Contaduria. Avisando en la segunda que la mina continua en el mismo estado, que se han labado trescientos quintales de ixtajal quedando ensalmuerados otros tantos del socabon de Guadalupe: que para la raya necesita cuatrocientos cincuenta ps. y q. tendrá que suspender los trabajos del laboreo sino se le remite la pólvora que pidiò pues à pesar de su empeño no ha podido encontrarla por allá.=De enterado: que se pidan tres quintales al S. Director de rentas estancadas bien sea en Méjico ó en cualquiera punto mas cercano à Tasco: que se averigüe si lo hay en Cuernavaca y que se diga asi al S. Zamora. Avisando en las dos últimas haber girado à favor de D. Antonio Herrera las letras num. 65, valiosa setenta y nueve pesos un rl. ocho gs. y la 66, por valor de ciento setenta y siete ps. dos rs. cuatro y medio gs.=Que se paguen.

Se leyó un dictamen de la mesa de q. consulta se diga al encargado en Guadalajara cobre al S. Garay los abonos mensuales con proporcion al sueldo q. disfrute y al que tenia cuando ofrecio abonar cuarenta pesos en cada uno.=La junta acordò de conformidad.

La Sria. participò que el E. S. D. Joaquin Yturbide como apoderado del S. Barroeta habia avisado que el aparato de destilacion lo recibiria en Méjico.=A su espediente.=Dos rúbricas.

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## *Sesion del* 15 *de Octubre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 14, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Zacatecas de 8, del corriente acompañando una libranza de cinco mil ciento cuarenta y cuatro pesos, por productos del derecho de mineria en el mes pasado con mas dos recibos del Alumno D. Agustin Ayala y un certificado de aquella Administracion. Se acordó que se reconozca la letra, se hagan los respectivos asientos, se pasen los documentos à la Contaduria y se acuse el recibo.

Dos. Del de Culiacan à 26 del pasado remitiendo una letra de doscientos treinta y nueve pesos tres rs. dos centavos por productos de Cozalá en el mes de Agosto y otra de doscientos ochenta y seis pesos cuatro rs por productos de Alamos en el mismo mes.=Que se reconoscan y cobren dichas letras, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. De la Direccion gral. de rentas estancadas contestando al oficio en que se le pidieron tres quintales de pólvora los que se entregarán à razon de dos y medio rs. libra al contado. Se acordó contestar que se ha escrito al Admor. de Tasco para que mande por dicho efecto en los términos indicados y que asi se diga al S. Zamora.

Se leyó un informe de la mesa de Administracion en que manifiesta que puede considerase compensados los veintiun pesos que reclama el S. Robles por haber entregado en Méjico setecientos catorce pesos cuando debia haberlo hecho en Guanajuato con los veintidos ps. que resultan en su contra por lo demora del pago de dha cantidad en el espacio de seis meses.═La junta acordó de conformidad y que asi se diga en contestacion al Sor. Robles.═Dos rúbricas.

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## *Sesion del* 19, *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 15, se dio cuenta con las comunicaciones siguientes:

Primera. De D. José Zamora fha 6, del corriente avisando que remite al arriero Fiz por los tres quintales de pólvora que tiene pedidos.═La Sria. participò que se le habian entregado y pagado á la Direccion cien pesos medio rs. á razon de dos y medio la libra el importe del embase.

Dos. Del Gobierno del Estado de Guanajuato acusando recibo de la recomendacion que se le remitiò à favor del S. Cortazar.═Que inserte al interesado.

Tres. De D. Andres del Rio devolviendo el proyecto presentado por los SS. Bustamante, Lacunza y Varela.═A su espediente que está en poder del Sor. Segura.

Cuatro. Del comisionado en Guanajuato de 16 del corriente remitiendo una letra de cuatro mil ochocientos ochenta y tres pesos siete rs. nueve gs. (4, 883 p. 7 r. 9 gs.) por productos de mineria del mes pasado.═Que se reconosca la letra. se hagan los debidos asientos y se acuse el recibo.═una rúbrica.

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## *Sesion del* 20 *de Octubre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Pachuca acompañando una letra de mil ochocientos treinta y un pesos dos rs. productos del derecho de mineria del mes pasado.=Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Dos. Cuatro del S. Zamora fha 17, acompañando con la primera las memorias num. 41, y la boleta de beneficio nº. 14. =Recibo y á la Contaduria.

Participando en la segunda las labores hechas en la semana anterior: que necesita de diez quintales de azogue y de otros diez de Sulfato y que en la semana vá à hacer seis barras de plata. De enterado y que se solicite el azogue y el Sulfato. En las dos ultimas avisa haber girado dos libranzas la numº. 67 valiosa doscientos veintisiete ps. á favor de D. Jorge Raffard y la 68 por valor de sesenta y seis pesos á favor de D. Antonio Herrera.=Que se paguen.=Dos rúbricas.

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### *Sesion del* 23 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 20, se leyó un oficio del Sr. D. Vicente Segura como comisionado para el cobro de los arrendamientos de esta mazana manifestando que la Junta debe mandar enterar camo apoderado de los propietarios del edificio la cantidad de doscientos cincuenta pesos por cuartas partes y ademas ciento cuarenta y tantos pesos por los entresuelos y accesorias que alquila.=La junta acordó que se entere á dicho S. Comisionado la cuarta parte correspondiente à los doscientos cincuenta,.y q. informe la contaduria sobre la suma esacta à q. asciendèn los arrendamientos de entresuelos y accesorias.

Se acordó igualmente que se remitan á la Contaduria mayor los cuentas de los fondos Dotal y de Azogues en el estado en que se encuentran, y en consecuencia se remitieron còn sus correspondientes inventarios dichas cuentas comprencivas al año antr. y algunas otras atrazadas de los recaudadores de ambos fondos incluyéndose ademas las relativas al colegio por los años de 44 y 45.=Dos rúbricas.

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### *Sesion del* 25 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 23, se dió cta. con las comunicaciones siguientes:

Primera. Del Tribunal de revision de cuentas fha. 24, remitíendo el recibo de las cuentas y documentos que se le remitieron y firmado el correspondiente inventario.=A su espediente.

Dos. Del comisionado en S. Luis Potosi del dia 21, remitiendo una libranza de mil novecientos cuarenta y siete pesos veintiun centavos por productos de aquel Estado pertenecientes al mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. De D. Jose Zamora fha 24 remitiendo con la primera las memoria num. 42, y la boleta de beneficio nº. 15.=Recibo y á la Contaduria.=Participando en la segunda que por la falta completa de pòlvora, no se pobló la mina con barretero alguno: que en una de las labores quedó la veta de una vara de ancho: participa las labores verificadas en la Hacienda y por último q. para la raya de esta semana necesita de quinientos pesos.=De enterado. Avisando finalmente en la tercera haber girado la letra nº. 63, valiosa cuatrocientos pesos á favor de D. Leoncio Blanco.=Que se pague.

El mismo S. Zamora en carta particular al Sor. Presidente le manifiesta el estado del pleito sobre el denuncio de Madariaga y se acordò se inserte al Lic. Barreda invitándolo para que venga á informar à la junta sobre las ultimas actuaciones. Dice despues q. no es posible sea tan baja la ley de la platá que remitio y q. por lo mismo seria bueno para otra vez mandar ensayar el sobrante de los bocados por si hubiese algun equivoco. Anuncia por último que sabiendo se habian verificado algunos robos en los últimos dias en el camino tomaria sus informes antes de remitir las barras.=Sin rúbricas.

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## *Sesion del* 28, *de Octubre de* 1846.

Asistieron los SS. Segura Flores y Bassoco. Despues de aprobada la acta del dia 25, se dio cuenta con un informe de la contaduria en que designa la cantidad de ciento cincuenta y tres pesos como producto de los alquileres que cobra mensualmente de las fincas pertenecientes al colegio para que sobre esta suma se tire la cuenta de la contribucion que debe pagar la Junta conforme la ultima ley de la materia, á mas de los doscientos cincuenta ps. en q. se computó por el S. Comisionado de la manzana por la parte del Colegio.=La junta acordò de conformidad y se mandaron entregar á la oficina de contribuciones directas ambas sumas.

Se leyó un oficio del Ministerio de Relaciones fha 23 en que participa que el E. S. Gral encargado del supremo poder ejecutivo previene q. cualquiera que sea el vocal de la Junta facultativa del Colegio que desempeñe la Direccion, se le aenda con el sueldo de mil quinientos pesos anuales. La Junta acordó que se consulte al Gobierno si la orden mensionada debe entenderse como ella lo entiende en el caso de que no haya Director; pues de otro modo resultarian gravados los fondos, y lo segundo si los mil quinientos pesos han de satisfacerse o dicho vocal à mas del sueldo ò sueldos q. disfruta por los cátedras q. sirva.

Se leyo un oficio del Juzgº. 2º. de lo civil sobre la distribucion que ha hecho del capital que reconoce la Junta á Dª. Maria Josefa de la Torre Perez Villalobos y se mandó pasar á la Contaduria la que informò en el acto y la Junta acordó se insertase al Tribunal pidiendole las aclaraciones convenientes.

Se dio cuenta por ultimo con un oficio de Don Jose M. Garay fechado en Guadalajara el dia 23, pidiendo noticia sobre el resultado de las perlas q. llevò para su venta el S. D. Diego Moreno.—La junta acordó q. se averigüe si está el Sor. Moreno en Méjico.—Dos rúbricas.

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## Mes de Noviembre de 1846.

### *Sesion del dia* 4.

Asistieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 28 del pasado se leyó un oficio del Ministerio de Relaciones fha 29 del mismo en que contesta la última comunicacion de la Junta sobre el sueldo del Director del Colegio declarando que en efecto debe pagarse al vocal de la junta facultativa cuando no haya Director propietario, y en cuanto á lo segundo que los mil quinientos pesos deben darce á mas del sueldo que disfrute dicho vocal. A su espediente.

Se presentó el Lic. D. Cástulo Barreda é informó del estado del asunto en las actuaciones en el pleito promovido por el S. Madariaga, y por su indicacion se nombró como Apoderado ante el Tribunal del Estado al Lic. Mirafuentes.

Se leyeron seis comunicaciones fha 31, del pasado del Administrador de la negociacion de Tasco consultando en la primera que para evitar el riesgo al paso de las barras en Huichilaque las remitiria à Cuernavaca á la casa del S. Rozas y de alli podran venir escoltadas cuando se proporcionarse alguna partida.—La junta opinó de acuerdo y que asi se diga al S. Zamora lo haga siempre q. considere segura la venida de las barras hasta Cuernavaca, y que se oficie al S. Rozas para q. avise á dicho punto.

Avisa en el segundo continuar bien las labores y que haciéndole mucha falta el azogue mandará por el que tiene pedido en la semana entrante.—De enterado.

Acusa recibo en la tercera de los tres quintales de pólvora que se le remitieron con el arriero Fiz y de las seis arrobas que recibió de Cuernavaca, cuyo precio ignora; y pregunta si puede continuar pidiendo este articulo.=La Junta acordó que lo pida al estanco de Cuernavaca y que se le remitirá la noticia del importe de las seis arrobas tan luego como lo diga el S. Rozas.

Con el cuarto remite las memorias num. 43, la boleta nº. 16, y los estados num. 10. Recibo y á la Contaduria. Avisa en los dos últimos haber girado la libranza nº. 70, valiosa doscientos pesos, à favor de D. Antonio Castañon y la 71, por valor de doscientos pesos al de D. Teodoro Chavez.=Dos rúbricas.

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### *Sesion del* 5 *de Noviembre de* 1846.

Asistieron los S. S. Segura Flores y Bassoco y leida y aprobada la acta del dia anterior se dio cuenta con un oficio del Ministerio de Relaciones fha del 3, pidiendo se le remita dentro de ocho dias noticias esactas de los trabajos de la junta desde 1845, con las indicaciones que creyere oportunas.=La junta acordò q. en vista de los apuntes de la memoria formada por el Sor. Castera, se dirijan dichas noticias al Ministerio agregandose los sucesos posteriores hasta el presente mes.=Dos rubricas.

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### *Sesion del* 9, *de Noviembre de* 46.

Asistieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 5 se dio cuenta con las cinco comunicaciones siguientes del Admor. de Tasco con la primª. remite las memorias num. 43 y una boleta de beneficio que se labò á maquila.=Recibo y á la Contaduria: participa en la segunda q. remitirá los barras á Cuernavaca el martes de esta semana.=De enterado. Dice en la tercera que en la semana anterior se habian labado los últimos quinientos quintales del metal de Trinidad: que los trabajos se habian aumentado con dos paradas y que para la semana actual necesitaba de quinientos pesós.=De enterado. En los dos ultimos avisa haber girado bajo los números 72 y 73, dos libranzas valiosas cuatrocientos pesos y la otra 100 pesos (cien.)

Comenzó à leerse la memoria que ha de presentarse al Gobierno y quedaron aprobados los dos capitulos que tratan de oficina y de Juzgados mineros y se acordó que se oficie al S. Otero preguntándole el estado que tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Admor. de la Aduana Maritima de Veracrúz fha 2 en que participa no haber podido conseguir del girador de la libranza nº. 884, que se respaldó otra en su remplaso en cuya virtud habia dado conocimiento del asunto desde 10, de Setᵉ. ofreciendo avisar el resultado.=Noticiese á la Contaduria y à su espediente.

Otro del S. D. José Joaquin de Rozas fha 5, avisando que ha prevenido à su dependiente D. Antonio Gutierres de Cuernavaca reciba las barras q. se le han de mandar de Tasco, y que avisarà el importe de las seis arrobas de pólvora que mandó á la misma negociacion.

Otro de D. Cayetano Buitròn fha 5, remitiendo mil trescientos sesenta y dos ps. nueve gs. por productos del derecho de Mineria del mes pasado.=Recibo y á la Contaduria para los debidos asientos.

Otro de D. José Zamora fha 2, avisando q. con el arriero José Apolonio se le remitan los diez quintales de azogue y la misma cantidad de sulfato que tiene pedida.=Que se mande entregar.

De D. Manuel Mariano Cortazar fha. en Rio Blanco á 25 del pasado remitiendo la última memoria de la mina de Atargea. =A la contaduria, y avisando que está pronto el S. Rule á ortogar la fianza por el importe de las ecsistencias que se entregaron à Cortazar en dicha mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el total de noventa y ocho ps. seis rs. á q, asciende la memoria.=La Junta acordó que se diga al S. Rule que si ha de venir pronto á Méjico podra otorgar aqui la escritura de fianza pº. que si tarda la estienda ante las autoridades de aquel Mineral ó nombre un apoderado. Que se oficie al S. Segura para que entregue el anterior oficio y recabe la respuesta del S. Rule. Que se diga al S. Cortazar nombre su apoderado para que firme la escritura: que la junta no puede pasar conforme al convenio, por el pago al cuidador de nueve semanas, sino solo por tres y que dificultándose la libranza se le entregará el importe de la memoria deducidos los treinta y seis pesos de dicha partida al comisionado que mande cuando venga à firmar.= Dos rúbricas.

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*Sesion del dia* 13, *de Noviembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11, se acordó que se enterasen de una vez los tres tercios de la contribucion de casas por lo perteneciente al colegio.=Dos rúbricas.

### *Sesion del dia* 16 *de Noviembre de* 1946.

Concurieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 13, se dio cuenta con las comunicaciones siguientes:

Primera. Del Comisionado en Guanajuato remitiendo una letra de cinco mil seiscientos treinta y nueve pesos siete rs. productos de mineria en el mes de Octubre.

Dos. Del de Zacatecas remitiendo otra de cuatro mil ciento cuarenta y cinco pesos dos rs. nueve gs. por los del mismo mes.

Tres. Del de Durango incluyendo otra de mil trescientos cuarenta y nueve pesos cuarenta y cuatro centavos correspondientes à la misma época.

Cuatro. Del de Zimapan fha 1°. de Nov$^e$. acompanando otra de trescientos setenta y tres pesos correspondientes al mes anterior..=Que se reconozcan dichas letras, se hagan los correspondientes asientos y se acuse el recibo.

Cinco. Del de Zacatecas remitiendo otra de ciento veintetres pesos seis rs. tres gs. por los productos de Octubre en Sombrerete.

Y otra por último remitiendo el balance y la nota pormenorisado de lo colectado por el derecho de mineria en aquella ciudad en el segundo tercio del presente año.=Recibo y la à Contaduria.

Concluida la lectura de la memoria que tuvo lugar en los dias anteriores se aprobó acordándose que se remitan igualmente al Supremo Gob°. un oficio pidiendo se espidan por el Ministerio de Hacienda las ordenes respectivas para que concluido el bloqueo se pidan directamente por las Aduanas de Veracruz y Tampico las correspond$^{tes}$. libranzas à favor de la Junta facultando á ésta para que pueda negociar un préstamo para acudir à los gastos del colegio y los mas urgentes del ramo de azogues acordando por último que el S. Presidente la lleve al S. Ministro para su mas pronto despacho.=Dos rúbricas.

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### *Sesion del* 19 *de Noviembre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de leida y aprobada la acta del 16, se dio cuenta con las comunicaciones siguientes:

Primera. Del apoderado en Guadalajara fha 13, del corriente remitiendo una letra de ochocientos setenta y cinco pesos rs. cinco y medio gs. por productos de mineria cobrados el mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Dos. Del mismo en igual fecha contestando no haber cobrado nada de la deuda del S. Garay, en razon de que en los cinco últimos meses nada se ha pagado á los empleados cesantes.=A su espediente.

Tres. Del comisionado en Hermosillo del 21 del pasado insertando un oficio del Ensayador de aquel punto copiando la orn. del Gobierno de Sonora para ocupar el derecho de mineria en razon de la urgencia de aquel esario.=La Junta acordò que se diga al mencionado Gobierno lo acordado en semejantes casos acaecidos en Zacatecas y Durango por el Gobierno general de acuerdo con su consejo y que esta comunicacion se remita al S. Robinson para que la entregue á aquel Gobierno imponiéndose de ella y previniendole por último q. si insistiere aquel gobierno en la ocupacion, aunque la junta no cree que asi suceda recoja los certificados respectivos para poder hacer los cargos al Gobierno general.

Cuatro. Cuatro comunicaciones de D. José Zamora, la primera de 11 del corriente pidiendo que con el arriero Fiz se le remitan dos cajas de pólvora por no haberla en Cuernavaca.=Que se le manden. Otro fha 14 acompañando las memorias num. 45, y la boleta n°. 17.=Recibo y à la contaduria. En el tercero de la misma fecha avisa que la mina continuaba en el mismo estado: que habia remitido las barras á Cuernauaca y que para la raya de la presente semana necesitaba de cuatrocientos pesos. En el cuarto por último avisa haber girado la letra n°. 74 á favor de D. Fran^co^. Aramburn por valor de doscientos cincuenta pesos.=Que se pague.

Cinco. De D. Jose M. Garay de 22 de Oct^e^. que quedò pendiente de saber si el S. Moreno estaba en Méjico, lo que en efecto es asi y se acordò que se inserte á dicho S. Moreno instándole por la pronta terminacion del asunto y se diga asi al S. Garay en respuesta.

Se leyó un dictamen de la mesa de fomento fha 24 de Setiembre relativo á la solicitud de la viuda del escribiente D. José Tamayo para q. se le devuelvan los descuentos del monte pio hechos á su marido y que no se hayan remitido p^r^. la Junta à la caja de dicho establecimiento: la mesa presentó la liquidacion hecha por la contaduria del importe de dichos descuentos q. importan ciento setenta y cuatro ps. tres rs. opinando q. para verificarse dicho pago seria necesario que la Sra. como tutora de sus menores hijos promoviese ante un juez la informacion de utilidad correspondiente.=La junta acordó de conformidad y que se comunique á la interesada.=Dos rùbricas.

### *Sesion del* 23 *de Nov*ᵉ. *de* 1846.

Asistieron los SS. Segura, Flores y Bassoco y despues de aprobada el acta del 19, se dio cuenta con las comunicaciones sigᵗᵉˢ.:

Primera. Del Ministerio de Relaciones fecha da el dia 21, en que contesta la consulta que la junta le dirijió en 9, del pasado, resolviendo que corresponde al Gobº. de los Estados hacer la adjudicacion de las mina de que habla el articulo 5º. tit 6º.de las Ordenanzas.=Que informe la mesa de fomento.

Dos. Del S. Director de la Compª. de minas del mineral del Monte contestando à la nota de 11, del corriente, que ha escrito à D. Manuel Marº. Cortazar para que venga á principios de Enero del año entrante y quede arreglada el asunto de su fianza. La Junta acordò que se diga asi al S. Cortazar pª. que acelere su venida.

Tres. Del Comisionado en Pachuca fha. 19, remitiendo una libranza por valor de mil trescientos sesenta y cinco pesos tres rs. cuatro gs. por productos del derecho de mineria en el mes de Octubre. Que se reconosca la letra se hagan los asientos debidos y se acuse el recibo.

Cuatro. Del encargado en S. Luis Potosi remitiendo otra de mil ochenta y tres pesos diez centavos por productos del mismo derecho en el propio mes y la junta dió igual acuerdo que al anterior.

Cinco. Del Comisionado de Chihuahua remitiendo otra por valor de ciento sesenta y cuatro ps. seis granos, los ciento veinticinco un rl. cuatro gs. pertenecientes á Jesus Mª. y el resto á aquella capital por los productos del mes de Setiembre en ambos puntos.=Que se reconosca y cobre la letra, se hagan los correspondᵗᵉˢ. asientos en lo contaduria q se acuse el recibo.=Dos rúbricas.

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### *Sesion del* 24 *de Nov*ᵉ, *de* 1846.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del 23, se dió cuenta con las seis comunicaciones siguientes:

De D. José Zamora fha 21, primera adjuntado las memorias num. 46 y la boleta de beneficio numº. 28.=Recibo y á la Contaduria.

Dos. Participando el buen estado de la mina, tal que solo aguarda tener la seguridad de toda la polvora que necesita para dar mas emanche á los trabajos, segun el plan que ofrece remitir á la Junta. Avisa de las labores de la Hacienda y de que para la raya de esta semana necesita cuatrocientos cincuenta pesos.=De enterado: que diga la cantidad que necesita de pólvora: q. se han mandado comprar otras dos cajas á mas de las que llevó últimamente el arriero Fiz.

Tres. Avisando la llegada de las barras á Cuernavaca y acusando el recibo de diez quintales de azogue y diez de Sulfato cuyo importe ignora.=Que se le diga cual fué finalmente. En los tres últimos avisa haber girado las letras num. 75, valiosa doscientos ps: la 76 por valor de doscientos ochenta y la 77 importante cincuenta pesos.=Que se paguen.

Otra comunicacion del mismo en q. informa sobre la última vinta hecha á la mina: se pasó al Lic. D. Cástulo Barreda para que en union de Don Miguel Quiñones informe à la Junta el sabado sobre el asunto del S. Madariaga.=una rúbrica.

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### *Sesion del* 28 *de Nov<sup>e</sup>. de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 24, se dio cuenta con una comunicacion del Ministerio de Relaciones de 25, acusando recibo del corte de caja perteneciente al mes de Octubre.=A su espediente.

Habiendo manifestado en 13 del pasado el S. Mackintosh un deseos para reformar el segundo articulo del contrato celebrado con la Junta en 3 de Fbro de 1844, se comisionó al S. Bassoco para q. conferenciando con el contratista arreglase las reformas del mencionado articulo en los términos q parcciese mas conveniente para ambas partes, y estando conforme en ello la junta se previno que se estendiese el documento correspondiente firmado por los Señores que la componen y por el S. Mackintosh haciendo que conste en la acta de hoy y es como sigue.

Articulo adicional modificativo del segundo del contrato celebrado en 3 de Fbo. de 1844, entre la junta de fomento y administrativa de mineria y los SS. Manning y Mackintosh=(*De descontar siete octavos por ciento al mes las libranzas que tuviere la junta á cargo de ellos segun se especifica en el articulo 2º. desde hoy á aquellas libranzas*)=La obligacion de los SS. Manning y Mackintosh de descontar siete octavos por ciento al mes las libranzas q. tuviere la Junta à cargo de ellos segun se especifica en el articulo 2º. desde hoy à aquellas libranzas ó vales que endosare la junta para pagar á sus acreedores sin pasar á otro poseedor ó quisiere ella descontar para sus particulares atenciones, y en este ultimo caso la cantidad no pasára de tres mil pesos por mes, pudiendo acumularse en uno la correspondiente á tres pretéritos ò futuros del año en que se hiciere la operacion y no mas. En cualquiera otro se les presentarán á ellos primeram<sup>te</sup>. por si les convieniere deseontarlas al referido descuento de sies te octavos al mes que entonces no será obligacion como en locasos fijados arriba y los tenedores tendrán libertad de deseontarles con quien quineren.=Mejico 25 de Nov<sup>e</sup>. de 1846.=Vicente Segura=Flores=José M<sup>a</sup>. de Bassoco=Manning y Mackintosh.

Se leyo un oficio del E. S. D. Agustin Perez de Lebrija fha de hoy previniendo se satisfaga al Juzgado respectivo por costas sesenta y siete ps. de los réditos mandados depositar pertenecientes á D<sup>a</sup>. Guadalupe Echagaray y se mandó q. se paguen haciendose previamente los respectivos asientos y liquidacion por la contaduria.

. Se leyò una instancia de D. José Fran<sup>co</sup>. Bonilla para que se le conceda licencia con el objeto de curane dejando un sustitulo con todo su sueldo.=La Junta acordó que aunque entiende q. en alguna parte del mucho tiempo en que ha gorado de licencia el S. Bonilla pudiera haber asistido á la oficina puesto que ha podido salir á la calle aun de noche y hacer viaje à Toluca, considerando q. cede todo su sueldo en favor del que se nombre p<sup>a</sup>. instituirle y en atencion tambien à la aptitud de D. José Carbajal que ha desempeñado un funciones à costa del fondo accede à la presente instancia sin que sirva de ejemplar para otro caso nombrando al citado Carbajal para que desempeñe la plaza del S. Bonilla en los tèrminos que este propone.

Se presentaron los SS. Lic. D. Castulo Barreda y D. Miguel Quiñones è informaron à la junta sobre el estado de los dos asuntos pendientes relativos al denuncio del Socabon de S. Juan de la mina de la Trinidad en Tasco y se disentieron detenidamente los puntos à q. debe contraerse el alegato y las pruebas que van á presentarse: pidió ademas el primero doscientos pesos à cuenta de lo que tiene devengado, de derechos y se acordó que se le dicien.=Dos rubricas.

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### *Sesion del* 30 *de Nov<sup>e</sup>. de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 28, se dio cuenta con los siguientes oficios:

Primero. De D. Josè M. Garay fha. en Guadalajara el dia 24, repitiendo lo que dirijio en 23 de Octubre preguntando el estado del abono de su deuda verificado por el valor de las perlas que se entregaron à D. Diego Moreno. Al concluir pregunta si se abonó ya dicho valor q. tiene ya pagado al mensionada S Moreno.=La junta acordò se inserte esta nota al repetido S. Moreno instándole sobre la entrega del importe de las perlas y que se repita la conestacion dada ultimam<sup>te</sup>. al S. Garay agregàndole que con la misma fha. se trascribe su oficio al S. Moreno.

Dos. De D. Jose Zamora fha 28 remitiendo las memorias num. 47, y la boleta de beneficio nº. 19 de la negociacion de Tasco.—Recibo y á la contaduria.

Tres. Del mismo participando que la mina continua bien y sin desmerecer la ley de un metales: que se habian labado tres cientos quintales de Guadalupe y quedaban incorporados con doscientos cincuenta libras de Azogue quinientos quintales del tercero: que estaba para remitir otras seis barras que haria llegar hasta Mèjico y pregunta à quien han de consignarse: avisa la llegada de dos cajas de pólvora y pide otras cuatro. Dice por ultimo que para la raya de esta semana necesita de quinientos pesos.—De enterado: que consigne las barras al S. Echeverria y que mande por cuatro cajas de pòlvora.

Cuatro. Designando el plan que habia ofrecido para aumentar los trabajos y la junta acordó de conformidad.

Cinco. En las cuatro ultimas comunicaciones avisa haber girado las libranzas num. 78 valiosa doscientos cuarenta pesos, la 79 importante treinta y ocho la 80 por valor de sesenta y cinco y la 81 valiosa sesenta y dos pesos tres rs. los cuales se mandaron pagar.

Se leyo un informe de la contaduria fha de hoy sobre el corte de caja del mes de Octubre perteneciente al colegio que remitio el S. Director interino conforme al reglamento. La junta acordó que se le pida el de el mes de Setᵉ. en virtud de estar presentadas yá las cuentas hasta fin de Agosto: que debièndose llevar dichas cuentas con distincion de ambos fondos, los cortes deben estenderse con la misma distincion asi como, tambien dividirse en ellos las partidas q. corresponden à las diversas asignaciones que estableciò la ley de 5 de Octᵉ. de 843.—Dos rúbricas.

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## Mes de Diciembre de 1846.

### *Sesion del dia* 2.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta de 30 de Noviembre se dio cuenta con una comunicacion del Comisionado en Zacatecas de 26 del pasado remitiendo una letra de ochenta y dos ps. tres rs. tres gs. por productos del derecho de mineria en Sombrerete pertenecientes à Setᵉ.—Que se reconosca y cobre la letra se hagan los debidos asientos y se acuse el recibo.

Otro de D. Josè Zamora de 9, del pasado remitiendo seis barras con pero de 828 marcos de on. 4 de plata las que se consignaron al S. D. Zavier Echeverria.—Dos rúbricas.

## *Sesion del* 5 *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dio cuenta con las dos comunicaciones siguientes:

Del Ministerio de Relaciones fha de ayer acusando recibo en el primero de las noticias q. se le remitieron para la memoria autorizando á la junta para conseguir con el menor gravamen posible las cantidades que necesite para cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo, bajo el concepto de que se han dado las orns. convenientes para q. desde luego y en cuanto se levante el bloqueo de Veracruz se remitan directamente á la junta libranzas por el 3 p%. de importacion hasta el completo de ochenta mil pesos anuales. Agrega adèmas que en el caso de no obtenerse oportunamente dicho prèstamo la junta supla las cantidades necesarias del fondo dotal en calidad de reintegro por el de azogues del que se reembolsará tan luego como reciba algunas cantidades de las Aduanas ó q. se realice el indicado prèstamo.

Los SS. Flores y Bassoco manifestaron que estando prefijado el destino del fondo dotal la junta no tenia facultad para distraerlo á otros objetos ni en calidad de prèstamo. El S. Segura espuso que estando en las facultades del Gobierno dictar la medido de que se trata era de parecer se obsequiase la orn. solicitándose desde luego con empeño el referido prèstamo cuidando de recabar las orns. convenientes p$^a$. q. vengan las libranzas por valor de cincuenta mil pesos anuales del puerto de Tampico tan luego como se vea libre de la invasion anglo americana. En consecuencia la mayoria de la junta acordò se dice al Gob$^o$. la contestacion en los terminos indicados por los SS. Flores y Bassoco y el S. Segura pidió constase en la acta su voto agregando además q. espondria las razones en que se fundaba y las remitiera al Gobierno.

El segundo oficio se contrae à escitar el celo de la junta para que promueva todo lo conducente à fin de proporcionarse el prèstamo de los dos millones de pesos para la compra del azogue español para el que la facultó el decreto de 17 de Fbro de 843, y se acordó tomarlo en consideracion el lunes prócsimo.= Dos rúbricas.

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## *Sesion del* 7, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las ocho comunicaciones siguientes de D. Josè Zamora fha 5:

Primera. Remitiendo las memorias n. 48, la boleta de beneficio nº. 20, el corte de caja nº. 11 y los estados correspondientes al mes de Nov$^{e}$.=Recibo y à la Contaduria.

Segunda. Avisando continuar la mina sin novedad, participando las labores hechas en la Hacienda durante la semana anterior y aun cuando que pace la raya de esta necesita de quinientos pesos.=Dos enterado.

Tres. Remitiendo seis barras que estaban detenidas en Cuernavaca desde mediados del mes pasado.=Que se acuse el recibo.

Cuatro. Avisando que D. Fran$^{co}$. Asambura ha denunciado un boca que se halla à cien varas de la mina de S. Ygnacio que se llama Nicolá y pidiendo se pregunte al Sor. Lic. Villaloa si tiene alguna instruccion sobre la propiedad de dicha boca, pues en el archivo de su cargo no hay noticia alguna: que posteriormente ha sabido que el objeto de la denuncia es cojer unos caidos q. producirán algunos centenares de cargas de metal q. tendrán veinte marcos de ley y cuyo costo de estraccion no pasará de un pero la carga.=Que se inserte al S. Villaloa y q. se oponga à la estraccion del metal entre tanto no se adjudique la mina al denunciante.

Cinco. Pidiendo que con el arriero Fiz se le remitan cuatro cajas de pólvora.=Que se le manden.

Seis, siete y ocho. Avisa en las tres últimas que ha girado bajo los mineros 82, 83 y 84, tres letras valiosas la primera doscientos ochenta ps. la segunda cien y la tercera cuarenta.=Que se paguen.

Se mando citar à los SS. Consultores para el prócsimo à fin de resolver la contestacion que ha dedarse al Supremo Gobierno en la parte que dice se supla del fondo dotal los gastos del colegio y los sueldos consignados al de azoguez.=Dos rubricas.

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## *Sesion del* 9 *de Diciembre de* 1846.

Asistieron los SS. Segura Flores y Bassoco y despues de aprobada el acta anterior se dió cuenta con un oficio del dia de la fecha del S. Lic. D. Arcadio Villaloa en que comunica las noticias que tiene sobre la veta de Nicola, indicando que la junta podia pedir instruccion sobre este punto à los demas interesados.=Que se trascriba al Señor Zamora y se pregunte al S. Lic. Gomez.

Otro. Del S. D. Josè Delmott escusándose de no asistir à la junta de hoy por el estado de su sabed.

En seguida se presentó S. D. Fran$^{co}$. Fagoaga è impuesto del oficio del Gobierno supremo y de la acta del dia 5, asi como tambien de las razones que espusieron p$^{a}$. fundar su opinion los

SS. Flores y Bassoco y en seguida, el S. Segura, se discutió largamente el asunto opinando de conformidad con la de los primeros, $p^o$. manifestando que no creia oportuno se dijese nada al $Gob^o$. entretanto no se diligenciase la consecucion del prèstamo para que le autoriza à la Junta y se le remitiese el contrato $p^a$. su aprobacion lo que acordó la junta, comisionado al S. Bassoco $p^a$. que diese los pasos convenientes à la formacion del contrato.

El S. Segura dio cuenta con una carta de D. Agustin Font fha en Tasco à 5 del corriente ofreciendo sus servicios para las medidas que se ofreciesen en la mina de Trinidad y aun para dirijir sus labores con un corto honorario dejando los bordos que corresponden para evitar la total ruina de las labores.=La junta acordó que se le conteste dándole los gracias por sus ofertas y que se tendran presentes cuando llegue su caso; pues no teniendo motivo $p^a$. variar la direccion de aquellas negociaciones no está en el caso de quitar al S. Zamora.

En cuanto al oficio del Supremo $Gob^o$. para que la junta promueva lo que crea conducente à realizar el prèstamo de dos millones de pesos à fin de contratar el azogue de Almaden, la junta comisionó à los SS. Fagoaga y Rozas para q. impuestos de la ecsitacion del Gobierno puedan abrir dictamen sobre lo que haya de hacerse $p^a$. realizar el prèstamo.=Dos rúbricas.

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### *Sesion del* 14, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de leido la acta del dia 9, el S. Segura presentó sobre el contenido del acuerdo de la mayoria que consta en ello relativo á la manifestacion q. creyó conveniente hacer al Gobierno contra el oficio en q. previene en caso de no verificarse el préstamo supla del fondo dotal lo que falte al de azogue para los gastos del colegio y los sueldos que se pagan de dicho fondo. Ympugno tambien las razones que espuso el Sor. Fagoaga en la sesion del 11, con respecto á la utilidad e importancia de las nuevas clases establecidas en el colegio y repitiendo la indicacion q. tiene hecha anteriormente sobre que cuando se conteste al $Gob^o$. acompañara su voto particular en contra de la revolucion de la mayoria de lo Junta.

Se dio cuenta à continuacion con las comunicaciones $sig^{tes}$:

Primera. Del Ministerio de Relaciones fha 11, en que inserte la orn. del de Hacienda á la Admon. de la Aduana de Veracruz sobre que se remitan la libranzas del tres por ciento desde ahora ò tan luego como se levante el bloqueo.=Que se agregue á su espediente.

Segunda. Del Tribunal de Mineria de Tasco fecha 11 remitiendo la cuenta de los derechos que ha devengado en los pleitos del denuncio del Socabon de Guadalupe y mina de Trinidad.=Ynforme el S. Lic. Barreda.

Tres. De D. José Zamora fha 12, remitiendo las memorias num. 49, y la boleta de beneficio nº. 21, de la negociacion de Tasco.=Recibo y á la Contaduria.

Cuatro. Del mismo fha 12 participando las labores verificadas en la Hacienda del Chorrillo en lo semana anterior: que la mina continua sin novedad y q. para la raya de esta semana necesita de quinientos pesos.=De enterado.

Cinco. Del propio avisando haber girado la letra numº. 87, valiosa doscientos pesos á favor de D. Antonio Castañon y la 88 por valor de doscientos seis al de Don Victorio Carrillo.=Que se paguen.

Seis. Del mismo avisando q. con el arriero José Apolonio se le remitan seis quintales de Sulfato.=Que se compren.

Siete. De D. José Mariano de Saavedra participando haber sido nombrado Admor. de rentas de S. Juan Teotihuacan dando las gracias por el tiempo que ha estado en esta oficina y pidiendo una Certificacion de su comportamiento. La junta acordò quedar enterado con satisfaccion y que se estienda la certificacion.

Ocho. Del comisionado en Guadalajara de 8, del corriente remitiendo una libranza por valor de quinientos cincuenta y seis pesos un real pertenecientes al derecho de mineria de aquella casa de moneda durante el mes de Noviembre.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Nueve. Del de Zimapan de 1º. del corriente remitiendo otra de ciento cincuenta y dos pesos cinco rs. por el mismo derecho en el propio Noviembre.=Que se reconosca y cobre la letra se hagan los debidos asientos y se acuse el recibo.=Dos rúbricas.

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### *Sesion del* 17 *de Dic*ᵉ. *de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 14 se dio cuenta con las dos comunicaciones siguientes:

Primera. Del comisionado el Durango fha 9, remitiendo una libranza de seiscientos noventa y ocho ps. cuarenta y seis centavos por productos del derecho de mineria pertenecientes a Noviembre.=Que se reconosca la letra se hagan los debidos asientos por la contaduria y se acuse el recibo.

Dos. De D. Jose M. Garay fha 11, en Guadalajara contestando de enterado al oficio en que se le insertò el dirijido à D. Diego Moreno sobre pago de quinientos pesos valor de las perlas que se le entregaron para su venta y concluyendo con que nada tiene que decir de nuevo sobre el asunto. La Juntn comisionó al S. Segura para que acercandose al S. Moreno le manifieste las contestaciones de D. Jose Garay, la justicia y la urgencia del pago á fin de evitar contestaciones que solo pueden producirle mayores gastos.=Dos rúbricas.

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### *Sesion del* 19, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 17, se leyó la cuenta de los alquileres de las viviendas del Colegio pertenecientes al mes pasado.=Pasen à la Contaduria.

Se leyo un oficio de D. José Joaquin Rozas fha 17, en que acepta lo comision que en union del S. Fagoaga le dio la junta para que propongan el modo de facilitar el prèstamo para la contrato del azogue de Almaden.=De enterado.

Se leyo un oficio del Ministerio de Relaciones fha en que contesta la comunicacion que se le dirijió sobre el corte de caja remitido por el S. Director interino del colegio participando que ha nombrado una comision para que aclare dicho punto y cualquiera otro dudozo preparando las reformas necesarias compuesta de les Señores D. Jose Mª. Godoy D. Luis Varela y D. Mariano Navarro.=A su espediente.

Se leyó un oficio del profesor D. Blas Balcarcel participando haber quedado como segundo vocal de la junta facultativa encargado de la Direccion del Colegio por ausencia del S. Moral. =La Junta acordó que se le conteste haberse vido con satisfaccion y se repita al supremo Gobierno la comunicacion dirijida al Sor. Rejon sobre cumplimiento de la ley en el nombramto. de Director.=Dos rùbricas.

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### *Sesion del* 21 *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones fha 18, contraida à que la junta se sirva estender la licencia temporal concedida à su secretario el S. Castera en 25 de Setiembre por dos meses mas contados desde la fecha en que cese en la comision que lo encargó el Supremo Gobierno.=Que se consulte al Gobierno el motivo de la licencia teniendo cuidado de saber el dia desde cuando se haya de contar dha licencia.

Dos. Del Admor. de rentas de Zacatecas fha. 16, avisando haber entregado los doce pesos que importa la lbza. perteneciente al fondo de azogues que se le devolvió pª. que los entregase al comisionado de la junta en aquella capital avisando haberlo verificado asi.═A su espediente.

Tres. De dicho apoderado fha 18, remitiendo dha cantidad en libranza.═Que se reconozca, se hagan los respectivos asientos por la contaduria y se acuse el recibo.

Cuatro. Del mismo fha 10, avisando haber escrito al S. Llaguno proponièndole la transacion por árbitros con respecto à su deuda sin haber podido obtener hta aquella fha contestacion alguna. A su espediente.

Cinco. De D. José Zamora fha 19, remitiendo las memorias num. 50, y la boleta de beneficio nº. 22, de la negociacion de Tasco.═Recibo y à la Contaduria.

Seis. Del mismo participando el buen estado de la mina y las lisongeras esperanzas que presentan por el aumento de la saca y las buenas leyes que han resultado en los ùltimos ensayes, y que para la raya de la presente semana necesita de quinientos pesos.═De enterado.

Siete. Avisando haber girado una libranza bajo el nº. 88, valiosa doscientos ps. à favor de D. Jorge Raffard.═Que se pague.

Ocho. Acompañando las notas en que el Prefecto de aquel Distrito ha asignado doscientos pesos de prèstemo forzoso à aquella negociacion y la contestacion que le dió manifestándole que la Junta era el dueño de ella y que habia proporcionado el mes pasado sumas muy considerables en clase de préstamo de pronto reintegro.═La junta acordó que se manifieste al S. Prefecto de Tasco las razones q. tiene pª. no ser comprendida en el préstamo por haber franqueado veintinueve mil pesos como consta del corte de caja publicado en el diario y que se inserte esta comunicacion al S. Gobernador pidiéndole que asi la prevenga al Sr. Prefecto en el caso de que este haya insistido en su designacion avisandose asi al S. Zamora.

Nueve. Del mismo fha 14, remitiendo siete barras de plata con peso de novecientos treinta y tres marcos consignadas al S. D. Franᶜᵒ. T. Echeverria.═Que se vendan, para la que se comisionó al Sr. Flores y se acuse recibo.

Diez una carta particular del mismo en que manifiesta que debiendo manifestarse muy pronto la eleccion de cólegas de aquel Tribunal conforme al articulo 6º. del titulo 2º. de las ordenanzas podia nombrársele para que representase à la junta en las elecciones. Esta acordò se le pusiese el oficio de nombramiento diciéndole que en caso de que creyese necesario el poder judicial se le remitiria por el procsimo correo.=Dos rúbricas.

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### *Sesion del* 23 *de Diciembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 21, se dio cuenta con las comunicaciones sig$^{tes}$:

Primera. Del Juzgado de Pachuca fha 20 y 21, participando que la Subprefectura de aquel partido habia consignado como remplazos en el cupo doce barreteros de aquellas minas cuya lista acompaña y que habiendose quejado de esta ilegalidad al S. Prefecto le habia contestado de acuerdo pero manifestándole no estar ya en su arbitrio remediar el mal por que los remplazos se habian entregado à disposicion de la plana mayor, por lo que ocurria à la junta para que interpusiese su influjo. La Junta acordó que se insertase al S. Gefe de la plana mayor citándole la última ley de remplazos dada por la Junta Departamental de Méjico.=Dos rúbricas.

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### *Sesion del* 24 *de Dic$^e$. de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 23, se dio cuenta con las cuatro comunicaciones siguientes:

De los comisionados en Culiacan.

Con la prim$^a$. fha 5 remiten cuatro libranzas, la primera de cincuenta y siete pesos por productos de Culiacan en el mes de Julio. Otra de setenta y cinco pesos un real tres octavos por los pertenecientes á Set$^e$. otra de ochenta y tres pesos cinco rs. cinco octavos del mes de Octubre y la ultima de trescientos treinta y dos pesos cuatro cinco octavos rs. del mes de Nov$^e$.=Que se reconoscan y cobren las tres primeras, se reconosca la última, se hagan los asientos correspondientes de todas y se acuse el recibo.

Con la segunda remiten una letra de noventa y tres pesos cincuenta y siete centavos por productos de Mazatlan en el mes de Octubre.=Con la tercera acompañan libranza de (295 ps.) doscientos noventa y cinco ps. seis rs. siete gs. por los productos de Cosalá del mes citado y con la ùltima otro de ciento cuarenta y un pesos cuatro siete octavos reales por los de Alamos pertenecientes al citado Octubre.=Que se reconoscan y cobren dichas letras, se hagan los debidos asientos y se acuse el recibo =Dos rùbricas.

## *Sesion del* 26, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco, y despues de aprobada la acta del 24, se dio cuenta con los siguientes oficios:

Primero. Del E. S. oficial mayor del Ministerio de Relaciones fha 23, pidiendo los reglamentos de la Junta y del colegio. ═Que se le citen las fechas de la ley q. reglamentó el colegio y de la que establecio la planta de la oficina con copia del reglamento provisional de la misma y noticia del estado que tiene el que formó la Junta y se le devolvió.

Segundo. De los SS. Baring Hermanos en Londres à 31 de Octubre avisando haber puesto en la Habana à disposicion de los SS. Picard y Alvero los dos aparatos de destilacion que se les encargaron con los planos correspondientes para poderlos montar con facilidad y acompañando su factura.═Que se acuse el recibo de dicha comunicacion y que se negocie el importe de la cantidad que queda en su poder que son doscientas sesenta libras cinco peniques para lo que se comisionó al Sor. Bassoco. ═Dos rúbricas.

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## *Sesion del* 28 *de Diciembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 26, se dio cuenta con las comunicaciones siguientes del Ministerio de Relaciones fha de 11 y recibido hasta hoy en que el E. S. Oficial mayor inserta la comunicacion que dirijiò con fha 10, al segundo vocal de la junta facultativa D. Blas Balcarcel y en la que accede el Supremo Gob$^{o}$. à la peticion del S. encargado de la Direccion D. Tomas Ramon del Moral para que se encargue de la misma el mencionado S. Balcarcel.═La Junta acordo que conste la fha en que se ha recibido este oficio y se agregue à su espediente.

En segunda se dio cuenta con las sig$^{tes}$. comunicaciones.

Primera. Del apoderado de la Junta en Guanajuato fha 25, acompañando una libranza de cinco mil cuatrocientos noventa pesos un real tres gs. por derechos de mineria correspondientes al mes de Nov$^{e}$.═Que se reconosca la letra, se hagan los debidos asientos por la Contaduria y se acuse recibo.

El mismo acuerdo recayó al segundo oficio que remite el encargado de la recaudacion del derecho en S. Luis Potosi acompañando una letra de dos mil trescientos once pesos, sesenta y tres centavos pertenecientes al mismo mes de Nov$^{e}$.

Cinco oficios del S. Zamora fhas 26, del corrte remitiendo con el primero las memorias num$^{o}$. 51, de aquella negociacion.

=Recibo y à la Contaduria. Avisando en el segundo haberse labado en la semana trescientos quintales de metal: contiuuar la mina en el mismo estado y que necesita para la raya de seiscientos pesos. De enterado. En el tercero aensa recibo de la Tornaguia de las seis barras que remitió en 9 de Setiembre à la casa del S. Rozas en Cuernavaca y pide la de las otras siete que vinieron consignadas ultimamente al S. Echeverria.=De enterado.

En los dos ultimos avisa haber girado la letra nº. 90, valiosa cuatrocientos veintinueve pesos à favor de D. Teodoro Chavez y la 91, por valor de doscientos cuarenta y seis pesos al de D. Leonardo Maldonado.=Que se pague.

En carta particular del mismo en la propia fha. dice que considera bastante para el objeto el poder que se le remitió à fin de representar à la Junta en las prócsimas elecciones de aquel Tribunal.=Dos rúbricas.

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### *Sesion del* 30 *de Diciembre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 28, se dio cuenta con las comunicaciones siguientes:

Primera. De D. Ramon Alfaro albacea del contador de esta Oficina D. Miguel Hierro fha 26, del corriente participando el fallecimiento de dho empleado acaccido despues de la una de la mañana del dia 23.=A la contaduria.

Dos. De los SS. Manning y Mackintosh del dia 28 insertando las comunicaciones que han cambiado D. Fernando Pohls comisionado en Guanajuato y el S. Comisario general de aquel Estado sobre la asignacion que hizo el Gobierno del mismo de la cantidad de cinco mil pesos de préstamo à la Recaudacion del derecho de mineria.=La junta acordó se le manifieste que ella ha aprobado su conducta y que se le remita copia de la circular del Ministerio de Hacienda en q. se esceptuan del préstamo à los Estados, à los q. hayan satisfecho el de la cuota mayor en el Distrito.=Dos rúbricas.

## AÑO DE 1847.

### Mes de Enero de 1847.

### *Sesion del dia* 2.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta de 30 del pasado se dio lectura à la ley de 30 de Dic$^{e}$. del de 1843, y conforme à ella se previno que se imprimiese la circular correspondiente avisando haber entrado à funcionar de presidente en el presente año el S. D. Juan M$^{a}$. Flores apoderado de los mineros, aprovechando los ejemplares que hay para participarlo à las autoridades y corporaciones ecsistentes en la capital.

El S. Mayordomo del Colegio, pidió se le concediese licencia para marchar à la capital de S. Luis Potosi dejando bajo su responsabilidad al S. su hermano D. Leandro y la Junta la concedio previendo se cómunique al S. Director interino del Colegio.

En seguida el S. Flores manifestó debia oficiarse al Supremo Gobierno participándole que no habiéndose logrado el préstamo para el que facultó à la Junta á fin de cubrir los gastos que se hacen del fondo de azogue tanto en el colegio como en la oficina lo que seria mas dificil lograr en razon de la nueva suspension de pagos acordada por el Ministerio de Hacienda, y no ecsistiendo yá dicho fondo sino la cantidad necesaria para cubrir el presente mes, se le manifestase que la junta no podrá cubrir dichos gastos del fondo dotal por estar designados en la ley los objetos à que esclusivamente debe dedicarse.

El S. Segura se opuso espresando que si la mayoria de la junta insistia en que se remitiese dha comunicacacion estenderá su voto particular para que constase en el acta y que lo remitiria al Gobierno. Despues de una prolongada discusion la mayoria de la Junta acordó se remitiese al Gobierno la contestacion insinuada insistiendo el S. Segura en que constase su voto particular que elevaria al Ministerio para salvar su responsabilidad.=Dos rúbricas.

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### *Sesion del* 4 *de Enero de* 1847.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dio cta. con las comunicaciones siguientes:

Primera. Del Juzgado de Pachuca fha. 3, dando las gracia à la junta por su contestacion à la solicitud dirijida en favor de las mineros de aquel Distrito que se asignaron al cupo de remplasos y participando que solo uno de ellos habia sido puesto en libertad.=Ynsértese al S. Gefe de la plana mayor instándole para que resuelva, y avisese asi al presidente del Juzgado.

Dos. Del Admor. de la Aduana maritima de Veracruz fha 28 del pasado participando haber ecsitado al Juzgado del Distrito por el despacho de las libranzas del fondo de azoguès pendientes de la sentencia da aquel Tribunal.=A su espediente.

Tres. Del mismo en igual fha. acusando recibo de la orden del Ministerio de Hacienda que se le comunicò para el pago del derecho del tres por ciento y avisando habor recibido orden posterior del mismo Ministerio para que el mencionado derecho causado por los buques que burlen el bloqueo se aplique à la guarnicion de Veracruz, Ulua y Alvarado.=Que se inserte al Gobierno pidiendo le reitere la orn. dada el 9, del pasado sobre este asunto.

Cuatro. De D. Josè Zamora fha 2, remitiendo las memorias num. 52, y la boleta nº. 23, y los estados corte de caja num. 52, y la bcleta nº. 23, y los estados corte de caja num. 12 de aquella negociacion.=Recibo y à la Contaduria.

Cinco. Del mismo y de igual fha. avisando no haber novedad en la mina y que para la raya de la presente semana necesita de quinientos pesos.=De enterado.

Seis. Del mismo avisando haber girado dos libranzas valiosas la primª. bajo el nº. 1, cuatrocientos pesos à favor de D. Leoncio Blanco y la otra ciento cincuenta bajo el nº. 2, al de D. Rafael Solarez.=Que se paguen.

Siete. Del Lic. D. Cástulo Barreda manifestando seria conveniente remitir alguna cantidad à Tasco por cuenta de los derechos vencidos por aquel Tribunal.=La junta acordò q. se diga al S. Zamora que no habiéndose demorado el pago de los mencionados derechos sino en espera de la justificacion que debe presentar oportunam$^{te}$. á la Contaduria mayor de acuerdo con el Sor. Quiñones puede satisfacer la parte de dha cuenta que estè comprobada de una manera terminante y en cuyo débito no haya la menor duda recojiendo el correspondiente recibo, y por último que diga el S. Quiñones conteste al S. Lic. Barreda todas las preguntas que le ha dirijido con respecto á este asunto à fin de que queda terminado cuanto antes.

La Junta acordó igualmente q. se manifieste al Suprema Gobº. que no habiendo logrado el prèstamo para el que se le facultó à fin de suplir los gastos del Colegio y la oficina que se hace del fondo de azogues, no puede suplirlos del dotal por ser un fondo privado del cuerpo minero.=Dos rúbricas.

## *Sesion del* 5 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia anterior se dio cuenta con unas comunicaciones que remitiò el Sor. Mackintosh del apoderado de Guadalupe y Calvo fhas 15 de Diciembre acompañando una letra de tres mil cuatrocientos cuarenta y seis pesos seis rs. por productos correspondientes à los meses de Abril, Mayo Junio y Julio.=La junta acordó que se reconosca la letra, se hagan los debidos asientos, se cobre à su debido tiempo y se acuse el recibo pidiéndole las cuentas hasta fin de Diciembre y que en los avisos diga la cantidad que ha producido el derecho del mes anterior: que dedusca de él cuatro por ciento de comision y libre el resto à favor de la junta contra los SS. Manning y Mackintosh.

Con la segunda acompaña una libranza de dos mil cuarenta y dos pesos seis rs. cuatro gs. por los productos de Agosto, Setiembre Octubre y Nov$^{e}$.=Que se reconosca la letra, se hagan los asientos debidos y se acuse recibo.

Se acordò ademas, que el S. Bassoco arregle con la casa de los SS. Manning y Mackintosh el pago de la prim$^{a}$. libranza sin aguardas al término de seis meses de su aceptacion en virtud de no haberse recibido la letra oportunamente por algun estravio y de haberse recibido las cantidades por el comisionado en los meses de Abril Mayo Junio y Julio del año anterior.

A mosion del S. Segura se acordó que se dirijiese una felicitacion al E. S. Gral. D. Antonio Lopez de Santa Anna por su nombramiento de presidente interino, otra al E. S. D. Valentin Gomez Farias por el de Vice Presidente, p$^{a}$. cuya redaccion se comisionò despues de aprobada la mosion al mismo S. Segura, salvando su voto el S. Flores.=Dos rúbricas.

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## *Sesion del* 7 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 6, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Hacienda fha. 5 pidiendo á la Junta le proporsione treinta mil pesos en calidad de reintegro con los derechos que cause la conducta de platas que debe salir á media dos del mes.=Y la junta acordó que se conteste verbalmente al Ministerio por el S. Presidente de la Junta que el oficio se recibio á las cinco de la tarde del martes por lo que la junta no pudo rennirse p$^{a}$. acordar su contestacion hasta hoy, manifestándole que el fondo de azogue está agotado completamente y que del dotal, como fondo privado de los mineros no puede disponer.

Dos. Del Ministerio de Relaciones acusando recibo de la circular en que sele participó quedar de presidente de la Junta el S. Flores.=A su esped$^{te}$.

El mismo acuerdo se dió á igual contestacion del S. Director interino del Colegio y del S. Contador de propios.

Tres. De la Junta menor de avio de las minas de S. Juan de la Chica, avisando que el 15 del presente debe enterarse la tercera ecseuvicion por los Señores accionistas.=A su espediente.

Cuatro. De D. Jose Zamora fha 31 del pasado remitiendo al arriero Fiz para que se le manden cuatro cajas de pólvora.= Que se compren y q. se le diga que en rason de no haber Sulfato en Mejico procure conseguirlo por su parte ó usar del magistral como lo ha hecho otra vez.

Se leyó una solicitud de los oficiales y escribiente de la Contaduria para que se participe al supremo Gobierno el fallecimiento del Contador D. Miguel Hierro pidiendose libren los despachos correspondientes, conforme á la escala prevenida por la ley.=La Junta señaló el dia siguiente para tratar de este asunto.

Se leyó un dictamen de la Contaduria reducido á manifestar no haber inconveniente en que se estienda la Certificacion que pide á Don Manuel Pruneda por las cantidades q. ha recibido del capital que reconoce la junta al Hospital de Divino Salvador.=La junta acordó q. se estienda la Certificacion.

Se mandó dar otra igual á D. Fran$^{co}$. Fischer de los servicios que prestó su padre á la mineria conforme á las constancias q. haya en el archivo.

Se presentó el proyecto de felicitacion á los EE. SS. Presidente y Vice Presidente de la Republica despues de disentido suficientemente se aprobó la que debe dirijise al primero en los siguientes terminos.

„ E. S.=Lá Junta de fomento y administrativa de mineria que debe su ser al supremo decreto dado por VE. en 2 de Dic$^{e}$. de 184 creeria faltar á sus mas sagrados deberes de justicia y gratitud sino uniese su voz en esta ver á las de las corporaciones y particulares todos que se apresuran á felicitarle por su nueva eleccion á là primera magistratura del Estado.=Esta junta jamas podrá olvidar que las minas leyes de proteccion y fomento en favor de este importante ramo desde la época de nuestra gloriosa independencia á la fha. se deben esclusivamente á VE. y que solo bajo su administracion ha obtenido la importancia que se merece la industria nacional minera. Ella es pera por lo mismo que en la época de la nueva presidencia de VE. continuará en favor de los mineros del pais los elementos de riquera pública q. hoy necesita fomentar mas que nunca á fin de sostener la independencia y el buen nombre de Mejico altamente comprometido por la injusta guerra de los Estados Unidos del Norte, y eleva por último sus fervientes votos al ser supremo para que conceda á VE. el triunfo mas pronto y mas cumplido en la preciente lucha conservando su importante vida y concediéndole toda clase de felicidades.=Ella tiene el honor con tal motivo de reiterar á VE. las protestas de su distinguido aprecio y consideracion.=Dios &ª."

Se leyeron tres oficios del encargado de la administracion en Chihuahua fha. 22 del pasado, remitiendo con las dos primeras una letra valiosa cuatro cientos sesenta y seis ps. dos rs. seis granos por derechos pértenecientes al mes de Octubre en Chihuahua y Jesus Mª. y en la tercera, advirtiendo que la diferencia de once ps. depende de haber entregado de mas en la remesa anterior.=La Junta acordó que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo, pasandose á informe á la contaduria por lo relativó á la diferencia de los once pesos.=Dos rúbricas.

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## *Sesion del dia* 8, *de Enero de* 1847.

Se reunieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 7, se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Ministro de Hacienda fha de hoy pidiendo se le remitan siete mil pesos en calidad de reintegro con los primeros recursos q. tenga.=La Junta acordó que se remitan á la Tesoreria mil trece pesos, única cantidad disponible con que cuenta manifestandose asi en contestacion al ES. Ministro: que se comunique á la Contaduria y se recoja de la Tesoreria general el correspondiente Certificado, salvando su voto el S. Flores.

Dos. Del Director interino del Colegio fha. de ayer participando la eleccion de la junta facultativa del mismo.=De enterado.

Tres. De D. Cayetano Buitron fha. de hoy remitiendo dos mil treinta y cuatro ps. cinco rs. seis gs. por el derecho de mineria perteneciente al mes pasado.=Recibo y á la Contaduria.=Dos rúbricas.

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## *Sesion del* 9 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 8. se dio cuenta con la solicitud de los empleados de la Contaduria para que al participar el fallecimiento del Contador le pida al supremo Gob°. mande estender los despachos correspondientes á sus ascensos conforme al decreto de 30 de Diciembre de 1845.=La Junta acordó de conformidad agregando que se recuerde con este motivo al supremo Gobierno el despacho de las comunicaciones que ha dirijido la junta sobre pago del Colegio y asignacion de la oficina que se satisface del fondo de azogue. En seguida la Junta acordó se entreguen á su presidente el S. D. Juan M. Flores dos mil quinientos pesos para los gastos de la negociacion de Tasco en el presente mes y que se comunicase á la Contaduria, rindiendo la cuenta á fin de mes.

Se leyó una instancia de D. Josè Garcia solicitando la plaza de escribiente de Contaduria que debe quedar vacante por ascenso de Don Fran$^{co}$. Bonilla.=Dos rúbricas.

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### *Sesion del* 11 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 9, se dio cuenta con las comunicaciones siguientes.

De los E. E. SS. Gobernadores de los Estados de Mèjico y Queretaro, de la Direccion de Colonizacion è industria de la del Tabaco y rentas estancadas y de la Admon. gral. de correos contestando de enterado á la circular en que se les participó quedar funcionando de Presidente en este año el S. Don Juan M. Flores.=A su espediente.

Del encargado de la recaudacion en Durango fha. 1°. del corriente participando haber entregado en mano propia la contestacion que se le encargó p$^{a}$. el S. Admor. de rentas de aquel Departamento en ya respuesta remitiria tan pronto como la recibiese.=A su espediente.

Seis comunicaciones de D. Josè Zamora en Tasco remitiendo con la primera las memorias numeros 1. de aquello negociacion: pidiendo en la segunda se le remita el sulfato que tiene pedido para satisfacer la cantidad que le han prestado: avisa haber continuado la obra que habia suspendido en la mina por falta de pólvora: que en esta semana comenzara el desagüe: que la saca y leyes de los metales continua sin novedad: que habia comensado á preparar el molino de Cantarranas y que para la raya necesitaba de seis cientos pesos.=De enterado. En el tercero manifiesta que no pudiendo ecsanimar la cuenta de los derechos del Tribunal de Tasco por hallarse en poder del S. Barreda de acuerdo con el S. Quinones es de parecer se dia al Jugzado tres ó cuatro cientos pesos y en cuanto tenga la cuenta la ecsaminará con toda escrupulosidad.=La junta acordó de conformidad y que se remita copia al S. Zamora de la cuenta de que se trata pidiendosela á dicho S. Lic. Barreda. En los tres últimos avisa haber girado bajo los num. 3. 4 y 5, otras tantos libranzas valiosas cien pesos la primera, y trescientos cada una de las otras.=Que se paguen.=En carta particular manifiesta el mismo al S. Segura el resultado de las elecciones de cólegas en aquel Tribunal, avisa que le han nombrado de Alcalde y pide que se apoye su acepcion fundado en el articulo de la ordenanza recomendándola al E. S. Gobernador del Estado de Méjico.=La Junta acordó que se le den las gracias por sus buenos servicios en la Junta electoral y que se le diga puede remitir su instancia por conducto de la junta quien la recomendará eficazmente.

Se leyó una solicitud del Ciud°. Jose de Jesus Piña solicitando una de las vacantes de escribiente en la Sria ó Contaduria.=La junta acordó que se reserve para su caso agregandose á su espediente.=Dos rúbricas.

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### *Sesion del* 12 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de haber aprobado la acta del dia 11, se dio cuenta con un informe de la contaduria sobre la comunicacion del apoderado en Chihuahua f ha. 22 del pasado manifestando la equivocacion padecida en la remesa antr. importante once ps. y rs.: la contaduria manifiesta su conformidad en ella con sola la diferencia de medio rs.=La junta de acuerdo ordenò se le conteste asi al apoderado y se agregue al espediente.

Se leyó un informe de la mesa de administracion sobre los capitales impuestos pa. la construccion del puente de Zimapan en que opina se pida á la Contaduria la noticia y liquidacion de dichos capitales, asi como de los reditos que de ellos se hayan satisfecho.=La junta acordó que se pidan al Lic. Barreda los documentos q tiene en su poder, lo mismo que al archivo todos los qe. haya en él sobre el citado puente á fin de que amplie su dictamen la mesa.=Dos rúbricas.

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### *Sesion del* 15 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del 12 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Puebla y del Juzgado minero de Pachuca f ha. 13 del corriente contestando á la circular en que se les participó quedar de presidente el S. Flores.

Dos. Del Juzg°. minero de Mazapil remitiendo la acta de sus elecciones.—Ynforme la mesa de fomento.

Tres. Del Apoderado en Guanajuato remitiendo copias del oficio que le remitio el E. S. Gobernador insistiendo en el prestamo de cinço mil pesos.—La Junta acordó q. se manifiesten al supremo Gobierno, se sirva declarar á la junta comprendida en la circular de 28 de Noviembre recordando las cantidades que se le han entrégada: que se diga asi al Sor Pohls advirtiéndole que debiendo mandar los productos del derecho en los primeros dias del mes debe remitirlos inmediatamente salvando asi su responsabilidad.

Cuatro. Dèl Apoderado en Durango remitiendo una libranza de setecientos (*pesos*) cuarenta y cuatro ps. setenta y siete centavos.—Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del Apoderado en Pachuca remitiendo en libranza mil trescientos doce ps. tres rs. cuatro gs. por productos del mes pasado.—La junta acordó lo mismo que en el anterior.

Seis. Del Lic. D. Cástulo Barreda remitiendo sus observaciones á la cuenta de los derechos causados por el Tribunal de Tasco.—A la contaduria.

Siete. De D. Manuel Mariano Cortazar f ha. 12 del pasado manifestando las dificultadas que se han presentado para cumplir su contrato de compra de las ecsistencias y enceres que quedaron en la mina de Atargea asi como para dar la fianza que ofrecio otorgaria el S. Director de la compañia del mineral del Monte—La junta acordó se le conteste que estando comprometid á verificar dicho contrato nada tiene que ver la Junta si se denuncia la mina por q. el la haya abandonado y que se verá precisada á reclamar su complimento y la escritura de fianza, donde y cuando convenga.—una rúbrica.

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### *Sesion del* 18 *de Enero de* 1847.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del dia 15, se dio cuenta con las comunicaciones siguientes:

Cuatro de los EE. SS. Gobernadores de los Estados de Aguas calientes, Michoacan, S. Luis y Veracruz contestando la circular en que se les participó el nombramiento de Presidente.

Quinto y sesto. De los Tribunales mercantil de Mèjico y de Mineria de Guanajuato sobre lo mismo.—A su espediente.

Setimo. Del profesor D. Blas Balcarcel f ha. de hoy avisando habèrsele prevenido por el Ministerio del ramo entregase la Direccion al primer vocal de la Junta facultativa Don Joaquin

Velazquez, lo que habia verificado en el mismo acto.=De enterado y participese á la Contaduria.

Octavo. Del comisionado de Zacatecas fha. 12 remitiendo una letra de cuatro mil seiscientos veintitres ps. un real por productos de mineria en el mes de Diciembre y un recibo de veinticinco ps. del Alumno D. Agustin Ayala.=Que se reconozca la letra se hayan los debidos asientos y se acuse el recibo.

Nueve. Del de S. Luis Potosi remitiendo una letra valiosa mil seiscientos noventa y tres pesos cuarenta y dos centavos y recayò el mismo acuerdo q. en el anterior.

Dies. Del de Guanajuato fha. 15, acompañando la cuenta del tercio concluido en Diciembre con sus respectivos comprobantes; y avisando que los productos correspondientes á Diciembre han sido cinco mil quinientos setenta y ocho pesos siete rs. once granos que se ha cargado á la cuenta nueva y no remite por que considera embargada la cantidad de cinco mil pesos que tiene en su poder a virtud de un oficio que acompaña el E. S. Gobernad^r^. de aquel Departamento en que dice no está comprendida la junta en la circular de 28 de Nov^l^. del año anterior.=La junta acordó que se suspenda la contestacion entre tanto se acerca el S. Bassoco al Ministerio á fin de agitar la resolucion de la nota que se le pasó sobre este asunto el 15 del corriente.

Once. Del de Guadalajara fha 12, manifestando que habiendo ocurrido algunar dificultades juridicas con relacion á la casa de Moneda, necessitaba un documento que acreditase su representacion por la junta en aquella ciudad.=Que se inserte al Señor Mackintosh para que le sustituya el poder q. tiene de la Junta.

Doce. Tres del Juzgado de Guanajuato fha. 9, del corriente el primero manifestando las reclamaciones que hacen D. Ygnacio Porto y demas dueños de la mina del Toro por la cantidad de tres cientos cincuenta pesos mitad de la suma en que vendieron dha. mina y que se les resta todavia.=Que informe la mesa de fomento. En el segundo fha. 13, avisa haber recojido la herramienta de las minas del Toro, Clavellinas y Guadalupe y propone la venta de la madera q. haya quedado en las fàbricas de Clavellinas p^a^. evitar su estravio.=Y se dió el mismo acuerdo. En el tercero fha. 14, participa haber desistido de su denuncio de la mina de Guadalupe el D^r^. Vidal y pide que á vuelta de correo conteste la junta.=Ella dio el mismo acuerdo.

Trece. Cuatro comunicaciones de D. José Zamorá fhas. 18, remitiendo con la 1^a^. las memorias 2.=Recibo y á la Contaduria. Manifestando en la segunda que considera útil aceptar los servicios que ofrece D. Agustin Font pero manifestando que las labores se han hecho con toda regularidad. Avisando en la tercera haber girado bajo el numº. 6, una letra valiosa cien pesos á favor de D. Jorge Raffard.=Que se pague. Y participando en la última haberse recibido una orn. del Gobierno del Departamento en que ofreciendo remitir el decreto respectivo dice que la legislatura ha prevenido no se varien los juzgados del Estado en este año, cuyo determinacion contraria á la ordenanza cree haber sido recabada por sorpresa por el S. Madariaga. Comunica despues no haberse insistido en el prestamo de doscientos pesos y que necesita de cuatro ó seis carabinas para defensa de los intereses de aquella negociacion.=Que se inserte la parte relativa al S. Lic. Barreda á fin de que diga si podrá encargarse de hablar al S. Gobernador sobre el asunto la persona á quien comisionó en Toluca y que se diga al S. Zamora avise si puede conseguir las carabinas en Tasco avisando su presio.=Dos rúbricas.

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### *Sesion del* 20 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del 18, se dio cuenta con una comunicacion del S. Profesor D. Joaquin Velasquez de Leon fha. 18, en q. participa haberse encargado de la Direccion interina del Colegio por orn. del ES. Presidente interino.=De enterado con satisfaccion y que la Junta abunda en los mismos sentimentos qᵉ. le manifiesta y contribuirá por su parte en cuanto pueda á los adelantos del Colegio.

Una instancia de D. Pantaleon Teran solicitando la vacante que deba resultar en la secretaria.=Que se reserve para su caso.

El Sor. Bassoco manifesto que no habiendo podido recaba la orden que solicitò la junta pª. manifestar su acepcion del prestamo impuesto en Guanajuato se debia manifestar asi al S. Pohls y que continuase resistiendo su exhibicion, y asi se acordó.

La Junta acordó tambien que se conteste al S. Zamora que por ahora no cree conveniente aceptar la oferta del S. Font.

Se leyó por ultimo un informe de la mesa de fomento sobre el oficio del Tribunal de Guanajuato fha. 14, del corriente sobre la provicion al denuncio de la mina de Guadalupe en Clavellinas, manifestando que la Junta no debe oponerse á él conforme á los antecedientes q. obran en el espediente, y asi se acordó agregando que se le diga tambien q. por el procsimo correo, se le indicara la persona á quien debe entregar los enceres y ecsistencias.=Dos rúbricas.

### *Sesion del* 21 *de Enero de* 1847.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta anterior se dio cuenta con una comunicacion del E. S. General en gefe del ejercito contestando satisfactoriamente á la felicitacion que le dirijio la junta:

Dos. De los EE. SS. Gobernadores de los Departam^tos^. de Jalisco y Zacatecas acusando recibo á la circular en q. se participó el nombramiento de nuevo presidente.—A su espediente.

Tres. Otros de los juzgados mineros de Anganguco y Tlalpujahua sobre lo mismo. A su espediente.

Cuatro. Del Apoderado en Guadalajara fha. 15, del corriente remitiendo una letra de mil cincuenta y cinco pesos siete rs. por productos del derecho en el mes pasado.—Que se reconosca la letra, se hagán los debidos asientos y se acuse recibo.

Cinco. Del de Durango acompañando la contestacion al reclamo que se dirijio á la Admon. de rentas de aquel Departamento por su conducto.—Ynforme la contaduria.

Seis. Del Juzgado de Tlalpujahua acompañando sus denuncio de Mina nueva encontrada bajo una casa de aquella poblacion.—La junta acordó de conformidad por lo informado verbalmente p^r^. la Secretaria se remita con informe al E. S. Gobernador del Estado de Michoacan consultando su aprobacion en el caso de que las autoridades municipales de aquel punto no encuentren inconveniente, é insertandole la resolucion de supremo Gobierno sobre que los Gobernadores de los Estados ejersan la facultad de que habla el art^o^. 15, del tit. 6^o^. de la Ordenanza.—Dos rúbricas.

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### *Sesion del* 25 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones siguientes:

Tres de los juzgados mineros de Catorce, Sultepec y Tasco acusando recibo de la circular en que se les participó quedar de presidente el S. Flores. A su espediente.

Cuatro. Del comisionado en Guanajuato fha. 22, remitiendo una letra de quinientos setenta y ocho ps. siete rs. once gr. por productos del derecho en el mes pasado por considerar embargados los cinco mil restantes aunque habia insertado al E. S. Gobernador la comunicacion en que la Junta le dijo haber ocurrido al E. S. Vice Presidente á fin de que la declarase inclusa en la circular de 28 de Nov^e^. del año anterior.—La junta acordó que se reconosca la letra, se hagan los debidos asientos se acuse el recibo y se le manifieste que debio haber remitido los cinco mil pesos pues á virtud de estar pendiente la resolucion del supremo Gobierno el del Estado no podia mandar embargar; mas aun cuando asi fuere remitida en libranza dha. cantidad quedaban los productos pertenecentos á este mes si el Gobierno insistia, mucho mas cuando se le manifestó espresam$^{te}$. en 16 del corriente que si el embargo se verificaba pasados los primeros quince dias de este mes, seria responsable p$^{r}$. no haber cumplido las orns. de sus instrucciones.=Ynsistese al S. Mackintosh la comunicacion citada del dia 16 la que hoy remite el S. Polhs y su contestacion.

Ocho comunicaciones de D. Josè Zamora remitiendo en la 1$^{a}$. las memorias n. 3.=Recibo y á la contaduria. En la segunda acusa recibo de la cuenta que ha formado aquel Tribunal y ofrece revisar. Participa en la tercera que la mina continua con muy poca variacion y que necesita para la raya de seis cientos pesos.=De enterado. Consulta en la cuarta la venta de veinticinco á treinta á de cobre inservibles que solicita comprar el S. Aramburu á veinticinco pesos quintal.=Que lo venda al mejor precio que pueda avisando las pieras que sean las que se vendan para anotarlo en el inventario. Dice en el quinto que el S. Prefecto participa que el E. S. Gobernador lo faculta para reducir la cuota de doscientos pesos á solo cien de préstamo.=Que se le inserte la declaracion del Supremo Gobierno en el préstamo. En las tres últimas avisa haber girado tres libranzas la n$^{o}$. 7, de cuatrocientos pesos á favor de D. Benito Ortiz en 23 del presente, la num$^{o}$. 8 de trescientos pesos ál de D. Leoncio Blanco en la misma fecha y la num$^{o}$. 9,de igual suma á favor del mismo Blanco y en la propia f ha.=Dos rúbricas.

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### *Sesion del* 27 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia anterior se dio cta, con los dos informes que siguen de la Contaduria de la Junta:

Primera. Sobre la última comunicacion del Apoderado en Durango relativa á la deuda de cuatro mil cuatrocientos setenta y siete pesos seis rs. tres gr. pertenecientes al uno p$^{o}{}_{o}$. opinando se manifieste todo lo sucedido al Gobierno y la junta opinó de conformidad.

Segundo. Manifestando estar de acuerdo con las observaciones hechas á la cuenta de los derechos del Tribunal de Tasco por el S. Lic. D. Castulo Barreda. La Junto acordó de conformidad, advirtiendo al S. Flores un equivoco de un peso que se deduce de menos en dicha cuenta y se acordó por último se se remita al S. Zamora para que en union del S. Quiñones ecsaminen dha. cta. aclaren las dudas que puedan de las que espone el Sor. Barreda é informen lo que crean conveniente.

Finalmente, la junta acordó se entregue á dicho Sor. Lic. un exemplar de la ordenanza de mineria q$^e$ pide=Dos rubricas.

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### *Sesion del* 28 *de Enero de* 1847.

Concurrieron los S. S. Flores Segura y Bassoco y despues de aprobada la acta del dia 27, se dio cuenta con las comunicaciones siguientes:

Primera. De la Suprema Corte de Justicia fha 26 participando haber nombrado Tesorero recandador del fondo establecido por la ley de 30 de Nov$^e$. de 846, al Lic. D. Pablo Vergara =De enterado.

Dos. Tres del Ministerio de Relaciones fha. 27, participando en la primera haber insertado al Ministerio de Hacienda la comunicacion de 5, del actual para que se prevenga al Admor. de Veracruz el puntual cumplimiento de la orn. de 9, del pasado.=A su espediente. En el segundo avisa que el E. S. Vice presidente no accede á la revocacion que se solicito de la orden que previno se supliese del fondo dotal los gastos del Colegio y oficina que se satisfacian del de azogue.=A su espediente. En el tercero aprueba la provision que por rigorosa escala hizo la junta de Contador y oficiales en convenencia del fallecimiento de Don Miguel Hierro.=A su espediente.

Tres. Del E. S. Gobernador del Estado de Durango fha. 18 y del Juzg$^o$ del Fresnillo fha. 20, acusando recibo á la circular en que se les participó la presidencia del S. Flores.=A su espediente.

Cuatro. De la Admon. pral. de Contribuciones directas fha. 25, pidiendo una manifestacion de los empleados en la oficina para formar la liquidacion correspondiente.=Que se remita.

Cinco. Del comisionado en Guanajuato fha. 25, remitiendo una letra de mil seiscientos sesenta y seis pesos, cinco rs. cuatro granos que retuvo en su poder del derecho del mes pasado á virtud de haberse asignado por aquel Gobierno cinco mil pesos de préstamo á la recaudacion del derecho en aquel Estado y que conforme á la ley de 19 de Nov$^e$. solo podia ecsijirle dos terceras partes en plata y el resto en papel. Avisa haber entregado tres mil trescientos treinta y tres pesos dos rs. y una fianza del papel correspondiente considerando que este paso debia darse mas bien que aguadar el embargo formal y diligencias consiguientes en cuyo caso dice se le habria ecsijido toda la cantidad en numerario.

La Junta acordó que se reconozca la letra, se hagan los correspondientes asientos, y se acuse el recibo: que se le manifieste ademas que habiendosele dicho oportunam^te^. y por dos ocaciones que resistiera la exhivicion de f ha. cantidad por estar esceptuada la Junta, estrana q. con todas sus prevenciones entregase la cantidad sin aguardar á que se le embargase; que habiendosele prevenido que conforme á sus instrucciones debe librar los productos del derecho del mes pasado en los primeros dias del siguiente el dinero que entregó ya es de su responsabilidad, mucho mas cuando no llegó el caso del embargo en que la fuerza acaso pudiera salvarlo sin que sea cierto que si se hubiesê embargodo habria tenido que dar los cinco mil pesos en numerario, pues el decreto espresa terminantemente que solo dos partes sean en dinero y una en crèditos; por ultimo que sin recibir las libranzas del clero, el Gobierno no podia obligar a la exhibision á los prestamistas y por consiguiente que con los documentos que se le remitieron tiene lo bastante para recobrar los tres mil tres cientos treinta y tres pesos que quiso entregar, p^o^. q. la Junta tiene su derecho á salvo para reclamarle esta cantidad, y asi lo hará y lo avisa ya á la casa de los SS. Manning y Mackintosh.

Se leyó una instancia de D. Yg^o^. Castro para la plaza de escribiente vacante en la contaduria.=A su espediente.=Dos rúbricas.

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### *Sesion de* 1^o^. *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 28, del pasado se presentó el S. Lic. D. Cástulo Barreda y entregó la cuenta de los derechos que ha devengado como patrono de la Junta, en los espedientes de denuncio de la mina de S. Juan y de la Trinidad.=A la contaduria para que informe.

Se leyeron las comunicaciones siguientes:

Primera. Del Juzg^o^. minero de Temascaltepec acusando recibo de la circular en que se le participa quedar de Presidente de la Junta el S. Flores.=A su espediente.

Dos. Del de Sayula acusando recibo de la misma circular, y participando el decreto de aquella legislatura de 11 de Enero de este año en que declara la cesacion de los juzgados mineros. A su espediente.

Tres. Del de Guanajuato fha. 29, ofreciendo manifestar á la junta las ecsistencias q. hay en la mina del Toro, cuando conteste el Alcalde á quien se ha oficiado lo haga y diciendo que la herramienta importará cosa de 67 pesos.=A su espediente.

Cuatro. Del comisionado en Zimapan remitiendo una letra de ciento veinticuatro pesos dos rs. seis y trescuartos por los derechos del mes pasado.=Que se reconozca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del comisionado en Guanajuato fha. 29, avisando haber recibido y pasado al Gobierno de aquel Estado la comunicacion del Ministerio de Relaciones que declara esceptuada la junta del préstamo forzoso en los Estados.=A su espediente.

Seis: del Albasea de la Testamentaria de Don Miguel Hierro para que comisione persona q. represente sus derechos por los trescientos cincuenta ps. q. adeuda á la junta. Ella acordó que se comisione al Sor Delmotte, sin que por esto la junta actual tome sobre si la responsabilidad de la anterior, y que se avise dicho nombram$^{to}$. al S. Albacea y al Sor. Delmotte.

Siete. Dies oficios de D. José Zamora fha. 30, del pasado remitiendo con el primero las memorias num. 4, de la negociacion de Tasco.=Recibo y á la Contaduria. En la segunda acusa recibo del informe que dio el S. Barreda á la cuenta de dros. del Tral. de Tasco.=A su esped$^{te}$.=En el 3$^{o}$. hace lo mismo respecto de la copia del oficio remitido al Gobernador de Guanajuato sobre préstamo. Avisa en el 4$^{o}$. haber recibido dies pesós que se prestaron al arriero Agustin Fiz. y pide se le diya el precio de la caja de polvora que se le mandó de Cuernavaca=que se cargue los diez pesos del arriero y se le diga el precio de la pólvora.=Avisa en el 5$^{o}$. que á las venitiseis varas se ha cortado la veta que se buscaba en la obra que se dió en el interior del socabon de Guadalupe; que el ancho de la veta es de tres cuartas y de buen metal, habiendose logrado tambien el desagüe de la parte superior: que el costo todo de la obra no ha llegado à mil pesos, y q. el desagüe del pozo de Dolores continua bien: que en la Hacienda se lavaron en la semana seiscientos cincuenta quintales, aguardando el sulfato que tiene pedido p$^{a}$. poner en beneficio otra partida de trescientos, y q. p$^{a}$. la raya de la presénte semana necesita de seis cientos cincuenta pesos.=De enterado y que se oficio al S. Director del Apartado pidiendo el Sulfato. Pide en el 6$^{o}$. se apruebe el gasto de diez pesos semanarios á D. Agustin Font y tres cada semana para sus minero que cinde de noche las labores, como ausiliares indispensables, en virtud de la estencion que han llegado á tener los trabajos de Trinidad.=De conformidad.=En los cuatro ùltimos avisa haber girado en cuatro ebranzas mil setenta pesos.=Que se paguen.

El S. Flores presentó la cuenta de los dos mil quinientos plisos que se le entregaron para acudir en el mes pasado á los gastos de la negociacion de Tasco, y se mandò pasar à la contaduria.=Dos rùbricas.

### *Sesion del* 4 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 1°. se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones fha. 30, del pasado remitiendo una instancia de D. Fran$^{co}$. Fischer, en solicitud de la plaza vacante de escribiente.=A su espediente.

Dos. De los Juzgados mineros de Sombrerete y Mazapil, acusando recibo de la circular en que se les participo quedar de presidente en este año el S. D. Juan M. Flores. A su espediente.

Tres. De los del Fresnillo y Asientos en Aguas calientes participando la eleccion de sus còlegas.=Enterado con satisfaccion.

Cuatro. Del comisionado en Sombrerete remitiendo una letra de treinta y cuatro ps. uno y medio gr. por productos del mes de Diciembre en Sombrerete.=Que se reconozca y sobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del mismo remitiendo los comprobantes del 1°. al 9 del ultimo tercio del año pp$^{or}$.=A la Contaduria.

Seis. Del comisionado en Guanajuato fha. 1°. del corriente, avisando haber pasado à la Comisaria el oficio del Ministerio de Relaciones que se le mandò ultimamente y adjuntando en copia la contestacion dado por aquel S. Gobernador en que dice: que con aquella fha. hacia sus observaciones al supremo Gobierno. =La junta acordò que se inserte al mismo dicha contestacion y que el S. Bassoco se encargue de hablar con el S. Mackintosh sobre la responsabilidad de los tres mil trescientos treinta y tres pesos.

Siete. Del S. D. Josè Delmotte fha. 3, aceptando la comision para representar à la junta en la Testamentaria del S. Hierro, y pidiendo el espediente de la materia y copia autorizada de las actas relativas.=Que se le remitan.

Ocho. De la Direccion del Apartado manifestando la distribucion que hace del Sulfato, y que podia mandar la junta por cuatro quintales.=Que se pague su importe y se avise al S. Zamora para que mande por él. Se leyó un informe de la mesa de Admon. fha. de hoy sobre la deuda del S. Lic. D. Diego Josè Perez y Fernandez.=La junta acordó comisionar al S. Srio D. Josè M. Castera, para que verbalmente averigüe de dho. Sor. la persona que pagó los cien pesos que constan satisfechos por su cuenta y que arregle los abonos atrasados que debia haber hecho y los que haya de hacer en lo futuro.=dos rúbricas.

### *Sesion del* 6 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 4, se dio cuenta con las comunicaciones siguientes:

Del Ministerio de Relaciones.

Primera. Del 27 del pasado acordando que se considere como meritorio de la seccion de contaduria á D. Fran$^{co}$. Segura con tal de que por parte de la junta no se pace algun inconveniente: y la junta acordó se suspendiere el asunto para otra sesion.

Dos. De 29, del mismo, insertando la comunicacion que dirijio al Ministerio de Hacienda acompañandole copia de un oficio del 23, en que se pidio dinero á la junta para competarl el rancho de la tropa; y del de esta remitiéndole mil cien pesos.=A su espediente.

Tres. Del 1°. del presente avisando haber pasado al Ministerio de Hacienda la comunicacion de la junta en que pidió se libren las ordenes necesarias para que el Admor. de rentas de Durango, pague los cuatro mil cuatrocientos setenta y siete pesos seis rs. tres gr. que debe del 1 p°$_{o}$. de circulacion de moneda.=A su espediente.

Cuatro. De 3 del mismo, insertando la orden comunicada al E. S. Gobernador del Estado de Guanajuato, para que reintegre la cantidad que haya percibido por el prèstamo q. impuso à aquella recaudacion declarandola esceptuada de èl.=Ynsertese al S. Pohls manifestandole la responsabilidad de la casa contratista.

Se leyo un informe de la Contaduria sobre la cuenta de honorarios del Lic. de Cástulo Barreda que concluye opinando se desglose sus recibo del S. Quiñones, que consta en ella y se le satisfaga el resto.=La junta acordó de conformidad.=Dos rúbricas.

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### *Sesion del* 8 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 6, se dio cuenta con las comunicaciones sig$^{tes}$.:

Primera. Del Gob°. de Chiapas acusando recibo à la circular en que se le participó quedar funcionando de Presidente el S. Flores. A su espediente.

Dos. Del de Michoacan, avisando que de conformidad con la indicacion de la junta, ha pedido à la municipalidad de Tlalpujahua el informe conveniente sobae la circunstancia de tener que barrenarse una calle para el laborio de la mina que se ha denunciado.=A su espediente.

Tres. Del Directoa del Colegio Nacional, partisipando que el Alumno d Franᶜᵒ. Erdosain, va à practicar en Anganguco, y pidiendo las órdenes correspondientes para que reciba alli su asignacion.=La junta acordó se le conteste que no teniendo apoderado en el Estado de Michoacan, no puede accederse à su pedido.

Cuatro. De D. Sebastian Segura fha. 6, en Pachuca, manifestando no haber podido remitir la cuenta y el importe de los alquileres de las casas que tiene alli la Junta; pero que lo verificarà personalmente à mediados de este mes.=à su espediente.

Cinco. Del Apoderado de Zacatecas fha. 2 del corrte. remitiendo el certificado de la Admon. de rtas. que faltaba à su cuenta del tercio pasado.=A su espediente.

Seis. Del Apoderado en Guadalupe y Calvo à 12 de Enero avisando haber ordenado à su encargado en el Parral, ecsija del S. Lujan de Muñoz las cuentas q. se le han pedido, y escusandose del cobro de la deuda del S. Rodriguez, por no encontrar persona q. quiera encargase del asunto á virtud de no haber esperanza de poder consiguir algo=á su espediente.

Siete. Del comisionado en Guanajuato á 5 del corriente protestando contra la responsabilidad que se le indicó por el pago del préstamo impuesto á aquella recaudacion, y que no entrará en contestaciones sobre esta materia, sino con los SS. Manning y Makintosh de quienes recibio el encargo: remite una letra de tres mil pesos que habia cobrado hasta aquella fha. =Que se reconosca la letra, se hagan los asientos correspondientes y se acuse recibo.

Ocho. Siete communicaciones de D. José Zamora fha 6 del corriente acompañando á la 1ª las memorias nº. 5, la boleta de beneficio y los estados y corte de caja nº. 1.=Recibo y á la Contaduria. Avisando en el segundo que manda al arriero Fiz por los cuatro quintales de sulfato, y que queda esperando se le avise cuando puede mandar por otros cuatro=que se remita el sulfato que pide, y se le diga q. la semana entrante puede mandar por otros seis. En el tercero participa que la ley del metal en la veta cortada es de sesenta marcos por cien quintales: que habia mandado colar la obra tres ó cuatro varas mas: que la veta tenia de cinco cuartas hasta vara y media de ancho aunque en ramales: qᵉ en el pozo de Dolores habia bajado el agua catorce varas: que en la Hacienda de Cantarranas se completaria la madera para la rueda en todo el mes: y qᵉ para la raya de esta semana necesita de setecientos pesos=De enterado. En los cuatro últimos avisa haber girado en cuatro libranzas la cantidad de ochocientos noventa y ocho pesos= que se paguen.

Se leyó por último una solicitud del Ciudº. Pedro Táuregui para que se le confiera una de las plazas vacantes de escribiente =á su espediente=Dos rúbricas.

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*Sesion del* 10 *de Febrero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 8, se dió cuenta con un dictamen de la mesa de fomento sobre la renuncia q. hace D. Ygnacio Castelaso de la presidencia del Juzg° de Pachuca, y despues de una detenida discusion se acordó contestar á dho. Señor, que no teniendo ya la Junta en este punto las facultades que le dio la ley de 2 de Dbre. de 1842, á virtud del restablecimiento de la federacion, no puede remitir su instancia, como descara hacerlo, al Gob° del Estado de Mejico á quien corresponde la resolucion, y á quien podrá dirijir su ocurso conforme á la declaracion suprema de Noviembre pp°.

Se leyó en seguida la cuenta que presentó la Tesoreria de lo cobrado en Enero de las fincas de edificio y se mandó pasar á la contaduria.

La Junta acordó finalmente q. se oficie al S. Director de la casa de Moneda, recordandole el pago del importe de siete barras de plata que se introdujeron por su cuenta desde 16 de Marzo ant<sup>r</sup>. y q<sup>e</sup>. hasta ahora no se ha satisfecho=Dos rúbricas.

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*Sesion del dia* 11 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Dos del E. S. Gobernador de Chihuahua y del apoderado en aquella capital acusando recibo de la circular en que se les participa funcionaba de Presidente de la Junta en este año el S. Flores.=A su espediente.

Tres. Del Tribunal de Anganguco remitiendo el acta de un colega y dos consultores.=De enterado.

Cuatro. Del Apoderado de Durango remitiendo una letra de mil cuatrocientos treinta y tres pesos veintitres centavos por productos de mineria del mes de Enero=que se reconosca la letra, se hagan los correspondientes asientos y se acuse el recibo.

Cinco. Del comisionado en Pachuca fha 10 del corriente remitiendo la cuenta del trimestre terminado en Diciembre=A la contaduria.

Seis. De D. Cayetano Buitron, manifestando que ha remitido á D. Manuel M<sup>a</sup>. Lebrija todos los documentos necesarios para que pueda presentar sus cuentas—La Junta acordó que se oficie al S. Lebrija para q. remita sus cuentas pendientes dentro del término de quínce dias á lo mas en atencion á que el S. Buitron ha manifestado haberle remitido todos los documentos. —Dos rúbricas.

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### *Sesion del dia* 15 *de Febrero de* 1847.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia 11, se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Tamaulipas acusando recibo de la circular en que se le participò quedar funcionando de presidente en este año el S. D. Juan M. Flores.

Dos. Del comisionado en Zimapan remitiendo una letra de doscientos sesenta y cuatro pesos seis rs. por productos del derecho en el mes pp$^{ox}$.—Que se reconosca y cobre la letra, se hagan los correspond$^{tes}$. asientos y se acuse el recibo.

Tres. Del de Guadalajara adjuntando otra de setecientos diez y seis pesos tres rs. uno y medio gs—que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del de Guanajuato acompañando otra de dos mil ochocientos setenta y un pesos siete rs. por resto de los productos del mes pp$^{ox}$., con mas un recibo de cincuenta y cinco pesos cuatro rs. importe de los protestos que se verificaron en el Asunto del préstamo de los tres mil trescientos trienta y tres pesos.—Reconóscase la letra, hagame los asientos y acusese el recibo. Digase al S. Mackintosh q. habiéndose negado el S. Polhs á entenderse con la Junta en cuanto á los 3,333 pesos del préstamo y ni a un dice el resultado de la última comunicacion del Gob$^{o}$. se le prevenga el cobro, bajo el concepto de que es responsable la casa contralista.

Cinco. Cuatro de D. José Zamora fha 13, acompañando en la 1$^{a}$ las memorias n$^{o}$ 6 y la boleta de beneficio n$^{o}$ 2 de la negociacion de Tasco.—Recibo y á la contaduria y avisando en las otras tres haber girado á favor de D. Rafael Solarez mil cuatrocientos pesos—que se pague.

El Lic. D. Castulo Barreda presento una cta. de honorarios en el asunto de denuncio del socabon.—A la contaduria.—Dos rúbricas.

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### *Sesion del* 18 *de Febrero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 15, se leyó un dictamen de la contaduria sobre la cuenta de honorarios presentada por el Lic. D.

Castulo Barreda importante cuarenta pesos, en que opina, ser de aprobarse y se mandó pagar dicha cantidad.

Se dió cuenta con las tres comunicaciones sig$^{tes}$:

Primera. De D. José Zamora fha 13 pidiendo la tela necesaria y conveniente para los dos molinos, asi como el resto del Sulfato que tiene pedido, y dos cajas de polvora.=Que se compren y se le manden.

Dos. Del Comisionado en Guaymas fha 18 de Enero manifestando que desde Abril del año pasado remitió la cuenta del último tercie de 45 perteneceinte á Hermosillo, la que volverá á mandar, pues cree se haya estraviado. Remite el duplicado de una libranza de quinientos cincuenta y ocho pesos noventa y ocho centavos, girado en 20 de Abril, mas habiendo advertido la mesa de Admon, que por las constanciar que ecsisten en la contaduria aparece satisfecha la letra por la casa contratista, y q. las ctas. de que se trata estan tambien en dicha oficina, la junta acordó se diga asi al S. Robinson, devolviendole el duplicado de la letra. Como la contaduria opinase que se reclamaran á dho comisionado el importe del papel del sello quinto en que debio haber venido la cuenta, y el porte de cartas que se carga importando ambas partidas cinco pesos seis rs. ella dispuso no se haga dicho reclamo en virtud de la dificultad de aquella recaudacion y del corto premio que queda al comisionado por la escaso de los productos.

Tres. De los comisionados en Culiacan contestando á la reclamacion que se les hizo de las cuentas pendientes diciendo que uno de ellos, el Sor. Le Brum debe venir en este mes á Mejico y las traéra. Acompaña tambien un oficio del Sor. D. Juan Nepomucino Lopez Portillo fha 23 de Enero en Mazatlan, en que ofrece entenderse con dichos SS. y concluir sus cuentas, lo que no ha verificado por las convulsiones politicas acaecidas con tanta frecuencia en aquel puerto.=A su esped$^{te}$, y que se tenga presente á la llegada á Mejico del Señor Le Brum=Dos rúbricas.

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### *Sesion del* 22 *de Febrero de* 1847.

Concurrieron los SS. Flores Bassoco y Segura y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones sig$^{tes}$.

Una. Del Ministerio de Relaciones, insertando el of$^{o}$. del de Hacda. en que dice, que dará las órdenes correspondientes para que se remitan á la junta las lbzas. correspondientes al 3 p$^{o}{}_{o}$. tan luego como se levante el bloqueo.=A su espediente.

Dos. Del mismo acusando recibo de los estados de Yngresos y Egresos del año pasado.

Tres. Del Comisionado de Zacatecas, remitiendo una letra de cuatro mil ochocientos cincuenta y nueve ps. dos rs. por derechos del mes pasado, y un recibo del Alumno Ayala.=Reconóscan la letra, hagame los asientos y se acuse el recibo.

Cuatro. Del de S. Luis Potosi remitiendo las ctas. del ultimo tercio.=A la contaduria.

Cinco. De D. Sebastian Segura en Pachuca fha 16, remitiendo la cuenta del año pasado por las fineas de la junta y doscieutos treinta y nueve ps. cinco rs. á buena cuenta..=Recibo y á la contaduria.

Seis. Tres comunicacioncs de D. José Zamora fhas 20 remitiendo con las 1ª las memorias num. 7, avisando en la segunda q. iba á poner en beneficio dos partidas de metal, el que concluido enviaria cinco barras de plata. De enterado y avisando en la última haber recibido los siete qq. de Sulfato que se le enviaron, participando q. remitirá al arriero por los tres restantes, dos cajas de pólvora y la tela para los molinos, y advirtiendo por último que en la factura con que se pida el Sulfato conste que es para uso de la mineria.=La junta acordó que asi se haga.=Dos rúbricas.

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### *Sesion del* 25 *de Febrero de* 1847.

Reunidos los SS. Flores, Segura y Bassoco, el Srio. dió cuenta con el resultado de sus trabajos en Toluca, para arreglar el cobro de la que adeuda el Lic. D. Diego José Percz Fernandez, reducido á proponer éste dar una orn. á la Tesoreria del Estado pª. que se le decueenten sesenta pesos mensuales de su sueldo hasta cubrir su crédito, y teniendo la junta en consideracion que cualquiera otro paso originaria gastos empeorandò el cobro por la falta de recursos de Perez y por que tambien ecsisten otros acreedores á sus bienes, acordó que se admita la propuesta y se escriba en este sentido al Lic. D. Ygnacio Arrieta, Apoderado sustitulo, con el fin de que recoja la orn. y los abonos, remitiéndo los á la Tesoreria de la Junta con seguridad y oportunamᵗᵉ. asi como para que represente á la misma junta en aquella ciudad en los asuntos de Tasco q. puedan ofrecerse. =Dos rúbricas.

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### *Sesion del dia* 24 *de Marzo de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 25 de Febro. antʳ. se dio cuenta con las comunicaciones siguientes:

Primera. De los EE. SS. Gobernadores de Sonora y Sinaloa, acusando recibo de la circular en q$^{e}$ se les participó que daba funcionando de Presidente de la Junta en este año el S. Flores.—A su esped$^{te}$.

Dos. Del Apoderado en Guanajuato fhas 5 y 15 del corriente remitiendo en dos libranzas seis mil trescientos cincuenta y dos ps. dos rs. por productos del mes de Fbro.—Que se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango á 5 de Marzo acompañando otra de ochocientos ochenta y siete ps. setenta y cuatro centavos por el mes anterior, y se acordó lo mismo que en el anterior.

Cuatro. Del mismo fha 19 de Marzo acompañando la cuenta del últ$^{o}$ tercio.—A la contaduria.

Cinco. Del de Chihuahua fha 16 de Fbro. remitiendo una letra de seiscientos noventa y ocho pesos siete rs. por productos de Dbre. y Enero, en aquella capital.—Se mandó reconocer la letra, y previos los asientos debidos acusar el recibo.

Seis. Del mismo y de igual fha. remitiendo la cuenta del ultimo trimestre.—Recibo y á la Contaduria.

Siete. Del de Pachuca á 17 de Marzo, remitiendo otra de mil seiscientos cuarenta y seis pesos, seis gs. por los productos del mes de Fbro.—Que se reconosca la letra, se hagan los debidos asientos y se acuse recibo.

Ocho. Del mismo advirtiendo haber podecido un equívoco en la remision que hizo el mes de Fbro.—Se pasó á la Contad$^{a.}$ para informe.

Nueve. Del de Guadalajara remitiendo seiscientos catorce pesos, cinco rs, ocho gs. por los productos del mismo Fbro. y recayó el mismo acuerdo q. al ant$^{r.}$

Diez. Del mismo participando haber mandado hacer duplicados de las cuentas correspond$^{tes.}$ al último tercio.—Que se dé noticia á la Contad$^{a}$.

Once. Del de Culiacan fha 10 de Fbro. remitiendo tres libranzas: una de trescientos veinte y cuatro ps. uno y medio rs. pertenecientes á Alamos por el mes de Nov$^{e}$. último; otra de trescientos catorce pesos seis rs. pertenecientes á Culiacan en el mes de Dbre, y la 3$^{a}$ del trescientos un peso cinco rs. correspond$^{tes}$ á Alamos por dicho mes.—Que se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Doce. Otros cuatro del mismo y de igual fha. acompañando una letra de doscientos vientecuatro ps. tres rs. dos octavos pertenecientes á Cosalá en el mes de Nobre, ant$^{r}$ 2$^{a}$ de doscientos treinta y nueve ps. un r$^{l.}$ que corresponden al mismo Mineral por el mes de Dbre. la 3$^{a}$ de ciento diez y nueve pesos siete rs. diez gs. q. pertenecen al de Enero en el mismo punto, y por ultimo otra de ciento sesenta y nueve pesos dos rs. dos octavos que produjo Culiacan en el mes de Enero.—Que se reconoscan y cobren dichas letras, se hagan los correspondientes asientos y se acuse recibo.

Trece. Del de Guadalupe y Calvo, remitiendo las cuentas con arreglo á la comunicacion que se le dirijió en Enº 9 prócsimo.—A la Contadª.

Catorce. Del de Zacatecas fha 5, del corrte. remitiendo una letra de mil trescientos cincuenta pesos dos rs. diez y medio gs. por cuenta de los productos del mes de Fbro.—Que se reconosca la letra, se hagan los asientos y se acuse recibo. Dos rúbricas.

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### *Sesion del* 26 *de Marzo de* 1847.

Asistieron los SS. Flores, Seguro y Bassoco: se leyó y aprobó la acta anterior, y se dio cuenta con los oficios siguientes:

Primº. Del encargado de las negociaciones de Faseo fha. 27 de Febrero acompañando las memorias numº 8 de la mina y de la Hacienda.—Recibo y á la Contaduria.

Dos. Del mismo, igual fha. avisando q. se vendieron á D. Francº. Aramburu 27 á 15lb. de cobre viejo que á 27 ps. quintal importó ciento setenta y dos pesos cuatro rs, y remitiendo la tornaquia de siete quintales de sulfato.—Recibo dándose conocimtº á la Contaduria y devolviendose la tornaquia.

Tres. Del mismo, 6 de Marzo remitiendo las memorias nº 9 de la mina y de la hacienda y dos estados y un corte de caja marcados con el nº 2.—Recibo y á la Contaduria.

Cuatro. Del mismo 13 de Marzo, mandando las memorias nº 10, de la mina y hacienda.—Ygual acuerdo que el anterior.

Cinco. Del mismo, 20 de Marzo, haciendo la remision de las marcadas con el nº 11, y se le dió el propio trámite.

Seis. Del mismo, 20 de Marzo, avisando el giro de la libranza marcada con el nº 30, importante doscientos ps. á favor de D. Manuel Parres.—Páguese.

Siete. Del mismo, igual fha dando parte de haber espedido la nº 29, por la cantidad de cien ps.—Tambien se dispuso su pago.

Ocho. Del mismo, 27 de Fbro, avisando el giro de la libranza nº 22 por noventa y seis pesos.—Tambien se dispuso su pago.

Nueve. Del mismo igual fha, dando aviso de haber espedido la nº 21, por cien pesos, y recayó el propio acuerdo.—Dos rúbricas.

### *Sesion del* 27 *de Marzo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia de ayer, y se dio cuenta con un oficio del apoderado del Distrito, con que remite mil ciento noventa y siete pesos dos rs. seis gs. productos del derecho de mineria cobrado en el mes anterior, acordandose el acuse de recibo correspondte, y que se hicieron los debidos asientos.

En seguida el Escribano D.                    notificó á la junta hallarse duertada su accion en la mina de S. Juan de la Chica, porque su cubrio á tiempo sus compromisos; y se contestó haciendo presente que el motivo de no haber enterádose toda la parte á que estaba obligada por la respectiva escritura, fué porque recibió orn. espresa del Gobo. para la suspension de pagos, aun los de esta naturaleza, y no obstante habérsele dado los informes necesarios sobre la clase de empeño contraido por la junta en el particular; lo que contaba á la compañia de la negociacion por habérselo hécho así presente su representante y presidente de la Junta de Mineria.—Dos rúbricas.

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### *Sesion del* 29 *de Marzo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia 27, y se dio cuenta con los oficios siguientes:

Primero. Del encargado de las negociaciones en Tasco, 22 de Fbro. en que manda por tres quintales de sulfato, dos cajas de pólvora, seis varas de tela de alambre y tres ó cuatro libras de pólovra inglesa.—Contéstese que ya se remitió la tela, que polvora se pedirá y estará dispuesta para cuando vuelva el arriero, y que se solicitará de nuevo el sulfato para que se condusca cuando se consiga.

Dos. Del mismo, 26 de Fbro. dando parte de su conferencia con el S. Olaguibel, sobre la infraccion del decreto preventivo de que continuasen los juzgados de mineria ecsistentes al tiempo de su publicacion en el Estado de Mejico.—Resérvese.

Tres. Del mismo, 27 de Fbro, avisando q. siguen en buen estado las labores de la mina y la ley de sus metales, y dando razon del que guardan los trabajos.—Enterado.

Cuatro. Del mismo, 6 de Mro, sobre haber girado la letra nº 23, por cuatrocientos pesos. Paguese y hagame los asientos correspondientes.

Cinco. Del mismo, igual fha, sobre el giro de una letra marcada con el nº 24, y valiosa cuatrocientos pesos. Se dió un acuerdo igual.

Seis. Del mismo y la propia fha. avisando haber espedido por otros cuatrocientos pesos la nº 25. Se puso igual acuerdo.

Siete. Del mismo, 9 de Marzo, pidiendo seis gg. de azogue. A su espediente porque la remision de dho articulo se hizo desde el dia 26.

Ocho. Del mismo, 13 de Mzo. avisando el giro de la letra nº 26, importante cuatrocientos ps. Páguese y hágame los asientos respectivos.

Nueve. Del mismo 20 de Marzo, participando el estado de los trabajos de la mina, y la necesidad q. tiene del azogue. De enterado repitiéndole la noticia de habersele remitido dicho efecto.

Dies. Del mismo y de la propia fha, avisando el giro de la letra nº 27, por cuatrocientos ps., y se acordó su pago y el asiento de las partidas respectivas.

Once. Del mismo y de igual fha, sobre el de otros cuatrocientos pesos en la libranza nº 28, y recayó el propio acuerdo.

Doce. Del mismo, 27 de Marzo, dando parte de los trabajos de la mina, y preguntando si las cinco barras que debe remitir en la semana de pascua se consignan tambien al S. Echeverria. De enterado, y que haga la remesa bajo la propia consignacion sino tuviere motivos fundados para tener algun peligro al tiempo de ser conducidas las espresadas piesas.

Trese. Del mismo y de igual fha, remitiendo bajo el nº 12, las memorias de la mina y de la hacienda.=Recibo y á la Contaduria para los fines consig$^{tes}$.

Catorce. Del mismo y de la propria fha, participando el giro de la Lbza. nº 31 por trescientos pesos, y se acordó el pago y el asiento de las partidas correspondientes.

Quince. Del mismo y de dha fha, avisando el de la numº 32 por trescientos treinta y cuatro ps. y recayó el propio acuerdo.

Diez y seis. Del mismo y de igual fha, sobre qui no se le remita el azogue por haberlo yá consiguido, y si toma dinero de la casa del S. Zurutura, apesar de estar en moneda de cobre. Que ya se le envió el azogue, y q. acerca de su consulte obre segun le paresca, pues que no se ha tratado de estorcionar á la negociacion, sino solamente de servir al tenedor, pº sin perjuicio de ella.

Diez y siete. Noticia presentada por la Tesoreria de lo recandado de Arrendamientos de las viviendas del colegio en el mes de Febrero. Pasen á la Contaduria para los fines que convengan.

Diez y ocho. Ynforme de la contaduria sobre qᵉ se repita una comunicacion al corresponsal de Pachuca, abonándole dos ps. tres gs. de diferencia. De conformidad.

Diez y nueve. El de S. Luis Potosi, 24 de Mzo. remitiendo una libranza de sesenta y cinco ps. diez centavos por lo colectado en Fbro. Acúsese recibo, cobrece la letra y hagame los debidos asientos.

Veinte. El de Guadalupe y Calvo, 9 de Marzo, sobre que se espense un apoderado para agencíar el cobro de la deuda de Rodriguez en el Parral. Ynforme la mesa respectiva.

Veintiuno. Del Apoderado en el Distrito, 16 de Fbro. ofreciendo la presentacion de sus cuentas pendientes. Que se le inste para q. cuanto antes lo verifique.—Dos rúbricas.

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### *Sesion del* 30 *de Marzo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyo y aprobó la acta anterior, y se dio cuenta con una comunicacion del Ministerio de Relaciones, fha de ayer en que repone en el empleo de Director del colegio de mineria al S. Tornel, y se acordó contestarlo de enterado.

Se dió asi mismo cuenta con un oficio del apoderado del Distrito fha 16 de Fbro., en q. repite que no ha llegado el caso de su compromiso por q$^{e}$ no se le ha repuesto en su destino ni se le declara todavia su juvilacion.—Digasele que supuestas todas las consideraciones que la junta se ha dispensado, parece justo que haga un esfuerzo, y abone cantidades proporcionadas á lo que recibe, interin el negocio se deside definitivam$^{te}$.—Dos rúbricas.

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### *Sesion del* 5 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta de 30 del pasado, y se dio cuenta con los oficios sig$^{tes}$.

Primero. Del encargado de las negociaciones de Tasco, fha 3, remitiendo las memorias n° 13, de la Hacienda, la boleta de beneficio n° 3, dos estados mensales y un corte de caja marcados con el propio n°. Recibó, pasándose los estados y memorias á la Contaduria.

Dos. Del mismo é igual fha. contestando á algunas preguntas sobre despilaramiento que se dice hecho en la negociacion. Trascribase al Lic. Barreda.

Tres. Otro sobre el estado de los trabajos, esponienda que la raya de la semana siguiente ascenderá á ochocientos pesos. Enterado.

Cuatro. Otro, avisando la salida de un arriero que condusca los tres quintales de sulfato pendientes y otras seis; seis de fierro platina de Viscaya, y dos cajones de pólvora.—Que se compren los efectos que pide y se tengan al arriero.

Cinco. Olro incluyendo la cuenta general del año de 1846. Recibo y à la Contaduria.

Seis. Otro participando el giro de la letra nº 34, por cuatrocientos pesos. Páguese y hagame los debidos asientos.

Siete. Otro avisando el de la nº 33, por otros cuatrocientos pesos. Recayó el propio acuerdo.

Ocho. Dé la Direccion del Colegio, de 30 de Marzo, trascribiendo la orn. del Gobº. para q. sea repuesta el S. Tornel en la espresada direccion. A su espediente.

Nueve. Del Ministerio de Relaciones de 24 de Fbro. acusando recibo de los estados de ingreso y egreso de la junta en el mes de Enero. A su espediente.

Diez. Del corresponsal de Zimapan fha 1º, remitiendo una libranza de trescientos treinta y tres pesos dos rs. cuatro gs. Recibo, reconóscase la letra y hágame los debidos asientos.

Onse. Del encargado de las negociaciones de Tasco, fha 3, en que solicita se le pague lo q. tiene vencido por los diez pesos semanarios que la junta le tiene asignaos. Ynforme la mesa respectiva.=Dos rúbricas.

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### *Sesion del* 6 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dio cta. con una comunicacion del Ministerio de Relaciones, en que con fha 20 de Marzo remite la solicitud de Don Franᶜᵒ Ficher, sobre que se le confiesa la plaza de escribiente que se halla vacante en la oficina, y se acordó reservarla para su caso.

En seguida y en vista de lo consultado por la contaduria, sobre que si en virtud de haberse dispuesto el abono al corresponsal de Hermosilla de cinco ps. seis rs. q. se data por portes de cartas y papel sellado, en su cuenta correspondiente al último tercio de 1845, se ha de hacer estensiva esta gracia á los dos anteriores, y lo mismo en lo de adelante, la junta acordó sin lugar su acuerdo de 18 del pasado, previniendo que la contaduria se arregle á los terminos del contrato celebrado para la calectacion, con los SS. Manning y Mackintosh.=Dos rúbricas.

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### *Sesion del dia* 7 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dió cuenta con un oficio del Apoderado del Distrito, remitiendo novecientos ochenta y cinco pesos un rˡ. colectado del derecho de mineria en el mes de Marzo; y se acordó acusar el recibo, y hacer los asientos correspondientes.

En seguida, la junta dispuso se prevengo á la contaduria y á las mesas de fomento y admon. de la Sria. que con la posible brevedad dén una noticia de los asientos que tengan pendientes para que con su prevenira puedan dictarse las resoluciones oportunas.

A peticion de D. Manuel de Jesus Piña, meritorio que fué de la contaduria de la junta, sobre que se le espida un certificado para acreditar el modo y tiempo, en que lo servió, se dispuso que la Contaduria lo dé de lo que conste.—Dos rúbricas.

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### *Sesion del dia* 8 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dió cuenta con un oficio del corresponsal de Guanajuato fha 5 al que acompaña una Lbza. de tres mil quinientos pesos, por lo que ha recojido del derecho de mineria, en el mes pp$^{o}_{o.}$; y se acordó acusar el recibo, reconocer la letra, y que se hagan los asientos correspond$^{tes.}$ Dos rúbricas.

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### *Sesion del* 9 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco: se leyó y aprobó la acta del dia anterior, y se dió cuenta con un informe de la mesa de admon. fha. 7, en q. consulta si deben nombrarse ó nó el abogado y apoderado espensando que solicita el corresponsal de Guadalupe y Calvo, para seguir agenciando el cobro de la deuda de D. Cristobal Rodriguez, apoderado que fué de la junta en el Parral. Contéstese que suponiendo que ya tiene persona que se encargue del poder, diga en que términos podria ella ser espensada.

En vista del informe de la mesa de fomento en q$^{e}$ opina se abonen á D. José Zamora quinientos veinte ps. correspondientes á cincuenta y dos semanas del año ant$^{r.}$ á razon de diez pesos semanarios por la gratificacion q$^{e}$ tiene señalada, supuesto que es indudable q. las utilidades del año sufragan aquel gasto; y que se pida al interesado la cuenta de ellas para la debida constancia. De conformidad, añadiéndosele que como la calificacion de las utilidades operdidas del negocio no puede ser debidamente apreciada sino á fin de cada año, se espere al término del de '47, para disponer el abono respectivo.—Dos rúbricas.

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### *Sesion del dia* 10 *de Abril de* 1847.

Reunidos los SS. Flores, Segura y Bassoco, se leyó y aprobó la acta del dia anterior, y se mandó parar á informe de la con-

### *Sesion del* 17 *de Abril de* 1847.

Concurrieron los SS. Flores Segura y Bassoco: y despues de aprobada la acta del dia 15, se leyó una comunicacion del S. Juez D. Agustin Perez Lebrija, en que participa que habiendose nombrado al Ylmo. Sor. Don Juan Manuel Yrissari albacca del S. Dr. D. Juan José Gamboa, está espedito para el cobro de los intereses de la testamentaria, para que en consecuencia se le entreguen ios réditos pertenecientes á los capitales que reconoce el fondo dotal. Se pusó á informe á la Contaduria.

Se presentó á la Junta el S. Ministro de Hacda. manifestando las actuales urgentes atenciones del erario y la necesidad en que se encontraba el Supremo Gobº. de remitit en el dia alguna cantidad considerable al E. S. D. Antonio Lopez de Santa Anna, comprometiéndose aun bajo su responsabilidad personal, la mayor cantidad que pudiese franquearle la junta.

Los SS. de ella hicieron presente desde luego á S. E. la buena disposicion en que se encontraba pª ausiliar al Supremo Gobierno; pero que teniendo que hacer los gastos indispensables de la mauntencion del colegio, sueldos de empleados y rayas de la negociacion de Tasco, solo podia franquearle la cantidad de diez mil ps. con tal de que se comprometiese á devolver cuatro mil entre el 27 y 28 del corriente y el rato en 15 del prócsimo Mayo: que dicha cantidad no ecsistia en rs. sino en Libranzas contra la casa de los SS. Manning y Mackintosh, pagaderas en diversos plasos; pº q. podria recibirse el dinero de contado con el descuento de siete vetavos al mes

El Sor. Ministro convino en los términos espresados, añadiendo unicamente que entonces deducirá el descuento correspond$^{te}$ á las mismas letras desde las fhas. de la devolucion á las en que ellas se vensan.═Dos rúbricas.

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### *Sesion del* 19 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del 17, se leyeron las siguientes comunicaciones de D. José Zamora de fha 17, del corriente en Tasco.

Primera. Remitiendo las memorias n. 15.═Recibo y á la contaduria. En la segunda participa entregado á D. Miguel Quiñones cincuenta pesos para su viaje á Méjico.═De enterado. Avisa en la tercera, que habiéndose entraviado la Libranza nº 21, que giró á favor de D. Agustin Fiz por valor de cien pesos, no se pague á ninguna persona que llegue á presentarla.═De enterado. En las cuatro siguientes avisa haber girado la letra nº 39, valiosa cuatrocientos pesos á favor de D. Manuel Parres, la numº 40, por valor de doscientos sesenta y un pesos tres rs.

seis gs. á favor de D. Leonardo Maldonado; la 41, valiosa cuatrociontos cincuenta pesos á favor de D. Fran^co. Aramburu, y la nº 42, por valor de doscientos veinte á favor de D. Jorge Raffard.=La Junta acordó que se paguese y se hagan los asientos correspondientes.

Dos. Del Comisionado en Pachuca, fha 14, remitiendo una letra de ochocientos ochenta y ocho ps. cinco rs. dos gs. por productos del mes de Mzo.=Que se reconosca la letra se hagan los asientos y se acuse el recibo.

Tres. Se recibió una comunicacion del E. S. Ministro de Hacienda, fha de ayer avisando haber recibido las letras contra la casa de los SS. Manning y Mackintosh que por valor de diez mil cien pesos se le remitieron.=La junta acordó se parase á la Contaduria y se hicieron los correspond^tes asientos.

Se recibió una comunicacion del Ministerio de Relaciones fha 7 del corrte., acompañando la solicitud en que D. Fran^co Segura pide se le confiesa la plaza de escribiente vacante en la seccion de Contaduria, á fin de que la tenga presente al hacer la propuesta q. espera remita sin demora. Despues de una detenida discusion, los SS. Flores y Bassoco, convinieron en que se contestase al Supremo Gob^o. en los terminos siguientes.

Esta Junta de Fomento y Administrativa de Mineria, recibio en 6 del ultimo Fbro. el oficio de su Ministerio que se sirvio dirijirle en 27 del anterior Enero, comunicando que el E. S. Vice Presidente interino habia decretado de conformidad la solicitud en que D. Fran^co Segura pedia se le considerase como meritorio de la Contaduria, desde el dia en que comenzó á prestar sus servicios en ella, *con tal que por parte de la Junta no se pulse algun inconveniente.*

La junta creyó oportuno reservar el tratar sobre el contenido de este oficio y de su consiguiente respuesta para cuando hubiera de ocuparse en el punto de la provision de las dos resultas que hay en su oficina, cuyo momento es llegado en vista del oficio de V. E. de 7 del presente que recibió el 18, en el cual acompañandonos lo solicitud que el presitado D. Fran^co Segura hace para que se le confiera una plazo de escribiente que se halla vacante en la seccion de contaduria, se nos ordena tenerle presente al hacer la propuesta que el Gobierno espera remita esta junta sin demora.

La Junta, pues, al encargarse del primer oficio á que tiene el honor de contestar, cree necesario esponer el modo con que D. Fran^co Segura entró á la seccion de Contaduria, puesto que aquel previene se le considere como meritorio de ella, desde el dia en que comenzó á prestar sus servicios en esta oficina. Siendo su padre el S. D. Vicente Segura presidente de la junta avisó separadamente á los otros dos vocales, que son los mismos que con él la componen hoy, $q^e$ no pudiendo su hijo D. $Fran^{co}$ continuar los estudios en el colegio, habia resuelto que asistiera á la Contaduria á ejercitar su letra y cuentas: á este aviso creyeron sus compañeros que nada debian oponer y menos entrar al ecsámen de los obstáculos que pudiera haber para admitirle de meritorio.

Si hecha abstraccion de los antecedentes, estimamos el oficio, como una simple orn. ce futuro $p^a$ que desde su fha. se considere como meritorio al Sor. Segura, *si la junta no pulsa inconveniente*, tenemos el sentimiento de vernos previsados á decir que si le encontramos.

Atendiendo á razones de utilidad, cree la junta que nada contribuye mas á que en las oficinas no entren comunmente los mas aptos de los q. pudieran aspirar á los empleos, que la ecsistencia de los meritorios pues admitidos estos sin obstáculo, por la consideracion de que lo que hagan poco ó mucho, es $enteram^{te}$ gratuito son sin embargo por las relaciones y adquieren con los empleados y gefes preferidos despues en las colocaciones á otros que pudieran presentarse de fuera, y que por mas aptos no se sujetaron á la mesa espectativa de una vacante.

Respecto á disposiciones legales sobre meritorios en oficinas de Hacienda publica, la junta no considera comprendida en ella la suya, que no es ciertamente de Hacienda pública.

Es verdad que uno de los miembros del $art^o$ 5° del decreto de 30 de Nobre. de 1843, en que se dio la planta de esta oficina dice: „Todos (los empleados) tendrán las mismas consideraciones y se sujetarán á las leyes que rijan para los de la Hacienda pbca." Pero esta disposicion dada sin duda en contraposicion del artículo 5° del reglamento de la junta, no admitido por el $Gob^o$., en el cual se decia: „Constará la primera (seccion) del Secretario, $\&c^a$. cuyas plazas serán de nombramiento esclusivo de la junta y conforme á lo que dispone el articulo 14 del tit. 1° de las ordenanzas de mineria." Cuyo articulo habla de la libre remosion de los empleados; pero esta disposicion, repetimos, lejos de probar que la oficina de la junta lo es de Hacda. pbca. prueba lo contrario, pues seria impertinente superfluidad declarar, que los empleados de una oficina de Hacienda pública deben considerarse como empleados de Hacienda pbca. Las demas perentorias razones que podrian esponerse para probar, q. no lo és, cree la Junta, que son escusadas cuando se dirije á un Ministro que conoce perfectamente la naturaleza del fondo minero; y con lo dicho reputa contestado el oficio de 27 de Enero.

Acerca de la propuesta que espera el $Gob^o$. segun el contenido del de 7 del presente mes, cree es muy proprio de su deber esponer al E. S. Ministro algunas observaciones, para que sean pesadas por su justificacion.

Parece indudable, que el considerable aumento de empleados que á esta oficina dió el citado decreto de 30 de Dbre. de 1843, estribó principalmente en el recargo de trabajo acumulado á ella, por el nuevo fondo de Azogues, que debia manejar, percibiendo y aplicando sus productos á los objetos marcados por las leyes qe al efecto se dieron. Hace ya tiempo q. la percepcion cesó completamente, y de su destino solo ha quedado la dotacion que de dicho fondo se consignó al colegió, y la parte de Aumento en los sueldos de la oficina, cuyas cantidades por disposicion del Gob^o. se estan supliendo con calidad de reintegro por el fondo dotal, q^e no es facil preveer, pero que si puede considerarse remoto el tiempo en que llegue á percibir el veintegro, atendiendo al actual estado de cosas. Esta consideracion unída á la de haber desaparecido el aumento de trabajo que causó la admon. del fondo de azogue, hace creer á la junta que conviene suspender por ahora la provision de las dos plazas que en su oficina hay vacantes, y no duda que V. E. apreciará debidamente el motivo que la impulsa á hacerle esta observacion.

La Junta protesta á V. E. toda su distinguida consideracion y aprecio.

El S. Segura dijo: ya que á mis actuales compañeros les ha parecido conveniente el consignar en la presente acta el oficio que han acordado dirijir al Gobierno sobre la solicitud de D. Fran^co Segura, contraida á que se le confiera la plaza de escribiente que se halla vacante en la seccion de Contaduria, me es preciso tomar la palabra para presentar este asunto en su verdadera punto de vista.

Siendo Presidente de la Junta puse en la clase de meritorio á D. Fran^coSegura, por tener las cualidades que las leyes ecsijen para ser admitido como tal. Lo manifesté asi á mis compañeros; pero no en el simple concepto de q. cursara la letra y se ejercitara en las cuentas un joven de diez y ocho años que sabia escribir, y q. concluido el primero y segundo curso de matematicas en el Colegio de Mineria, de donde me fué preciso sacarlo por parecer de los médicos á causa de una enfermedad cerebral de que se vio atacado. Desde ese entonces, es decir desde Enero de 1846, ha servido de escribiente en la seccion de Contaduria por haber quedado vacante esta plaza, desempeñando sus trabajos á satisfaccion de sus inmediatos gefes, los Sres. Contador D. Miguel Hierro y Don Miguel Gangoiti, de quienes ha obtenido los certificados mas honoríficos, y han visto mis compañeros. En ellos se le ha considerado como meritorio, y en este mismo concepto han estado cuantos individuos forman las distintas secciones de la junta.

Si esta oficina por la admon. del fondo dotal de los mineros, no puede denominarse de hacienda pública, si lo és incuestionable porq$^{e}$ tambien administra un fondo nacional perteneciente al erario, cual es el de azogues.

Mas presindiendo de esta cuestion el art$^{o}$ 5$^{o}$ de la ley de 30 de Dbre. de 1843, dice testualmente lo siguiente: „Todos (los empleados de la oficina de la Junta) tendrán las mismas consideraciones y *se sugetáran á las leyes que rijan para los de la Hacda. pbca.*" Pues estas mismas leyes, tanto las del tiempo del Gob$^{o}$ español como las demas despues de hecha la Yndependencia, previenen en obsequio del mejor servicio, que en todas las oficinas se reciban meritorios, y las plazas vacantes se provean *precisamente con ellos.* Esa teoría sobre lo perjudicial que son en las oficinas los meritorios, es nueva, contrária á las leyes, y opinion particular del actual apoderado de los acreedores y á la q. la junta constantemente *antes de ahora* se ha opuesto, admitiendo á los que lo han pretendido ser, los q. viendo quejamas se les duba la mas pequeña gratificacion por sus diarios trabajos, han renunciado p$^{a}$ colocarse en otras.

Es otra verdad, que las plazas de escribientes, que hay vacantes, deben proverse pues desde que lo están la junta se ha visto precisada á pagar diariamente á otros para lograr espeditar el despacho.

Es en efecto mi hijo, D. Fran$^{co}$ Segura: p$^{o}$ este parenteseo no es un inconveniente para su colocacion, pues el mismo Supremo Gob$^{o}$ ha declarado que en las oficinas de la Junta puedan ser empleados dos hermanos carnales.

Como tengo la mas alta confianza en la integridad del E. S. Presidente, no dudo que hara justicia, y atenderá la solicitud del espresado Don Fran$^{co}$ Segura.

La Junta acordó en vista de las noticias de Tasco sobre haber sentenciado aquel Tribunal en el espediente sobre denuncio de la mina de Trinidad despojando á la junta de su posesion y de la mitad de los frutos que ecsistian en ella, que el S. Bassoco se presente por terceria ante aquel Tral. como apoderado de los acreedores del fondo dotal invertido en Trinidad, y de la cantidad y adeuda dha mina por el descubierto de su factor Arismendi.

Acordó igualmente, que se faculte á dho Sor. Bassoco para que haga todos los gastos, y dirija los ocursos que creyere convenientes hasta lograr se anule dicha sentencia, comprobando debidam$^{te}$ los primeros y participando los segundos.—Dos rúbricas.

### *Sesion de* 22 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del 17, se dió cuenta con las comunicaciones siguientes:

Primera. Del E. S. Director del Colegio fha de hoy remitiendo las cuentas hasta fin del año pasado. Recibo y á la Contaduria.

Dos. Del comisionado en Guanajuato, remitiendo una Lbza de dos mil setecientos setenta y un pesos seis rs. por resto de los productos del mes pasado.

Tres. Del de Zacatecas, acompañando otra de dos mil cuatrocientos dos pesos siete rs. siete y medio gs. por el mismo mes.

Cuatro. Del de S. Luis, adjuntando otra de mil quinientos setenta y cuatro ps. sesenta y seis centavos correspondientes al mismo periodo.

Cinco. Del de Guadalajara, 16 del corrte., con otra de novecientos noventa y siete ps. cinco rs.—Que se reconoscan las letras, se hagan los asientos, y se acuse el recibo.

Seis. Del de Zacatecas por lo respectivo á Sombrerete, remitiendo libranza de cuarenta y dos pesos un real cuatro y medio gs. por los productos de Fbro.—Que se cobre y á la Contaduria.

Se mandó pagar un recibo á D. Miguel Quiñones por cuenta de derechos, y pasar á la Contad$^{a}$ de preferencia la cuenta que mandó el Lic. S. Cástulo Barreda.

Se dio cuenta con un oficio del Ministerio de Hacienda fha 14 del corriente en que pide una noticia circunstanciada de los distintos gravámenes q. ha sufrido la mineria en diversas épocas. La Junta acordó que se reserbe entretanto q. alguno de los individuos se acerca al Gob$^{o}$ para que aclare dho oficio.—Dos rúbricas.

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### *Sesion del* 23 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del 22, se leyó un oficio de los SS. Manning y Mackintosh, fha 15, avisandó que estando para llegar el S. Don Jorge Lebrun y debiendo traer consigo las cuentas y noticias de Culiacan que se le piden, lo participa por si la junta prefería aguardar la llegada de dho Sr. á Méjico: y designa las libranzas q. trae dicho Sor. Le Brum á favor de la mineria, asi como el nombramiento que ha heeho p$^{a}$ comisionados en Culiacan, en los SS. D. Guillermo Hooper y D. Luis Bellangi. La junta acordó se le contestase de conformidad, y que se tenga cuidado de la llegada del S. Le Brum.

Se leyeron dos informes de la Contaduria: el 1$^{o}$ fha 15, relativo á las cuentas del año de 35, de Hermosillo. La junta acordó de conformidad, menos en la parte que consultaba se devolviese la cuenta, pues la falta del papel sellado puede suplirse acompañando los pliegos tarjados y la firma del ensayador puede venir sin devolver la cuenta. Se acordó ademas que se diera conocimiento de no haberse recibido los productos de Hermosillo en el año pasado, y de las observaciones sobre las cuentas del año de 845, al S. Mackintosh y á los SS. Hooper y Bellangi. En el segundo manifiesta la deuda liquida que por réditos de seis años resulta al capital de 1,703 pesos 3 rs. que reconoce el fondo dotal á favor del S. Dr D. Juan José Gamboa, que es de cuatrocientos sesenta y un pesos dos rs. seis gs., los que podian satisfacerse á su albacea el Ylmo. S. D. Juan Manuel Yrissari.=La Junta acordó de conformidad y que se pague con una letra.

Se leyó una instancia del oficial 2° de Sria. D. José M. Canchola fha 21, en que pide licencia pr dos meses para curarse en Querétaro anticipándosele su sueldo. La Junta acordó que acredite legalmente el interesado la enfermedad, y se le concederá la licencia aunque no con la anticipacion de sueldo: opinando en contra el S. Bassoco, que votó no haber lugar.

Otra de D. José de Jesus Carbajal, pidiendo una de las plazas vacantes de escribiente de la Contada. y Secretaria de esta Junta. Que se reserbe con las anteriores.=Dos rúbricas.

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### *Sesion de* 24 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y dispues de aprobada la acta del 23, se leyó un dictamen de la Contaduria sobre la cuenta que presentó últimamente el S. Barreda, manifestando estar de acuerdo en las partidas q. comprende á escepcion de la última q. importa tres pesos pagados á un escribiente; y advirtiendo que en la suma hay una falta de once pesos á favor de dicho Sor. Barreda, de los q. deducidos los tres pesos que se rebajan, la suma queda en doscientos noventa pesos siete rs. La junta acordó de conformidad mandandose pagar.=Dos rúbricas.

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### *Sesion del* 27 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta anterior se leyeron las siguientes comunicaciones:

Primera. De la Diputacion de mineria de Guanajuato, remitiendo el denuncio que se ha hecho de la mina de la Purisima en la mesa del Toro. Ynforme la mesa de fomento.

Dos. De D. José Zamore fha. 24 remitiendo las memorias num. 16. Recibo y á la Contaduria.

Otro en que avisa que á virtud de la posesion dado al S. Madariaga, la mitad de la raya de la presente semana será de cuenta de la junta, asi como la mitad de los metales qᵉ se saquen. De enterado.

Otro en que avisa que ha nombrado depositario á D. Leonardo Maldonado: que el objeto con que se le pidió el juramento de las ecsistencias, fué con el de que se entreguen á Madariaga la mitad de todas ellas: que habia pedido y conseguido quedase en la mina el interventor; pero que su sueldo no queria Madariaga que fuese por cuenta de la negociacion; y que por último, que aun no habia dado la noticia de las ecsistencias aunque se le habia reclamado de nuevo el dia 23.—Que remita la copia de la sentencia: que se aprueban los nombramientos hechos de interventor y depositario; pero que no insista en caso de no convenir Madariaga, en q. la negociacion pague el interventor; y que diga cual deba ser dicha asignacion: que se le pregunte el resultado de la venta de las barras y el estado de la Hacienda denunciada, para saber si está en el caso de la ordinanza, calculando el gasto de su compostura para evitar dho denuncio.

Se leyó un informe del Lic. D. Castulo Barreda sobre la cuenta de D. Miguel Quiñones y una carta en que pide se le satisfagan doce pesos por derechos de dho informe.—La junta acordó que se paguen.

Se leyó una certificacion del profesor de medicina D. Amador Frazt, en que acredita la necesidad q. tiene D. José M. Canchola de ir á tomar unos baños termales, en S. Bartolo de Querétaro. La junta acordó q. conforme á lo dispuesto el dia 23, se le conceda la licencia. El S. Bassoco salvó su voto, manifestando que se habia opuesto á la licencia del S. Canchola, por que en su concepto debio disfrutar de su juvilacion con el medio sueldo que consultó la junta por cuenta del fondo de mineria.—Dos rúbricas.

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### *Sesion del* 30 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 27, se leyó una comunicacion de D. Juan Robinson fha 22 de Mzo, remitiendo una letra de ochocientos noventa y seis pesos noventa y tres centavos por productos de mineria en el ensaye de Hermosillo, pertenecientes al último tercio del año p$^{o}$p$^{o}$ y las cuentas correspond$^{tes}$ á dho tercio.—Que se reconosca la letra, se hagan los asientos, se pasen las cuentas á la Contaduria y se acuse el recibo.

Se acordo que se comunique á los SS. Hooper y Bellangi, que el S. Le Brum ha puesto en esta oficina las ctas. de Mazatlan de los años de 1845 y 1846 : una letra de quinientos treinta y un pesos treinta centavos, liquido y resultò de lo colectado en dicho puerto por el derecho del mes de Enero del presente año, y otra de trescientos treinta y dos pesos un rl. seis gs. correspondᵗᵉ al mismo mes por los derechos de Alamos quedando solo pendientes las cuentas de Cosalá; y por último se recibio la cantidad de setecientos ochenta pesos por los abonos que hizo el S. Peimbert en Mazatlan.

Se leyò un informe de la contaduria sobre la ultima cuenta que presentò el S. Barreda; y aunque en él no convenia en el pago de tres pesos aclarada la partida, la junta acordò que se le pagasen los treinta de su importe.

Un oficio del S. D. Francᵒ Fagoaga, participando que habia recibido una libranza de trescientos veinticuatro ps. dos rs. nueve gs. por la parte que tocò á la junta en el ultᵒ reparto del año pᵒpᵒ por los diez mil pesos que le reconoce la Hacienda de Valparaiso, por cuya cantidad podia recibir el correspondiente recibo el lunes y asi se acordò.

Se acordò que se pidiesen al Lic. Barreda el borrador del último ocurso que remitiò á Tasco.

Se acordò por ultimo, á peticion del S. Canchola, qᵉ comiense á disfrutar la licencia que le concedio la junta, desde 1° de Mayo.—Dos rúbricas.

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### *Sesion del* 3 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobado la acta del 30 del pasado se diò cuenta con las comunicaciones siguientes:

Primero. Del Tribunal minero de Tasco fha 29 de Abril en que inserta la solicitud de D. Jose Mª Madariaga, para que se le faciliten catorce mil pesos en numerario en calidad de avio á premio de platas sobre la mina Trinidad.—Que no merece contestacion y que se remita al abogado para que tenga presente la parcialidad de aquel juzgado.

Dos. Del E. S. Gobernador del Estado de Michoacan, contestando al que le dirijiò la junta en 19 del mismo, que tan luego como se abran las sesiones ordinarias de aquel congreso, ocurrirá á él para que se sirva decretar el arreglo de los gastos del Juzgado de Angangueo.—Que se inserte al mismo Juzgado.

Tres. De D. José Zamora fha. 1°, remitiendo las memorias nₒ. 17, y los estados y corte de caja nᵒ· 4. Recicbo y á la Contaduria.

Cuatro. Del mismo avisando haber girado la libranza nᵒ·

44, valiosa doscientos sesenta y un pesos á favor de D. Teodoro Chavez.=Que se pague.

Cinco. Del mismo avisando que las cinco barras de plata que tenia, no pudieron venderse al S. Wiled antes de la sentencia, mucho mas cuando no podia creer fuesen comprendidas en ella como frutos ecsistentes; pero que las conservaba en su poder, resuelto á hacer toda la resistencia posible en caso de que se las quisiesen extraer. Dice que la Hacienda de S. Juan Bautista, tiene tres molinos y dos arrastres con cuatro taonas, y dos patios todo destruido y por consiguiente en estado de denuncio; y que la reposicion de uno de los arrastres, importaria dos mil quinientos pesos cuyo gasto consideraba inutil por no haber metales que beneficiar.=La Junta acordò se le conteste, que debio haber remitido las barras, ò haberlas sacado por lo menos de Tasco; pero que siga defendiéndolas cuanto le sea posible, veultandolas ò entregándolas á persona segura, ò remitiéndolas á la casa del S. Rosas en Cuernavaca. Que en vista de su informe sobre la hacienda de S. Juan Bautista, no cree la junta que Madariaga quiera hacer tan grande gasto; pero que sin embargo, desea saber qué importará lo que en ese caso tendria que comprar de ella el denunciante conforme á ordenanza.

Se acordò el pago de treinta pesos q. importa la última cuenta del S. Barreda.

Se leyò el decreto de 30 del pasado, dado por el Ministerio de Hacienda y publicado por bando el dia interior, en que se aumenta un real por marco de once dineros á la plata, se quitan seis gs. al real de Mineria y se comete la recaudacion de los otros seis á los Comisarios. La Junta acordò que se eleve una representacion motivada al Supremo Gobierno para que se sirva derogar dichas disposiciones, comisionando al efecto al S. Segura y al oficial 1º.

El S. Bassoco manifestò, que como apoderado de los acreedores, los iba á citar pª el miércoles con el objeto de hacer valer sus derechos por los medios que tuvieren á bien acordar.=Dos rúbricas.

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### *Sesion del* 6 *de Mayo de* 1847.

Concurrieron los SS. Segura, Flores y Bassoco, y despues de aprobada la acta del dia 3, se dio cuenta con las comunicaciones siguientes:

Primera. Del S. Robinson apoderado de Hermosillo, remitiendo la cuenta de su recaudacion perteneciente al ultimo tercio de 1845.=Recibo y á la Contaduria.

Dos. Una del S. Zamora al S. Bassoco fha 4, participándole que habia sabido que el Acesor del Tribunal de Tasco, le habia consultado en el espediente de terceria, que se le entreguen á Madariaga la mitad de los frutos, previa la fianza que deberia dar á entera satisfaccion de Zamora: agrega que seriá conven$^{te.}$ tener á prevencion copias certificadas de las escrituras de hipoteca.

Tres. Una comunicacion del Ministerio de Hacda. fha 1$^{o.}$ en que participa haber convenido el Supremo Gob$^{o.}$ á la solicitud de D. Leonel Davidson, sobre introduccion de azogue por el puerto de Tampico, y de haber dado en consecuencia orn. al Admor. de la Aduana de dho puerto residente en Ozuluama, para que permita dha introduccion. De enterado y que se comunique á los Juzgados de Guanajuato, Zacatecas y S. Luis, q. el precio á q. ofrece dar el azogue es de ciento treinto pesos puesto en el puerto y aumentando los gastos de conduccion.

Se leyò por último la cuenta de lo que se ha recaudado por las viviendas del Colegio en el mes anterior, y se mandò pasar á la Contaduria.—Dos rúbricas.

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### *Sesion del* 8 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 6, se diò cuenta con oficio de D. Cayetano Buitron, acompañando mil seiscientos veintidos pesos siete rs. nueve gs., liquido que resulto de lo colectado por el derecho de mineria en el mes de Abril; con mas cuarenta y dos pesos cinco rs. seis gs. correspond$^{tes}$ al abono de D. Manuel Lebrija. Recibo y á la contaduria.

Se acordò en seguida se comunique al Sor. Quiñones haber nombrado la junta al S. Lic. Don José M. Cuevas, para que defienda el asunto de Trinidad en la apelacion ante el Tribunal superior.

Se acordò por ultimo, que se pidan al Lic. Barreda todos los documentos relativos á dho asunto, comisionandose para recojerlos al oficial 1$^{o.}$

Se leyò y aprobò por la junta, la esposicion al Gobierno á fin de que derogue el decreto de 30 de Abril; y el S. Bassoco, depositò en la Sria. el espediente relativo á la junta que celebraron los acreedores, con motivo de dicho decreto.—Dos rúbricas.

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### *Sesion del* 10 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta anterior se dio cuenta con las siguientes comunicaciones:

Primero. Del S. Polles apoderado en Guanajuato fha 7, acompañando una letra de cinco mil pesos por el derecho del mes pºpº, y avisando q. probablemente desde el dia 8, cobraria ya solo la mitad del real y de la Comisaria. La junta acordò que se reconosca la letra, se hagan los asientos, se acuse el recibo, y se le diga que ya el S. Mackintosh le ha hecho las prevenciones correspondientes por el correo del Sábado, para que no se altere el cobro del Real de mineria.

Cinco comunicaciones del S. Zamora fha 8, acampañando á la primª la memoria nº 18 de la Hacda. del Chorrillo. Recibo y á la Contaduria.=Segundo adjuntando copia de las memorias 1 y 2 de la mina de Trinidad correspondtes á las dos semanas en que corre yá de cuenta de Madariaga.=Recibo y á la Contaduria, y que no debiò ni debe pasar el interventor por los setenta y dos pesos que se carga por la admon. de la mina. Con el tercero avisa haber girado la letra nº 45, valiosa doscientos cincuenta y dos pesos á favor de Don Antonio Castañon. Que se pague. En la cuarta dice que estrechándole para que entregue la mitad de las ecsistencias de metales, consulta si cuando se trate de la ejecucion con que le amagan puede en ahorro de gastos previa la manifestacion juramentada de ellos, ofrecer fianza á la parte de Madariaga, quedando en su poder hasta la definision del negocio. La junta acordò de conformidad.

Otra comunicacion de D. Miguel Quiñones en que manifiesta estar amagados de embargo los metales de Trinidad, por la cuenta de las costas q. se deben al Tribunal de Tasco, qe la suma importa mas de mil pesos y que aunque no está conforme en algunas de sus partidas, se le ha ofrecido fianza de devolver el ecseso en caso que lo haya.=Que ya se dá orn. á Zamora para que pague todas las partidas de dha cuenta en que con acuerdo del mismo no haya que reclamar, y que libre su importe contra la junta pero que de las otras en que tiene que hacer reclamos, los haga, como ya debia haber lo verificado y remitido la cuenta á la junta. Digase asi al S. Zamora.=Dos rúbricas.

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### *Sesion del* 14 *de Mayo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 10, se dio cta. con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones, participando á la junta haber pasado al de Hacienda la esposicion en que pide se deroguen los art. 2º y 4º del decreto de 30 de Abril. A su espediente.

Dos. Del S. Director del Colegio, fha de hoy remitiendo las cuentas pertenecientes al primer tercio de este año. Recibo y que se le recuerde la remision de los cortes de caja que la junta se vé obligado á pedir conforme al articulo 51 del reglamento del Colegio de 29 de Dic$^{e}$ de 1843.

Tres. Del mismo y de la propia fha, insertando una comunicacion del Ministerio de Relaciones de 4 del corriente en que avisa haber accedido el E. S. Presidente sustitulo á la solicitud del S. Coronel D. Miguel Mosso, mayordomo del Colegio, sobre dejar un sustitulo bajo su responsabilidad siempre que tenga que salir de esta capital. Que se le conteste que la Junta cree de su deber hacerle la refleccion de que no considera á los fiadores del S. Mosso responsables por el sustitulo; pero que podrian adiccionar su fianza ò hacerse lo que á S. E. paresca conveniente pues que el punto de fianzas toca á la Direccion.

Cuatro. De los SS. Stahlkucehs Lehemann remitiendo una letra por valor de mil doscientos veintiocho pesos treinta y cinco centavos, por productos del derecho de mineria en Durango pertenecientes al mes de Abril. Que se reconosca la letra, se hagan los asientos y se acuse rbo.

Cinco. Del Tribunal Minero de Angangueo, acusando recibo de la comunicacion en que se le insertò el oficio dirijido por el E. S. Gobernador de Michoacan sobre arreglo de los gastos de aquel Juzgado; y dando las gracias á la Junta. A su espediente.

Seis. Del. S. Laveaga fha 28, del pasado en Mazatlan, participando haber terminado sus abonos el S. Peimbert, y anotando las fhas en que los ha verificado. Que informe la contaduria y se le den las gracias.

Se acordò tambien que se pido al S. Director todo lo que falta á los inventarios de lo que recibiò en el colegio, especialmente de libros, instrumentos, &$^{a.}$=Dos rúbricas.

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### *Sesion del* 17 *de Mayo de* 1847.

Asistieron los SS. Flores, Bassoco y Segura, y despues de aprobada la acta del dia 14, se dio cta. con las comunicaciones siguientes:

Primera. Del comisionado en Guanajuato, fha 14 del corrte. remitiendo una letra valiosa de mil quinientos sesenta y cinco ps. dos rs. cuatro gs. por resto de los productos de mineria del mes de Ab$^{l.}$ y los barreages y cuentas del último tercio; y avisando que en aquella capital no se habia publicado el decreto de 30 de Abril, por no haberlo recibido oficialmente aquel Gob$^{o.}$=Que se reconosca la letra se hagan los asientos y se acuse el recibo.

Dos. Del Comisionado en Guadalajara, de once del que rije, adjutando una letra de mil doscientos cincuenta y cinco pesos veintidos centavos por productos del mes de Abril. Que se reconosca la letra se hagan los asientos debidos y se acuse el recibo.

Tres. Del de Zacatecas fha 10 del corriente, avisando que los derechos correspondientes al pºpº Abril, deducidos veinticinco pesos dados al alumno Ayala, importaron cinco mil setecientos tres pesos tres rs. de que dice mandaba libranza que no vino. La junta acordò que se avise al S. Mackintosh para que se entienda desde hoy el plazo de la letra que no vino.

Cuatro. Ocho comunicaciones del S. Zamora, fha 15, remitiendo con la primera la memoria del Chorrillo nº 19: la copia de la nº 3 de la Trinidad, y las tornaquias correspond$^{ees.}$ á la pòlvora, azogue, sulfato y fierro remitidos ultimamente. Recibo y á la Contaduria los primeros documentos y á la Tesoreria los segundos. Dos, avisando haber labado en la semana anterior trescientos quintales de metal: que espera las almadanetas p$^{a}$ continuar á moler en Cantaranos, y que habiendo entregado á Don Miguel Quiñones mil trescientos pesos de costas judiciales ha girado en dos letras dha suma: por ultimo q. para la raya de la presente semana necesita de doscientos pesos. De enterado y que remita la cuenta. Tercero participando que se le habia hecho saber por la Junta del préstamo forsoso impuesto por el congreso del Estado, ciento veinte pesos.=Que habiendo sido despojada la Junta de la mina Trinidad, unica negociacion q. podria sòportar dicho préstamo, lo manifieste asi á la autoridad que le haya notificado, pues que no teniendo bienes en el estado no puede soportar ningun préstamo. Cuarto remitiendo el estado que se le pediò de los gastos y utilidad de la mina Trinidad en el año anterior.=Que informe la mesa. Quinto avisando que habiéndose insistido en sacarle los frutos que tenia en su poder, habia convenido en dar fianza por ellos, y Madariaga convenido en ser bastante su responsabilidad personal; pero beneficiando simultaneamente en el chorrillo los metales de éste, en lo que no encontrò embarazo; poniéndose un interventor q. pagaria Madariaga, en lo que él convino, con tal de q. la motienda fuera á real y cuartilla en lugar de real y medio que ha sido costumbre pagar; á lo q. dijo q$^{e}$ consultaria á la junta y avisaria dentro de ocho dias: avisa por último, que cree que Madariaga ha hecho esta propuesta, porque Arambura no tiene habilitada la Hacienda, de los articulos necesarios para el beneficio.=Que no debio haber resuelto sobre la idoncidad de la fianza del S. Martinez del Campo, sino avisar á la junta para que ella lo hiciese; pero que supuesto que han convenido en q. queden los frutos en su poder, la Junta no encuentra en él embarazo; pero si lo hay y muy grande, en q^e^ la Junta tenga que aguardarse para el laborio de sus metales por favorecer á Madariaga, y q. aun para esto le rebaje el precio de la maquila comun; y que crea le hace un favor en pagar un interventor q^e^ cuide de los intereses de Madariaga. Con los tres ultimos avisa haber girado la letra nº 46 valiosa en doscientos diez pesos á favor de D. Jorge Raffard; la 47, por valor de mil pesos á favor de D. Leoncio Blanco, y la 48, valiosa trescientos al de D. Tomas Avila.═Que se páguen.

Cinco. De D. Miguel Quiñones fha 15, avisando que la tasacion de las costas en el denuncio de Trinidad fue hecha por el escribano con su citacion y presencia; y como el pago de ellos participa de la naturaleza de la sentencia dado en el recurso de apelacion, el Tribunal mandò q^e^ se pagasen en el acto; en cuya virtud de acuerdo con el S. Zamora dispuso se pagase el mismo dia; pº que habia pedida una fianza que le respondiera del eceso de la cuenta en caso de reclamacion. Ofrece remitir la cuenta que se le pide, y avisa que el S. Castera le habia escrito que se habian pedido por el Tribunal superior los autos originales; pero que por un equívoco se decia en la orn. que fueren los del denuncio de S. Juan y no de Trinidad como debia ser, sobre lo que ya le habia escrito. La junta acordò se le manifieste que habiendo dicho él mismo que tenia que hacer observaciones á dicha cuenta, ùnica razon por lo que no se ha pagado, debia considerarse como cuenta ilíquida, y cuenta ilíquida no trabo ejecucion, que fué lo que se le manifestò anteriormente y lo que no ha hecho: que remita la cuenta esté en el estado que se halle y las repetidas observaciones que ha dicho tenia que hacerle.═Dos rùbricas.

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### *Sesion del* 21 *de Mayo de* 1847.

Concurrieron los SS. Flores, Bassoco y Seguaa, y despues de aprobada la acta del dia 17, se dio cuenta con las comunicaciones q. siguen:

Primero. Del Ministerio de Relaciones fha 15 del que rige, manifestando que el S. Profesor D. Andres del Rio ha indicado, que el préstamo de seiscientos pesos que solicita para la impresion de su obra, será satisfecho con el correspondiente nº de ejemplares de ella, que entregará al colegio, quedando él como propietario de la obra y por consig^te^ de los demas ejemplares q. quiera imprimir.═La Junta acordó que se reserve para cuando venga el informe del S. Director del Colegio, á quien se insertará esta comunicacion.

Dos. Del mismo Ministerio, de 18 del corriente acusando recibo de los cortes de caja q. se le remitieron, correspondientes á los meses de Fbro y Marzo.—A su espediente.

Tres. Del mismo y de la propia fha, acusándolo de los estados correspondientes á Abril, y recayó el mismo acuerdo.

Cuatro. Del de Hacienda, de 19 del que rije trascribiendo la orn. que con fha 4 del actual dirigiò á la Aduana del Distrito, para que continue cobrandose por la Aduana en los mismos terminos en q$^{e}$ se hacia antes del decreto de 30 de Abril, el derecho de mineria.—Que se inserte al S. Buitròn, preguntándo le si ha cobrado alguna cantidad en este mes de lo que pertenece á la junta.

Cinco. Del Gobierno del Distrito, avisando haber espedido la correspond$^{te.}$ licencia de armas que se le pidio para el nuevo guarda del edificio.—A su esped$^{te.}$

Seis. Del comisionado de S. Luis Potosi, acompañando una letra de mil cuatrocientos cuarenta y un pesos veintidos centavos por los productos de mineria correspond$^{tes}$ al mes p$^{o}$p$^{o.}$ y preguntando si en la nota que ha de remitir de las barras ensayadas en los cuatro meses del presente año, ha de incluir las q. tomò el S. Gral Santa Anna en Enero, y cuyo derecho no se ha cobrado.—Que se reconosca la letra, se hagan los correspond$^{tes}$ asientos, y se acuse recibo contestándole que en la nota de los derechos cobrados en el primer tercio de este año, no puede constar lo que no se ha cobrado en él pero que por una nota si debe advertir esta circunstancia, con la aclaracion de las personas q. debieron satisfacer dicho derecho, y lo principal q. tenga cuidado de cobrarselos cuando se les paguen sin barras; pues que en el corte de caja del mes pasado de la Tesoreria de Zacatecas, constan siete mil noventa y dos pesos tres rs. medio gr. depositados para el pago de dhas barras, los que no se habian pagado por que no se habian presentado los cobradores. El corte está en el diario del Gobierno de 19 del corriente.

Siete. Del de Hermosillo, de 31 de Marzo, insertando la comunicacion del Gobierno de aquel estado, en que conviene ser propiedad de los mineros el derecho de mineria.—A su espediente.

Se leyò un informe de la Contaduria de 17 de este mes, manifestando estar de acuerdo la cuenta de los SS. Hooper y Bellange: de lo cobrado en Mazatlan por el S. Labeaga á Don Mariano Peimbert, y de estar terminado este asunto.—De conformidad.—Dos rùbricas.

## *Sesion del* 24 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones sig$^{tes.}$:

Primera. Del Admor. de la Aduana de Mejico, fha 22, insertando la orn. del Ministerio de Hacienda en que se le previene entere la cantidad que ha cobrado del real por marco de plata, desde el dia 4 del presente, tomando una mitad para la Hacienda pùblica y los otros seis granos los entregue á la junta, quien en lo sucesivo cobrará dicha mitad en los mismos terminos en que antes cobraba el real por marco. Manifiesta en consecuencia, que tenia en su poder á disposicion de la Junta, cuatrocientos noventa y tres pesos tres rs. un grano.═La Junta acordò se le contestase de enterado, y que podia mandar entregar la espresada suma á su tesorero D. Teodoro Castera; y por ultimo que se inserte dicha comunicacion á D. Cayetano Buitron.

Dos. Del comisionado en Pachuca, remitiendo una letra de mil trescientos veintisiete pesos un r$^{l}$ 6 gs. por el derecho de mineria correspond$^{te}$ al mes de Ab$^{l.}$═Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. De D. Jose Zamora fha 22 del corrte. remitiendo la memoria n$^{o}$ 20 de la Hacda del Chorrillo: la boleta de beneficio de la misma n$^{o}$ 4, y la copia n$^{o}$ 4 dé la memoria de Trinidad.═Rbo. y á la Contaduria.

Cuatro. Del mismo igual fha remitiendo el recibo que le diò el S. Quiñones por la cantidad de mil trescientos pesos que importaron los derechos del Tribunal.═Que el recibo de que tiene necesidad la Junta original ò en copia, no es el del S. Quiñones, sino el del Tribunal que ecsijia en Tribunal con apremio y apercibimiento de embargo.

Cinco. Del mismo, igual fha, contestando de enterado al que se le dirijiò en 19, sobre el pago de noventa y siete ps. un real q. importaron las costas del espediente de terceria ofreciendo remitir el recibo.═A su espediente.

Sesto y Setimo. Del mismo avisando haber girado la libranza n$^{o}$ 49, valiosa doscientos cincuenta pesos, á favor de D. Rafael Zárate, y la 50, por valor de noventa y siete pesos un real á favor de D. Antonio Castañon.═Que se paguen.

Octavo. De D. Miguel Quiñones fha 22 insertando el auto del Tribunal sobre la remision de los autos originales.═Que se inserte al S. Castera.═Dos rùbricas.

### *Sesion del* 31 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del 24, se dio cuenta con las siguientes comunicaciones:

Primera del S. Quñones fha 24, acompañando un certificado dadò por el Tribunal de Tasco, á consecuencia del recurso de denegada apelacion de la sentencia sobre denuncio de Trininad. A su esped$^{te.}$

Dos. Del mismo fha 29, remitiendo copia de la regulacion de los derechos cobrados por el Tribunal de Tasco, y avisando que se le habian devuelto treinta y siete pesos dos rs. por las partidas que fueron reformadas. Dice tambien que el acesor cobro derechos como Juez de 1$^{a}$ instancia y como abogado, cuyo punto le parece digno de reclamarse ante el Tribunal superior. Se acordò se pase á la Contaduria de preferencia, para que pueda remitirse al S. Castera á Toluca.

Tres. Tres de D. José Zamora fha 29, acompañando á la primera la memoria del Chorrillo n$^{o}$ 29, y la copia de la n$^{o}$ 5, de Trinidad. Recibo y á la Contaduria: avisando en la segunda las mejoras hechas en la Hacienda, y que habia sabido el arriero Fiz para llevar las Almadanetas y el sulfato q. tiene pedidos; y por ùltimo que para la raya necesita de doscientos ps. De enterado y que se solicite y remita el sulfato y las almadanetas. Participa en el tercero haber girado bajo el num$^{o}$ 51, una libranza de doscientos pesos á favor de D. Antonio Castañon. Que se pague.

Cuatro. Una comunicabion del S. D. Juan Gomez Navarrete, avisando que ha participado á Don Diego Moreno la que se le dirijiò en 26 del corriente pues aunque antes habia dicho q$^{e}$ tan luego como lo permitieran las circunstancias remitiria una partida de ganado, á esta capital para el pago de los quinientos pesos que adeuda. La junta acordò comisionar al S. Segura, para que manifieste personalm$^{te}$ al S. Navarrete, que solo atendiendo á su mediacion, la junta no ha procedido judicialmente al cobro de una cantidad que debia estar yá en su poder hace mas de un año.—Dos rùbricas.

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### *Sesion de* 2 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del dia 31 de Mzo., la Junta acordò que para el caso desgraciado en que las tropas de los Estados Unidos se apoderen de esta capital, ò que se corten las comunicaciones, un individuo de ella con una seccion de la oficina marchen á alguno de los Estados q. se halle libre de la invasion para poder desde allì oportunamente recaudar las cantidades pertenecientes al derecho de Mineria, y de acuerdo con los individuos que queden en Mejico, proceder á su inversion atendiendose á los pagos q. hayan de hacerse aquì.

De su salida con la debida oportunidad se avisará al Supremo Gobierno.=Dos rùbricas.

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## *Sesion de* 4 *de Junio de* 1847.

Concurrieron los SS. Flores, Bassoco y Segura; y despues de aprobada la acta del dia 2, se diò cuenta con las comunicaciones siguientes:

Primera. Del apoderado en Guanajuato, remitiendo una letra de cinco mil pesos á buena cuenta de los derechos de mineria del mes de Mayo. Que se reconosca la letra, se hagan los correspond$^{tes}$ asientos y se acuse el recibo.

Dos. Del de Zacatecas fha 28 del pp.$_o$$^{o}$ acompañando el duplicado de la letra de cinco mil setecientos tres pesos tres rs. y el recibo del Alumno Ayala, que seguramente no se recibieron por haberse tal vez remitido á otro corresponsal.=Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango de 21 de Mayo acompañando las cuentas y barreages del primer tercio. Recibo y á la Contaduria.

Cuatro. Del Presidente del Tribunal del Fresnillo, fha 26, adjuntando un decreto de la legislatura de Zacatecas, en que se suprimen los Tribunales mineros de aquel Estado.=Recibo y que se le diga al E. S. Gobernador en un oficio, la conveniencia que hay en que permanescan las Diputaciones territoriales para lo econòmico y gubernativo, fundándolo en los mismos terminos del decreto.

Cinco. Del S. Castera, apoderado en Toluca fha 27 del pasado, en que monifiesta que habiendo hablado con el S. Villela, presidente del Tribunal Superior, le dijo que debian remitirse los autos de Tasco en el estado en que se encontrasen al recibirse la orn. suprema, y q. por consiguiente debia esperarse el resultado de ella. A su espediente.

Seis. De D. José Zamora fha 25, pidiendo se le remitan con el arriero Fiz, las almadanetas y el sulfato que tiene pedido. Que se soliciten de nuevo las almadanetas, y se compre el Sulfato que haya en el Apartado.

Siete. Una solicitud de D. Vicente Ortiz sobre que se le dé un certificado de las cantidades que recibiò hace seis años D. José M. Arteaga por el capital de mil pesos que reconoce el fondo dotal y la testimentaria de D$^{a}$ Josefa Medina de Moran. A la Contaduria p$^{a}$ q. manifieste lo que conste de los libros.

Se leyò la cuenta que presentò la Tesoreria de lo recandado por las viviendas del Colegio, en el mes pp.$^{o}$ y se mandò pasar á la Contaduria.

Esta presentò un informe sobre la cuenta de los gastos judiciales de Tasco, remitida por el S. Quiñones, y se acordò que se trascriba al Sor. Castera remitiéndole oportunam$^{te}$ la cuenta p$^{a}$ q. consulte al abogado para que se haga ò nò el reclamo correspond$^{te}$ y digase asi al S. Quiñones.

Por ùltimo se leyò la minuta de la comunicacion acordada en la sesion anterior para el S. Castera sobre que ia junta no se cree autorizada p$^{a}$ declararle asignacion alguna diaria por el tiempo que permanesca en Toluca desempeñando los poderes de la Junta á mas de su sueldo, costas de viaje, dros. judiciales correspondencia y los designados á los apoderados en las actuaciones que tenga q. hacer.=Dos rùbricas.

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### *Sesion del* 7 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 4, se dio cta. con las comunicaciones siguientes:

Primera. Del S. Director del Colegio fha 5 contestando haber prevenido se formen los catálogos de la libreria, y de los aumentos que han tenido las cátedras del Colegio, y que los remitirá tan pronto como esten concluidos.=A su espediente.

Dos. Otra del mismo en la propia fha avisando que en la ultima revolucion han padecido mucho los vidrios del Colegio y de la casa que habita. La Junta comisionò al Tesorero para que ecsamine los vidrios que faltan, y mande formar el presupuesto de su importe y su postura.

Con este motivo el S. Segura manifestò el deplorable estado en que se encuentran los barandales de sus balcones, asi como el maderaje de un cuarto bajo y de la bodega q. esta bajo de la oficina. La Junta acordò q. el Tesorero mande formar el presupuesto de los balcones y del embigado del cuarto bajo y de la bodega.

Tres. Del Comisionado de Guanajuato, fha 4 del corriente, remitiendo una letra de dos mil pesos por cuenta de lo recaudado en el mes de Mayo. Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Cuatro de D. José Zamora fha 5, remitiendo la memoria del chorrillo n$^{o}$ 22; el estado y el corte de caja de Mayo bajo el n$^{o}$ 5, y la copia de la memoria de la Trinidad n$^{o}$ 6. Rbo. y á la Contaduria.

Cinco del mismo, acompañando la contestacion del Admor.

sobre la asignacion hecha de ciento veinte pesos por prestamo forsozo, bajo el concepto de que esta cantidad se ha impuesto á la Junta por lo que tiene en Tasco, sin contar con la mina de la Trinidad. La Junta acordò que se le diga que el préstamo se ha impuesto á las propiedades prominentes, y se hace calculado tales casi en todas las Prefecturas las que esceden de veinte mil pesos; y que no teniendo la junta dicha suma ni en la mitad de sus ecsistencias, ni en el valor de la Hacienda del Chorrillo, se escuse de dicho pago, ò al menos todo lo posible, ò en último caso procure que se disminuya la cuota.

Seis. De D. Miguel Quiñones fha 5, avisando que el Tribunal de Tasco, se rehuso á mandar los autos mientras no se cumpla en el todo la sentencia entregando la mitad de los frutos á Madariaga y acompañando el oficio respectivo para que se dirija al Tribunal superior. Que se remita al Sor. Castera y se acuse recibo á Quiñones.

Siete. De D. José M. Castera, remitiendo copia de la instruccion dado por el S. Cuevas, q. remitiò por el correo del Viernes á Tasco. Recibo.—Dos rùbricas.

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## *Sesion del* 10 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 7, se dio cuenta con las comunicaciones siguientes:

Primera. De la recaudacion del Distrito remitiendo cuatrocientos treinta y cuatro pesos un rl. tres gs., resto de lo cobrado, por el derecho de mineria desde el 22 al 31 del pasado, á razon de medio rs. por marco de plata con arreglo á la ley de 30 de Abril. Recibo y á la contaduria pª que haga los debidos asientos.

Dos. Del Apoderado en Zacatecas remitiendo las cuentas del ultimo tercio con fha 31 del pasado. Recibo y á la Contaduria.

Tres. De D. José Mª Castera fha 7, contestando á lo que se le dirijiò en 2 del corrte. sobre asignacion diaria como Apoderado de la Junta en Toluca. Ella acordò que se le abone á mas de los gastos judiciales, los de traslacion y correspondencia, y los q. asigne el arancel á los apoderados por las actuaciones: el alquiler de la casa q. ocupa en Toluca: lo q. satisfaga á la persona que cuidade sus cosas en Mejico: lo que haya aumentado de sus gastos, y los quebrantos que haya tenido por su traslacion.

Cuatro. De D. Miguel Quiñones fha 8, avisando haber recibido las instrucciones del Sor. Cuevas y consultando como podrá allanarse la dificultad que para la remision de los autos presenta la renuencia de Madariaga á pagar un interventor en el caso de que se beneficien los metales en comun. La junta acordò se le conteste que todas las dificultades que indicò al S. Bassoco, estan resueltas en las instrucciones que le remitiò el S. Castera en 4 del presente, aunque no contesta si conviene el S. Madariaga en el depòsito; p$^{o}$ que sin embargo se inserta su comunicacion á Toluca, p$^{a}$ consultar al S. Cuevas sobre el pago del interventor y que se diga asi al S. Castera.=Dos rùbricas.

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### *Sesion del* 14 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Guanajuato acusando recibò á la que se le dirijiò en recomendacion de los alumnos Altamira y Matute.=A su espediente.

Dos. Del comisionado en Guadalupe y Calvo, de 25 del pasado, remitiendo una letra de mil setecientos cuarenta y siete pesos cuatro rs. siete y medio granos, por productos del derecho de mineria en el tercio que concluyò en 30 de Abril.=Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Tres. Del mismo en la propia fha remitiendo otra de mil cuatrocientos ochenta y cuatro ps. tres rs. dos granos del derecho en el Parral, tercio cumplido en 31 de Diciembre del año pp$_{o}^{c}$; y se dio el mismo acuerdo, pasándose la cuenta q. acompaña á la Contaduria.

Cuatro. Del de Zimapan de 10 del corrte. acompañando otra de doscientos cincuenta y nueve pesos.=Que se reconosca y pague la letra, se hagan los asientos y se acuse el recibo.

Cinco. Del de Guanajuato, avisando que no habiendose publicado en aquel Estado el decreto de 30 de Abril, por haberse opuesto á ello el S. Gobernador, los mineros no habian querido satisfacer el real de aumento por marco de plata; pero que con fha 2 del corriente el ministerio de Hacienda insistia en el cumplimiento de la ley, por lo que no mandaria sino la mitad del derecho cobrado dejando alli la otra mitad en depòsito mientras se resolvia el asunto. Acompaña en copia la ultima comunicacion del Comisario y su contestacion.=Que se reserve.

Seis. Cinco oficios de D. José Zamora acompañando con el primero la memoria de la Hacienda n$^{o}$ 23, y la copia n$^{o}$ 7 de la de la mina.=Recibo y á la Contaduria. Avisa en el segundo que le hábian ùntado por el pagò del prestamo forzoso, de manera que iba á sufrir el bochorno de un embargo, y que para evitarlo habia puesto en depòsito setenta frascos vacios de azogue: que el Admor. le habia dicho que la cuota la habia designada la junta de calificacion, lo que consideraba no disminuiria la cantidad asignada.—Se acordò que sin embargo haga sus observaciones á dicha junta, y en el caso de no lograr al menos alguna baja, pague los ciento veinte pesos. En el tercero participa las labores de la Hacienda y dice que necesita para toda la estacion de aguas veinte quintales de azogue, y que habia enviado al arriero por el sulfato.—Que el sulfato está yá y que soliciten de nuevo las almadanetas. En los dos ultimos avisa haber girado una letra de cien pesos, bajo el numº 52, á favor de D. Miguel Quiñones: y otra con el 53, valiosa doscientos setenta y cuatro pesos á favor de D. Jorge Raffard.—Que se paguen.—Dos rùbricas.

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## *Sesion del* 17 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del dia 14, se diò cuenta con la comunicacion sigte.:

Primera. Del Comisionado de Guadalajara fha 11 del corriente, remitiendo una letra valor de ochocientos cuarenta y dos pesos sesenta y nueve centavos, por productos del derecho de mineria en el mes de Mayo.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

El oficial de la Contaduria D. Franco Bonilla presentó la otra Certificacion que se le pidió de un facultativo de medicina; y la Junta acordó se le concediese la licencia por dos meses.

Se leyó un dictamen de la Contaduria fha 15 advirtiendo que no habiéndose recibido hasta ahora las cuentas ni los productos de los dos primeros tercios del año anterior, pertenecientes al Parral, debe reclamarse al S. D. Tomás Mackintosh.—Se acordó de conformidad.—Dos rúbricas.

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## *Sesion del* 22 *de Junio de* 1847.

Concurrieron los SS. Flores Segura y Bassoco, y despues de aprobada la acta del 17, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Guanajuato fha 11, remitiendo una letra de ochocientos treinta y ocho pesos cuatro rs. dies gs. por resto de lo producido en el mes de Mayo.—Que se reconosca la letra, se hagan los asientos y se acuse el recibo.

Dos. Del de S. Luis Potosi acompañando las ctas. de los meses de Febrero, Mzo. y Abril de este año, dejando pendiente la de Enero por no haber sido satisfechos los derechos de las barras que tomò el S. Gral. Sta. Anna.=A la Contaduria.

Tres. De D. José Zamora fha 19, remitiendo la memoria nº 24 de la Hacienda del Chorrillo y la copia de la numº 8 de Trinidad.=Recibo y á la Contaduria.

Cuatro. Del mismo, igual fha, avisando que necesita para la raya doscientos pesos y q. iba á remitir al arriero Fiz por el sulfato y las almadanetas que tiene pedidas.

Cinco. Una carta particular del mismo al S. Segura, remitiendo copia de la lista de exas. que iba á presentar y consultando sobre las barras hechas el 6 de Abril.=Se acordò que se le manifieste la importancia de que vengan cuanto antes los autos aun cuando tenga que presentar las barras; pero que para la entrega de la mitad de ellas, no la verifique sin la fianza correspondiente, pudiendo admitir la del S. Martinez del Campo, ò si se le presente otro que avise á la junta para que califique si es de admitirse.

Se dio cuenta con el decreto de 16 de este mes que derogò el articulo 2º del de 30 de Abril.=Dos rùbricas.

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### *Sesion del* 25 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues dé aprobada la acta del 22 se diò cuenta con las comunicaciones siguientes:

Primera del Comisionado en Zacatecas á 15 de Junio, remitiendo una letra de diez mil seiscientos sesenta y nueve ps. cinco rs. diez y medio gs. productos del derecho de mineria en el mes de Mayo.

Dos. Del mismo remitiendo otra de cincuenta y dos pesos tres rs. uno y medio gs. por los correspondtes en Sombrerete del mismo mes.=Que se reconoscan las letras, se cobre la segunda, se hagan los debidos asientos y se acuse el rbo.

Tres. Del de Hermosillo, fha en Guaymas á 26 de Mayo, remitiendo otra de mil doscientos cuarenta y siete pesos sesenta y tres centavos, y ofreciendo remitir los apuntes y cuentas respectivas.

Cuatro. Del de Pachuca, acompañando otra de mil ochenta y ocho pesos un real por los pertenecientes á Mayo.

Cinco. Del de Durango fha 14, remitiendo en libranza ochocientos treinta y dos pesos ochenta y un centavos por productos del mismo mes.=Que se reconoscan las letras, se hagan los debidos asientos y se acuse recibo.

Se leyò un informe de la Contaduria sobre la ultima remision de fondos pertenecientes al derecho de mineria en Guanajuato, por el pròcsimo mes de Mayo, advirtiendo que el apoderado ha sufrido una equivocacion en su contra de cuarenta y nueve pesos siete rs. nueve gs.—La Junta acordò que se le diga asi en contestacion.—Dos rùbricas.

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*Sesion de* 28 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del 25, se dió cuenta con un informe de la Contaduria sobre la comunicacion del S. Juez del Juzg° 5° civil, levantando la suspencion hecha por el S. Tamayo del pago del rédito correspondte al capital de mil pesos al albacca D. Vicente Ortis: la contaduria manifiesta que para igualar á este acreedor con los demas, deben satisfacérsele doscientos ochenta y cinco pesos.—De conformidad.

Se leyeron en seguida las comunicaciones sigtes. :

Primera. Del Gobernador del Distrito manifestando que no puede escusarse la junta del pago de los dos mil pesos que le designó conforme á la ley de 17 del corriente.—Ella acordó se manifieste de nuevo, que no teniendo rentas propias pues que no es sino distribuidora de las cantidades asignadas para la manutencion del colegio, pagos de oficina y réditos á los acreedores, la parte que corresponda á estos se les deberá computar á cada una en particular cuando se les computen todas sus rentas; pero que apesar de estas razones, que se suplica á S. E. haga conservar en el espediente de la materia para que consten en todo tiempo despues de las cuantiosas y reiteradas erogaciones qe acaba de hacer en cantidad de mas de sesenta mil pesos, remite sin embargo á la Tesoreria los dos mil pesos que se le piden, y que asi se verifique en el dia, oficiandose á los Ministros de la Tesoreria gral.

Dos. Del E. S. Director del Colegio, pidiendo las orn. convenientes para que al alumno del mismo, D. Miguel Velasquez de Leon, se le acuda en el Fresnillo con su dotacion de 25 pesos.—Que se den las ordenes y se pasen las recomendaciones de costumbre.

Tres. Una instancia del oficial 2° D. José Ma Canchola, pidiendo se le prorogese por dos meses la licencia que tiene para curarse en Querétaro, en atencion á no haberse podido dar los baños de S. Bartolo que ecsije su enfermedad.—La Junta acordó concedércela.

Se leyó por último un informe de la mesa de fomento sobre la ultima comunicacion del E. S. Gobernador de Zacatecas.—La Junta acordó que se le conteste á dho. Señor Gobernador de conformidad con las razones q. se esponen en el informe, sin necesidad de consulta al S. Otero.

Se acordó tambien que se pida á dicho Sor. Lic. los libros y papeles que tenga de la Junta, con motivo del proyecto de Ordenanzas.

El S. Bassoco leyó la esposicion que sigue.=La conducta que esta Junta ha observado de algun tiempo á esta parte, reteniendo cantidad considerable de valores en sus arcas, es indudablemente ilegal y altamente nociva á los intereses de los acreedores, á quienes tengo el honor y el deber de representar en ella.

Que es ilegal, aparece de la simple lectura de los articulos de la ley, conducentes á la cuestion, segun los cuales la inversion que debemos dar á los productos del real de mineria, es la manutencion del Colegio, pago de la oficina, pago de réditos y amortizacion de capitales. ¿Cabe pues duda en que lá ecsistencia que resulte cubiertos los dos primeros objetos, debe destinarse á la satisfaccion del 3º? ¿En que principio ni con que razon podemos cohonestar esas reservas de treinta ó cuarenta mil pesos que hemos tenido despues de cumplidos los mencionados primeros objetos? Es preciso hablar con franqueza, semejante conducta no admite otra esplicacion, y asi lo dije por escrito en otra ocacion, que la de que queremos asegurar pª un tiempo largo, y por efecto de un temor improbable y que la esperiencia ha desmentido, cual es el q. cese en toda la República el real de mineria, la satisfaccion de los gastas del colegio y de los de esta oficina en que van comprendidos nuestros sueldos.

No me remuerde la conciencia de que para garantizar el mio haya yó perjudicado á mis poderdantes; siempre he cuidado de que se haga lo que cumpla á su derecho y á nuestro deber, y bastará que de todos los casos cite el ocurrido cuando se repartió el tercio á la testamentaria de la Sra. Castañiza; pero pasará el tiempo y con él pararemos nosotros sin que quede marca permanente de estos sucesos y de esta mi conducta, y cuando los treinta mil pesos ó sean veintinueve ministrados ó arrancados de este fondo en tiempo del S. Haro, y los treinta mil que acabamos de prestar, hablan tan alto y de un modo tan conveniente en contra del sistema que censuro, fuerza es que redoble mis instancias tanto para costar daños á los acreedores *hipotecarios* al fondo, como para cubrir la responsabilidad y mi honor, lo que me propongo conseguir si se adopta la siguiente proposicion, y con la consignacion que de ella se haga en el libro de actos de esta Junta.

Ahora y en todos los meses sucesivos, reservando lo que para el mes subsecuente se necesite para el colegio y oficina, y cubiertos los mismos gastos en el corriente, se aplicará la ecsistencia al pago de réditos de los acreedores al fondo.

El S. Segura digo: Si la proposicion q. acaba de presentar el S. Bassoco no tuviera otro objeto q. captarse la benevolencia de sus poderdantes, sellaria mis labios; mas observo que las especies en que la funda, estan calculadas para merecer la estima de estos Señores, consitando su atrocidad en contra del que no votó por ella. Esta es mi posicion; pero es de mi caracter y principios obrar por mis convicciones cumpliendo con mis deberes y nada temer de los injustos enemigos que tal conducta puede concitarme. Veo los intereses de los acreedores al fondo dotal, como los percibieron siempre los individuos q. formaron el estinguido establecimiento de Mineria, y como los han apreciado otros de mis compañeros en esta misma junta, antes de ahora. Tres distintos y aun contrarios intereses en ello se versan: los del Gobierno, los de los mineros los de los acreedores. Querer que los de estos prevalescan contra los otros dos, es ciertamente el medio mas seguro que pueda adaptarse para que desaparesca el fondo para ellos, y sus acciones como tantas otras vayan á dar al crédito público. Si al Gobierno no se le ausilia en estos momentos augustiados en que suele pedir numerario á la junta con calidad de reintegro, sino se promueve el adelanto de la mineria por cuantos arbitrios sean dados, si en fin de toda preferencia no se atiende á la conservacion del Colegio, este fondo no se seguirá recaudando. Por lo mismo debe desecharse la proposicion del S. Bassoco, pues su objeto no es otro que el de que se (*hallen en poder*) disponga no de dinero, por que la junta no lo tiene en sus arcas, sino de las libranzas que ha de cobrar á sus respectivos vencimientos. ¿Y con que fin? con el de que se hallen en poder de los acreedores para que el Gobierno no pueda disponer de ellos. ¿Y en q. momentos se quiere adoptar este arbitrio? En los q. el cañon enemigo va á tronar sobre esta capital en un dia de la presente semana. En mi pecho late un corazon mejicano, y yo creeria hacerme indigno de él nombre con el que me honro si tal consideracion me hiciera votar por la proposicion del S. Bassoco. Se hace preciso advertir que todos los dias se avansan medidas que si se quiere, podran ceder en favor de los acreedores; pero que son en perjuicio de los mineros, como lo es la presente de lo que me ocupo. Cuando se hizo con la casa de los SS. Manning y Mackintosh el contrato que hoy rije, se tuvo presente que los acreedores iban á resentir un atrazo en sus pagos de seis meses; pero este inconveniente se pozpuso al interés de ellos mismos y al de los mineros. Se esperó entonces que las libranzas se cumpliesen para proceder al reparto. Despues se varió este procedimiento, y cuando se reunio un minero considerable de ellas, se dispuso que se les repartiese aunque muchos han repugnado el recibirlas. Ahora ya propone el S. Bassoco que solo se reserve para los gastos precisos del mes presente y el del siguiente, y que todo lo restante se reparta en libranzas. ¿No es de esperarse supuesto este proceder, que mañana se otro dia el mismo

Sor. sostenga que aun esta disposicion perjudica á los acreedores, y que no debe reservarse nada para el mes siguiente? Y si las entradas se suspenden, como es tan factible por los presentes males que aquejan á toda la república se mandará serrar el Seminario de mineria, y no se ha de reservar, como se ha hecho en todos tiempos, el caudal suficiente para su manutencion, solo por el temor de que el Gobierno pueda disponer de este depósito, y la consideracion de que será perdido para los acreedores? Cuando opino por esta reserva absolutamente necesaria para salvar los intereses del Gobierno, mineros y aun de los acreedores, estoy muy lejos de estenderla á los sueldos de los que somos empleados en esta junta. Ese egoismo, esa bajesa, esa preferencia á todas luces injusta tengo el noble orgullo de creerla desmentida por toda mi larga honrosa carrera como empleado público. Estas consideraciones que no he hecho mas q. indicar, me hacen que vote en contra del S. Bassoco.—Dos rúbricas.

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### *Sesion del* 30 *de Junio de* 1847.

Concurrieron los SS. Flores y Segura, y despues de aprobada la acta del dia 28, se dio cuenta con las comunicaciones siguientes:

Primera. De D. José Zamora, fha 26 remitiendo la memoria numº 25, de la Hacda. del Chorrillo, y la copia de la numº 9, de la mina Trinidad.—Recibo y á la Contaduria.

Dos. Del mismo participando las labores de la Hacienda en la semana anterior: instando por que se le remitan las almadanetas, y avisando que necesita doscientos pesos para la raya. —De enterado y que se vuelvan á solicitar las almadanetas.

Tres. Avisando haber girado una letra de trescientos pesos á favor de D. Franco. de la Fuente.—Que se pague.

Cuatro. Participando que en union del S. Quiñones activará la remision de los autos originales: que se le habia incinuado por parte de Madariaga que podrian quedar las ecsistencias que le corresponden, en su poder, con tal de que le diese fianza, y pagando de su cuenta el interventor; pero labrándosele sus frutos en la Hacienda: á lo que habia contestado, que no tenia embarazo en dar la fianza, y que por lo demas consultaria á la Junta. Pregunta por ultimo si demora la entrega del pliego que se le acompaño hasta la remision de los autos.—La Junta acordó que se le conteste acerlere dicha remision: que no convenga en beneficiar los metales de Madariaga, hasta no haberlo hecho con el total de los de la Junta, y que no entregue el pliego, hasta que se remitan los autos.

La Tesoreria presentó un certificado de entero en la Tesoreria general por la contribucion de un millon de la cantidad de dos mil pesos que se le asignaron.

Se leyó una instancia del Ciudadano Vicente Ortiz, albacea de D$^a$ Josefa Medina, contraida á que no se demore el pago de sus caidos para el procsimo prorateo, y que no se le pague en letra por ser un depósito y no poder sufrir la testamentaria el descuento.=Que informe la Contaduria.

En seguida se leyó la siguiente esposicion del S. Bassoco, lo que original se acordó, constase en la acta.

Con fha. 4 de Enero del presente año, manifestó esta Junta al Supremo Gobierno, por medio del Ministerio respectivo, que habiéndose acabado el fondo de azogues y cerado completamente sus entradas, no debia el fondo dotal del cuerpo minero, soportar el aumento de los gastos del Colegio, y de la planta de su oficina prevenido aquel por los decretos de 5 de Octubre y 29 de Diciembre de 1843, que le asignaron veinticuatro mil pesos annales del fondo nacional de azogues, sobre los veinticinco mil que desde tiempos remotos y en virtud de real cédula le habia pasado y pasado el dotal que es caudal propio de los mineros.

El gobierno con fha 27, del propio mes acordó *que en consideracion á que solo se trata* de un suplemento con calidad de seguro reintegro, destinado al interesantísimo objeto de fomentar el colegio, en que vá á invertirse con evidente utilidad de la mineria, esperaba que se observase la disposicion cuya revocacion solicitaba la junta.

Vese que ésta espuso razones de justicia cuales son las de que el fondo peculiar de los mineros destinado por ley á cubrir ciertas cargas no debe aplicarse á solventar otras que son propias de otro que es nacional, y el Gobierno para no acceder á lo que ella pretende, le opone razones de conveniencia.

Fuera de esto no parecerá presuncion en la junta que cuenta entre sus miembros al mismo apoderado de los mineros, el que pretenda se le tenga por fiel interprete de los intereses de estos, los cuales cuando solicitaron del Soberano la creacion de un colegio metálico, dijeron: que habia de ser para enseñar los ramos necesarios á dirijir con acierto una negociacion de minas, y no para q. sea Colegio general de ciencias naturales con tendencias á esenela politecnica, como lo han hecho ó intentado las disposiciones legales del año de 1843.

Pasan yá de once mil pesos los q. en virtud de la del supremo Gob$^o$. ya citada, ha prestado el fondo dotal al de azogues, sin que haya trasas de que estas prestaciones tengan un prócsimo termino, por cuya razon yo como apoderado de los acreedores á aquel, un considero en la estrecha obligacion de repetir mi oposicion á esta erogacion tan perjudicial á mis poderdantes, sin que deje de serlo á los mismos mineros; declarando y protestando desde ahora, q. se hace contra mi espresa voluntad, y pidiendo que la Junta inste al supremo Gobierno para que no suministre dicho fondo al Colegio, mas que los veinticinco mil pesos que habia ministrado hasta el año de 1843, y q. se habian tenido por bastante para llenar el objeto con qᵉ le instituyeron los mineros.

Las razones de justicia claman imperiosamente por esta reduccion; y para que se vea cuan suceptible de reformas económicas es aquel establecimiento, paso á transcribir aquí la razon de los sueldos y de los cursantes á sus cátedras que se me dió en 19 del ultimo Mayo:

SUELDOS mensuales de los empleados en el Colegio de mineria, reunidos el fondo dotal y el de azogue:

| | | |
|---|---|---|
| D. Blas Balcarcel como gefe de policia | „0.025.0 | |
| Como Catedrático de Geografia | „0.050.0 | |
| Como Prefecto de estudios | „0.075.0 | 150.0. |
| A la vuelta | | 150.0. |
| De la vuelta | | 150.0.00 |
| D. José Salazar: | | |
| Como Vice Prefecto | „025.0.00 | |
| Como sustitulo de clases | „041.5.04 | 066.5.04 |
| D. Antonio Castillo: | | |
| Como Catedrático de mecánica | „050.0.00 | |
| Como sustitulo de clases | „041.5.04 | |
| Como id. de mineralogia | „041.5.04 | 133.2.08 |
| D. Joaquin Velasquez de Leon: | | |
| Como Catedrático de Zoologia | „100.0.00 | |
| Como id. de geologia | „108.2.08 | 208.2.08 |
| D. Ramon del Moral: | | |
| Como Catedrático de cosmografia | „108.2.08 | |
| Como id. de delineacion | „050.0.00 | 158.2.08 |
| Capellan D. Miguel Velasquez de Leon | | „033.2.08 |
| Catedrático de Mineralogia D. Andres del Rio, por la cátedra de mineralogia y jubilacion | | „191.5.04 |
| De Química D. Manuel Herrero | | „166.5.04 |
| De Física D. Manuel Tejada | | „166.5.04 |
| De Primer curso de matemáticas Don Manuel Castro | | „125.0.00 |
| De Segundo id. id. D. Cástulo Navarro | | „125.0.00 |
| De Dibujo D. Jesus Corral | | „058.2.08 |
| De Yngles, D. Juan Palacios | | „050.0.00 |
| De Aleman, D. Claudio Gen | | „050.0.00 |
| Mayordomo D. Miguel Mosso | | „066.5.04 |
| Portero y Despensero | | „033.2.08 |
| Al frente | | „1.783.2.08 |

| | |
|---|---|
| Del frente | ,,1.783.2.08 |
| Cinco mozos á 16 ps | ,,080.0.00 |
| Cozinero | ,,018.0.00 |
| Abono que se hace al Vice Rector | ,,025.0.00 |
| Catedrático de Gramática D. Sebastian Camacho | ,,083.1.00 |
| Yden de frances, D. Antonio Balderas | ,,050.0.00 |
| Yden de Botánica D. Pio Bustamante | ,,100.0.00 |
| Director del Museo D. Ysidro R. Gondra | ,,100.0.00 |
| Escribiente del Director | ,,025.0.00 |
| Yden del Museo | ,,025.0.00 |
| Médico del Colegio | ,,025.0.00 |
| Preparador del museo D. Teodoro Castera | ,,029.1.04 |
| Conserje del museo | ,,025.0.00 |
| Suma total | ,,2.368.5.00 |

Numero de Alumnos que tienen los Cátedras en esta fecha:

| | | | |
|---|---|---|---|
| Mineralogia | ,,003. | Mecánica | ,,000. |
| Zoologia | ,,003. | Delineacion | ,,004. |
| Quimica | ,,001. | Geografia | ,,003. |
| Física | ,,002. | Lógica | ,,009. |
| Matemáticas 2º. Cúrso | ,,004. | Ynglés | ,,007. |
| | | Frances | ,,022. |
| Primº. id. | ,,008. | Alemán | ,,000. |

CUALQUIERA que sea la resolucion que la Junta se sirva tomar sobre este dictamen, pido que se tenga por mi voto en la materiá y que se inserte integro en el libro de sus actas.=Bassoco.=Dos rúbricas.

[Un Sello.]

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[Seal.]

SECRETARIA DE LA ADMINISTRACION
DEL FONDO DE MINERIA.

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital, y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que existe y forma parte de los Archivos de esta Oficina un libro en cuadernado que consiste de 142 fojas que estan numeradas en el primer lado, solo del 1 al 142 inclusive consecutivamente, que contienen y se hallan llenas de las actas de las Sesiones de la Junta de Fomento y Administrativa de Minería desde el 2 de Abril de 1846 al 30 de Junio de 1847, titulado ,,Libro tercero de Actas desde 2 de Abril de 1846 al 30 de Junio de 1847."

Certifico ademas que las presedentes Ciento sesenta y cinco fojas de este libro encuadernado, son una verdadera y exacta copia de dho libro tercero de Actas, en cuya copia á la foja 19$^{\text{va}}$ linea 8$^{\text{a}}$ se entrerrenglonó la palabra „ manifieste" en la 85 linea 21, la palabra „ declarando" y en la 95 linea 11 se tacharon las palabras, „ Cortes de Caja."

Certifico por último que en las fojas 1 y 142 del referido libro existe un Sello de la Oficina del papel Sellado.

En testimonio de lo cual doy el presente en la Ciudad de Mexico hoy 20 de Abril de 1859.

MANUEL COUTO,
Srio.
[Rubric.]

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Yo Vicente Segura, Administrador del Fondo de Mineria: Certifico que Don Manuel Couto, cuyo nombre aparece en el precedente Certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria á cuyo archivo pertenece el libro referido que se titula „ Libro tercero de actas desde el 2 de Abril de 1846 hasta el 30 de Junio de 1847" que dicho Couto ejerce el Empleo de Secretario en la fecha de su certificado, que su firma es verdadera y merece toda fé y credito.

En testimonio de lo cual doy el presente bajo mi firma y sello de esta oficina en la Ciudad de Mexico á 20 de Abril de 1859.

[SELLO.] VICENTE SEGURA.
[Rubric.)

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El que suscribe Oficial Mayor del Ministério de Fomento, colonizacion, industria y comércio:

Certifica que D. Vicente Segura y D. Manuel Couto, son Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministério. Atexta igualmente que los Archivos de dicha Oficina estan al cargo del Secretario, y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el Sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimónio de lo espuesto doy el presente firmado por mi, y sellado con el sello del Ministerio en la Ciudad de Mexico á veinte de Abril, de mil ochocientos cincuenta y nueve.

[SELLO.] P. ALMAZAN.
[Rubric.]

No. 67.

José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial mayor 1° del Ministerio de Relaciones exteriores de la República Mexicana.

[SELLO.] Certifico que D. Pascual Almazan es oficial mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio de la propia República, y la anterior firma es la suya que usa en los documentos que autoriza. Mexico, Abril 20, de 1859.

Dros. 4p. [SELLO.] J. MIGUEL ARROYO.
[Rubric.]

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## EXHIBIT BASSOCO NO. 7, O. H.

5846.

SRIA.
DE LA JUNTA DE MINERIA.

Nº. 168.

D$^{n}$ Andres Andres Castillero solicita auxilios p$^{a}$ el fomento dcha Mina de Azogue q$^{e}$ ha descubierto en la Mision de Santa Clara en la alta California.

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MESA DE FOMENTO
AZOGUE.

[Page 1, red ink and 1, black ink.]

E. S.—Habiendo presentado el S$^{r}$ D$^{n}$ Tomas Ramon del Moral á la Junta unas muestras de Cinabrio de la Mision de S$^{ta}$ Clara en Californias q$^{e}$ remite el S. D$^{n}$ Andres Castillero con las adjuntas copias para ecsitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de q$^{e}$ se haga el correspondiente ensayo del cinabrio en el lavoratorio de ese Colegio sirviendose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios &c. Abril 21—46.

Exmo S$^{r}$ Gral D$^{n}$ Jose M$^{a}$ Tornel Director del Colegio nacional de Mineria.

[Rubric.]

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[Page 2, red ink and 2, black ink.]

SRIA DE LA JUNTA DE FOMENTO
DE MINERIA.

El Sr. D. Andres Castillero, comisionado por el S. Gobierno el año p$^{o}$p$^{do}$ p$^{a}$ pasar á Californias á desempeñar objeto del servicio público me den en cartas escritas en la Mision de Sta Clara en 19 y 22 de Febro. del presente año ló q. sigue:

" A distancia de 5 leguas de esta Mision al oeste he descubierto y denunciado una mina abundantisima de Azogue y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado p$^{r}$ ensima de la veta tambien vée un poco de Azogue del que sacamos con la mayor facilidad. El Sr. Director del Colegio de Mineria, D. Ramon del Moral, hace recibia mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gob$^{no}$ Sup$^{mo}$ no necesitará la República Azogue de afuera."

"Remito á V. algunas frioleras hechas por los Yndios del Norueste, y producidas de aqui el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Fran$^{co}$., de modo q. los buques de vapor hechando sus embarc$^{s}$ menores pueden cargar todo el q. necesiten este desubrim$^{to}$ lo hizo el Sr. Coron$^{l}$ Don Juan B. Alvarado; el cristal de roca es un cerro muy grande."=Es copia [Page 3, red ink] Mejico, Abril 13 de 1846. =J. J. DE HERRERA.

[Rubric.]

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[Page 4, red ink and 3, black ink.]

Sor. Dir$^{r}$ del Colegio de Min$^{a}$. D. Ramon del Moral.

Mision de Sta Clara Febro. 19 de 846.

Mi muy estimado amigo y Sr. q. aprecio:

V. Sabe oficionado q. soy al ramo de Min$^{a}$ y empeñado en encontran una mina buena de Azogue, he dado aqui con un criadero abundantisimo; al E. S. Presidente remito Junto con esta unas piedras de Sinabrio y un poco de Azogue estamos formando un horno y hemos ensayado dicho metal en un Cañon de Escopeta tapado el oido con barro y metido la boca en agua así nos ha dado el 30 p$^{o}_{o}$.

Yo estimaria á V. q. se tomase el trabajo en obsequio del bien público que se ensayase este metal por dependen de su trabajo esta operacion.

Que V. y toda la fam$^{a}$ se comencen buenos y q. mande cuanto guste á su afectisimo. S. S. Q. B. S. M.=ANDRES CASTILLERO.

[Rubric.]

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[Page 5, red ink and 4, black ink.]

DIRECCION DEL COLEGIO NACIONAL
DE MINERIA.

Recibido el dia 3 del presente Mayo.
V. SEGURA.
[Rubric.]

El Sor. D. Tomas Ramon del Moral Presidente de la Junta de Fomento del Colegio nacional de Minería en oficio de 24 del pasado me dijo lo que sigue:

Mayo 4—46. Que se inserte al Gob$^{no}$ manifestando haver se recivido la nota hta. ayer.

„ E. S.—Habiendose enterado la Junta facultativa de los documentos que V. E. le pasó el 21 del presente més relativos á un criadero de Cinabrios descubierto en Californias por el Sr. D. Andres Castillero y á otro de Carbon de piedra de la Bahia de S. Francisco tiene el honor de informár a V. E. que las muestras remitidas por dicho Sr. Castillero estaban ya depositados en el gabinete de Mineralogía unas y otras ensayadas por el profesor de química D. Manuel Herrera. El [Page 6, red ink] ensaye dió una ley de 35½ por 100 tomando para hacerlo una mescla de las diferentes muestras, por que hay algunas tan ricas que son de cinabrio puro. La Junta cree que el Sor. Castillero se há hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Minería; y esta persuadida de que V. E. interpondra todo su influyo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distinguir y premiar á los Ciudadanos que contribuyen á la prosperidad de la Patria.—Reprodusco á V. E. con este motivo las consideraciones de mi estimacion y respeto."

Y tengo el honor de trastadarlo á V. S. S. como resultado de su oficio relativo.

Dios [Page 7, red ink and 5, black ink] y Libertad. Megico Abril 29, del 846.

JOSE MARIA TORNEL.
[Rubric.]

Sres. Presidente y Vocales de la Junta
de Fomento Administractiva del Colegio nacional de Mineria.

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[Page 8, red ink.]

E. S.—Habiendo presentado á esta Junta el Sor. Profesor D$^{n}$ Tomas Ramon del Moral unas muestras de cinabrio de la Mision de Santa Clara en la Alta California q$^{e}$ le remite D$^{n}$ Andres Castillero asi como las adjuntas copias con el objeto de ecsitar al Supremo Gobierno para q$^{e}$ se sirba auxiliar tan importante empresa inmediatamente remitió dichas muestras al Ecmo. S$^{r}$ Director del Colegio para q$^{e}$ se tribesen los devidos ensayes á S. E. con oficio de 29 del pasado recivido ayer le dice lo que sigue:

„ El Sor &c h$^{ta}$ relativo"

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle q$^{e}$ ha preguntado ya al S$^{r}$ Castillero la clase de auxilios ó de profeccion de q$^{e}$ necesita para fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento q$^{e}$ si encuentran en un principio toda la proteccion q$^{e}$ se merece puede cambiar completamente el aspecto de nuestra mineria divertandola de la necesidad en que Sra esta de h$^{ta}$ ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad p$^{a}$ participar á V. E. que como [Page 9, red ink and 6, black ink] el 24 del presente mes termina la gracia q$^{e}$ concedio la ley, de cinco p$^{s}$ de premio á cada quintal de azogue extraido de las minas nacionales han acreditado hasta la fecha los mineros de Guadalcazar hacer explorado 1575 quintales de Diciembre de 844 á fin de Marzo procsimo pasado cuyo resultado ecsede del calculo que hasta ahora se havia hecho de q$^{e}$ la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios &c. Mayo 5—846.

Ecsmo S$^{r}$ Ministro de Justicia.

No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el Presidio de S$^{ta}$ Clara en la alta California, cuyos ensayes han producido una ley la mas alta y se ha visto y con este motivo comunica el resultado de la cantidad de azogue explorada hasta el mes de Marzo en Guadallahar.

[Rubric.

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[Page 10, red ink and 7, black ink.]

MINISTERIO DE JUSTICIA E
INSTUCCION PUBLICA.

E. S.—Por la nota de V. E. de 5 del actual y copias que se servio acompañan queda enterado con satisfaccion el E. S. Presid$^{te}$ int$^{o}$ de la Repúb$^{a}$ de que en la mision de Santa Clara de la baja California ha descubierto el Sr. D. Andres Castillero un criadero de cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio; y de que se ha preguntado ya por esa Junta al referido Sor Castillero la clase de auxilios que necesita para fomento de su brillante empresa. Asi mismo se ha impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de Azogue extrahido de las Minas de Guadalcazar, cuyo resultado ha escededo al cálculo que se habia formado. Lo que tengo el honor de decir á V. E. en contestacion, reiterandole con éste motivo las protestas de mi consideracion y aprecio.

Dios y Libertad. Mejico Mayo 9 del 846.

E. S. D. Vicente Segura, Presid$^{te}$ de
la Junta de fom$^{to}$ de Mineria.

BECERRA.
[Rubric.]

[Page 11, red ink and 8, black ink.]

## JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

No. 575.

Acompaña con recomendacion la solicitud del S$^{r.}$ D$^{n.}$ Andres Castillero p$^a$ el fomento de la Mina de Azogue q$^e$ ha descubierto en la Mision de S$^{ta}$ Clara en la Alta California.

EXMO. SOR.—Como tubo el honor ella Junta de anunciar á V. E. en 5 del corriente bajo el numero 573, el Señor D. Andres Castillero, le ha dirijido la solicitud q$^e$ original tiene el gusto de acompañar á V. E. sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la mision de Santa Clara del departamento de Californias.

La Junta no duda recomendan a V. E. dicha solicitud por que permodida de la grande importancia de la empresa la considera acreedora á toda la proteccion del Supremo Gobierno cuando por otra parte las circunstancias particulares de aquel departamento y el justo empeño que ha manifestado el Exmo Sor Presidente p$^a$ conservar la integridad del territorio nacionalidad, [Page 12. red ink] lo pasen digno de la mayor consideracion. Por consiguiente la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorise para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilendros y otros aparatos pequeños de destilacion para dicha mina. [Page 13, red ink and 9, black ink erased.]

[Page 14, red ink.]

Aunque la ley q. autoriza á la Junta para hacer prestamos en fomento de los criaderos de Azogue exige el premio de un 5 p$^o_o$ anual al capital q. se preste es indudable q. la oferta del Sr. Castillero de pagar los 5,000 p$^s$ con 50 quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de 100 p$^s$ cada uno, y en el termino de 6 meses presta sin duda mucho mayores ventajas al fondo q$^e$ el indicado interez.

La urgencia q. manifiesta el Sr. Castillero p$^a$ verificar su marcha á aquel Departam$^{to}$ y lo q. ella puede contribuir en las circunstancias presentes p$^a$ la conservacion del territorio Nacional con en concepto de la Junta mas q. suficiente motivo para dejar á época mas oportuna la formacion de un contrato de comp$^a$ ó de avio p$^a$ el fom$^{to}$ de dha. mina.

Resta pues manifestar á V. E. que aunq. la posicion dada al Sor Castillero p$^r$ las autoridades locales de Californias no ha sido conforme á la ordenanza pues q. se le han concedido pertenencias en la estencion de 3000 var$^s$ q. equivalen á 15 pertenencias conforme al art$^o$ 2$^o$ del tit$^o$ 8$^o$ es preciso considerar [Page 15, red ink and 10, black ink] q. reune en su fabor la calidad de descubridor de un *serro absolutam$^{te}$ nuevo en que no habia ninguna mina abierta* á quienes se conceden en el art$^o$ 1$^o$ del tit$^o$ 6$^o$, *tres pertenencias continuas ó interrumpidas y se hubiesen descubierto* *mas vetas uno en cada una de ellas.* Reune tambien la circunstancia de trabajar en comp$^{a}$ á las q. se concede q. sin perjuicio del dro. q. por el titulo de descubridor tengan cuando lo sean el q. puedan denunciar cuatro pertenencias nuevas aun cuando esten contiguas y p$^{r}$ un mismo rumbo; p$^{o}$ lo mas digno de considerac$^{n}$ es q. siendo Californias un Departam$^{to}$ fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte y p$^{r}$ los nuevos Colonos de Oregon parece convenientes conceder á la 1$^{a}$ mina descubierta en un Departam$^{to}$ tan basto mayor n$^{o}$ de pertenencias lo q. corrobora la razon q. se encuentra al fin del art$^{o}$ 1$^{o}$ del tit$^{o}$ 8$^{o}$ que dice: „ Considerando q. los limites establecidos en las minas de estos Reinos á q. se han arreglado hta hora los de Nueva España son muy estrechas á

[Page 16, red ink and 11, black ink.]

Junta de Fomento y Administrativa de Fomento.

proporcion de la multitud abundancia y felicidad de las venas metalicas á la sumo bondad del criador ha querido conceder á aquellas regiones ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas.=2$^{o}$. Por el hilo, direccion ó rumbo de la veta sea de oro, de plata ó de cualquíera otro metal concedo á todo minero, sin distincion de los descubridores, (que ya vienen asignado su premio) doscientas varas castellanas, que llaman de medir tiradas á nivel."

Por ultimo en el articulo 1$^{o}$ titulo 11 se espresa en estos terminos: „ Y por que no siendo suficiente el caudal de uno solo para grandes empresas puede serlo el de todos los compañeros quiero y mando se procuren promuevan, y protejan semejantes compañias por todos los terminos convenientes concediendo mi virey á los q$^{e}$ [Page 17, red ink] las formaren, todas las gracias, auxilios exenciones que fueren de conceder á juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del Publico y de mi real erario."

En cuanto a la propiedad que solicita el Señor Castillero, como colono de dos citios de ganado mayor sobre la superficie de su propiedad minera con el objeto de proporcionarse la leña necesaria para el beneficio, la Junta no teniendo los conocimientos necesarios en la materia en q$^{e}$ abunda el supremo gobierno siempre resolvera el E. S. Presidente lo que creyere mas conveniente.

En tal concepto al elevar á V. E. esta Junta la solicitud del Señor Castillero no duda recomendarla muy eficazmente por la importancia vital de la empresa y su increible trascendencia en el bien general y la prosperidad de la Republica.

La Junta tiene el honor con tal motivo de reiterar á V. E. las protestas de su distinguido aprecio y consi- [Page 18, red ink and 12, black ink] deracion.

Dios y libertad. Mejico, 14 de Mayo de 1846.

Exmo. Señor Ministro de Just$^a$ é instruccion publica.

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[Page 19, red ink and 13, black ink.]

Andres Castillero vecino y minero en el Departam$^{to}$ de la alta California ante V. E. y V. S. S. como mejor proceda digo:

Que habiendo descubierto en la Mision de Sta Clara una mina de azogue de leyes tan altas como seguram$^{te}$ no se han visto no solo en la Republica sino acaso en el mundo entero como lo acreditan los ensayes hechos de orden de la Junta facultativa del Colegio de Min$^a$ q. reuniendo de todas las muestros q. traje desde la mejor hasta la infima han dado por resultado un 35 y ½ por 100, mientras q. ha habido muestra de las superiores q. deben producir leyes mucho mayores me veo en el caso para satisfacer mis decios en favor del progreso de mi Patria de aprovechar esclusivam$^{te}$ en favor de los Mejicanos las lisonjeras y muy fundadas esperanzas que proporciona semejante descubrimiento.

En tal virtud he denunciado y tomado posecion no solo de dicha mina denominada Santa Clara sino de una estencion hasta de tres mil varas en todas direcciones de dicho punto, he formado una Comp$^a$ para su laboreo he construido el tiro y cumplido todas las condiciones q. previene la ordenanza quedando la mina en frutos con la notable circunstancia de q. las muestras q. trage y q. se han ensayado han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion admitiendo las repetidas y ventajosas ofertas q. se me han hecho por varias casas estrangeras de Californias pero la empresa no necesita de semejantes auxilios q. resultarian en ventaja [Page 20, red ink] estraña cuando toda puede ser nacional y no he dudado por lo mismo ocurrir ante V. E. q. V. S. S. para conseguir los unicos y pequeños recursos de q. necesito, ellos se reducen á una corta anticipacion de cinco mil pesos en dinero atendida la ecsesiva escases de numerario q. hay en aquel Departam$^{to.}$ y á la pronta remision á él de retortas celindros y otros aparatos pequeños de destilacion asi como de frascos de fierros para el embase del azogue.

Yo habria propuesto un contrato de Compañia á la Junta un avio ó cualquiera otro convenio si tubiese tiempo para poder proporcionar los datos y circunstancias q. se requieren para dichos contratos, pero comprometido por el Supremo Gobierno á de esta Capital dentro de algunos dias me veo en el caso de limitarme á lo que parece no presenta dificultad y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello q. esté en sus facultades y q. elevará al Supremo Gobierno con recomendacion lo q. sea del resorte de este.

Mis proposiciones pues son las siguientes:

1ª. La Junta en el acto de aprovar el convenio me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pˢ.

2ª. Por mi parte me comprometo á situar en dicho Puerto á los seis meses de haber salido de él cincuenta quintales de azogue á razon de cien pesos cada uno q. remiteré de las primeras extracciones con absoluta preferencia á [Page 21, red ink and 14, black ink] todo otro compromiso.

3ª. La Junta mandará poner á mi disposicion antes de mi salida de la Capital las ocho retortas de fierro q. tiene en su oficina y todos los frascos para azogue q. se hallan en la negociacion de Tasco en estado de uso y por último entregará al Sor. Dⁿ Tomas Ramon del Moral mi apoderado las cantidades que importen las retortas cilindros y otra clase de aparatos pequeños q. se manden hacer para la negociacion hasta la cantidad de mil pesos.

4ª. Las retortas de la Junta las recibiré por el precio de su costo y los frascos q. escoja á 2 pesos cada uno conforme á su avaluo.

5ª. El importe liquido de dichas retortas y frascos y el de las cantidades q. se hayan entregado al Sor. Moral lo devolveré en el termino de un año de este convenio así como el premio de la libranza contra Mazatlan en azogue puesto en dho puerto al precio de cien pesos quintal; pero si la Junta quiere tomar uno ò mas acciones en la mina quedan en parte de la cantidad correspondiente á una ò mas barras.

6ª. Entre tanto q. se arregla la Compª durante un año contado desde la fecha en q. se aprueve este convenio y satisfechos ya los cinco mil pˢ de q. habla la proposicion primª preferiré á la Junta en la venta del azogue puesto en Mazatlan á razon de cien pesos quintal.

7ª. La Junta representará al Supᵐᵒ Gobierno la necesidad de q. aprueve la posecion q. se me ha dado de la mina por las autoridades locales de Californias en los mismos terminos en q. hoy [Page 22, red ink] la tengo.

8ª. Ygualmᵗᵉ le representará las ventajas de q. como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posecion minera con el objeto de poderme aprovechar de las maderas para mis quemas.

9ª. Al cumplimto de este contrato hipoteco la misma mina y todas sus pertenencias.

El q. suscribe sejeta á la deliveracion de la Junta esta solicitud lo que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios &cª Mayo 12 de 1846.

ANDRES CASTILLERO.

Es copia. Mejico, Mayo 12 de 1846.

YSIDRO R. GONDRA.
[Rubric.]

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[Page 23, red ink and 15, black ink.]

MINISTERIO DE JUSTICIA E
INSTRUCCION PUBLICA,

Exmo Sor. Habiendo dado cuenta al E. S. Presidente interino con la nota de V. E. de 14 del presente á qe se sirviò acompañar, con recomendacion, la solicitud del Sr. Dn Andres Castillero pª el fomento de la Mina de Azogue qe ha descubierto en la mision de Santa Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo pª principiar la explotacion de dho mineral, y con esta fha. se hace la comunicacion qe corresponde al Ministº de relaciones exteriores y gobernacion pª qe libre las ordenes oportunas por lo respectivo á lo qe contiene la 8ª proposicion relativa á la concesion de terrenos en aquel departamento.

Reitero á V. E. las consideraciones de mi aprecio.

Dios [Page 24, red ink] y Libertad. Mejico, Mayo 20 de 1846.

BECERRA.
[Rubric.]

E. S. Dn Vicente Segura Presidente de la
Junta de fomento de Mineria.

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Secretaria de la Administracion del Fondo de Mineria.

[SEAL.] Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852, Certifico que las precedentes veinticuatro pajinas numeradas por mí del uno al veinticuatro inclusive de papel trasparente son una verdadera y esacta copia ò calco de un Expediente que existe y forma parte de los Archivos de esta Oficina, titulado "Secretaria de la Junta de Mineria"=1846=Numº 168.=D. Andrés Castillero solicita auxilios para el fomento de la mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.=Mesa de Fomento, Azogue."

En testimonio de lo cual doy el presente bajo mi firma á 10 de Marzo de 1859.

MANUEL COUTO,
[SEAL.] Srio.
[Rubric.]

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Yo Vicente Segura, Administrador del Fondo de Minería certifico: que D. Manuel Couto cuyo nombre aparece en el precedente Certificado, es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria, á cuyo archivo pertece el Expediente referido: que dicho Couto ejerce el empleo de Secretario en la fha. de su Certificado, que su firma es verdadera y que merece toda fé y crédito.

En testimonio de lo cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de México á 10 de Marzo de 1859.

[SEAL.] VICENTE SEGURA.
[Rubric.]

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[SEAL.] El que suscribe Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio, certifico: que D$^n$ Vicente Segura y D$^n$ Manuel Couto, son, Administrador el primero, y el segundo Secretario de la misma Administracion del Fondo de Mineria que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los archivos de dicha Oficina, están al cargo del Secretario y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de lo espuesto, doy el presente firmado por mi y sellado con el sello del Ministerio, en la Ciudad de Mexico a once de Marzo de mil ochocientos cincuenta y nueve.

[SEAL.] P. ALMAZAN.
[Rubric.]

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José Miguel Arroyo intendente honorario de Ejército y oficial mayor 1° del Ministerio de Relaciones esteriores de la Repùblica mexicana.

51
[SEAL.] Certifico: que D. Pascual Almazan es oficial mayor del Ministerio de fomento, colonizacion, industria y comercio de la propia República, y la anterior firma es las suya que usa en los documentos que autoriza.

Mexico, Mzo. 12 de 1859.

Dros 4 p$^s$. J. MIGUEL ARROYO.
[Rubric.]

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, México, Abril 6, '859.
[Rubric.]
(Endorsed, Abril 20 de 1859. JOSE MA. YRISSARI.)
[Rubric.]

MARIANO MIRANDA, Méjico, Abril 6, de 1859.
[Rubric.]
(Endorsed, BLAS BALCARCEL, México Abril 20 de 1859.)
[Rubric.]

JOSE M. DE BASSOCO, Méjico y Abril 12 '859.
[Rubric.]
(Endorsed, ANTO. DEL CASTELLO, Mexico Abril 20 de 1859.)
[Rubric.]

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No. 107. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

# EXHIBIT BASSOCO NO. 8, O. H.

[Page 1, red ink.]

MINISTERIO DE JUST$^{A.}$ E INSTRUCCION PUBLICA.

Año de 1846.

La Junta de fom$^{to}$ de Mineria participa q. D$^{n}$ Andres Castillero ha descubierto en la mision de S$^{ta}$ Clara de la Alta California un criadero de cinabrio de escelente calidad, y acompaña la representacion de este S$^{r}$ en q. pide habio p$^{a}$ la explotacion de dha mina.

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[Page 2 red ink, and 1 black ink.]

No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el presidio de Sta. Clara de la baja California cuyos ensayes han producido una ley la mas alta q$^{e}$ se ha visto y con este motivo comunica el resultado de la cantidad de azogue explotada hasta fines de Marzo en Guadalcazar.

E. S.—Habiendo presentado á esta Junta el S. Profesor D. Tomas Ramon del Moral unas muestras de Cinabrio de la Mision de Sta. Clara en la baja California que le remite D. Andres Castillero asi como las adjuntas copias con el objeto de ecsitar al Supremo Gobierno para q$^{e}$ se sirva auxiliar tan importante empresa, inmediatamente remitio dichas muestras al E. S. Director del colegio para que se hiciesen los debidos ensayes S. E. con oficio de 29 del pasado recibido ayer le dice lo q$^{e}$ sigue:

"El S. D. Tomas Ramon del Moral, Presidente de la Junta facultativa del Colegio nacional de mineria en oficio de 24 del pasado me dice lo q$^{e}$ sigue:

"E. S.—Habiendose enterado la Junta facultativa de los documentos q$^{e}$ V. E. le pasò el 21 del presente mes relativos á un criadero de cinabrio descubierto en Califor [Page 3 red ink] nias por el S. D. Andres Castillero y á otro de carbon de piedra de la Bahia de S. Fran$^{co.}$ tiene el honor de informar á V. E. que las muestras reuntidas por dicho Sr. Castillero estaban ya depositadas en el gabinete de Mineralogia unas, y otras ensayadas por el profesor de quimica D$^{n}$ Manuel Herrera. El ensaye dio una ley de $35\frac{1}{2}$ p$^{o}_{o}$. tomando para hacerlo una meseta de las diferentes muestras, porque hay algunas tan ricas que son de cinabrio puro. La Junta cree q$^{e}$ el S. Castillero se ha hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de fomento de Mineria; y esta persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe dis-

Mayo 9 '846.

Enterado con satisfaccion del descubrim$^{to.}$ y de que se ha preguntado ya al Sr. Castillero la clase de auxilios que necesita.

Enterado ademas de la noticia que da del azogue entrahido por los mineros de Guadalcazar.

Fha.

tinguir y premiar á los ciudadanos q$^{e}$ contribuyen á la prosperidad de la Patria.=Reproduzco á V. E. con este motivo las consideraciones de mi estimacion y respeto.="Y tengo el honor de trasladarlo á V. S. S. como resultado de su oficio relativo."

La Junta al insertar á V. E. la ante [Page 4 red ink, and 2 black ink] rior comunicacion tiene el honor de participarle que ha preguntado ya al Sr. Castillero la clase de auxilios ò de proteccion de que necesita para fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que se encuentra en un principio toda la proteccion que se merece puede cambiar completamente el aspecto de nuestra mineria libertandola de la necesidad en que ha estado hasta ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad para participar á V. E. q$^{e}$ como el 24 del presente mes termina la gracia que concedio la ley de 5 p$^{s}$ de premio á cada qq$^{l}$ de azogue extraido de las minas nacionales han acreditado hasta la fecha los mineros de Guadalcazar haber explotado 1575 quintales de Diciembre de 844 á fin de Marzo pp$^{do}$ cuyo resultado ecsede del calculo q$^{e}$ hasta ahora se habia hecho de q$^{e}$ la produccion de este mineral era de cien qq$^{s}$ mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida con [Page 5 red ink] sideracion y aprecio.

Dios y Libertad. Mejico Mayo 5 de 1846.

VICENTE SEGURA,
Pres$^{e}$. [Rubric.]

Por ocupacion del Srio
YSIDRO R. GONDRA, [Rubric.]
Oficial 1$^{o}$.

E. S. Ministro de Justicia.

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[Page 6 red ink, and 3 black ink.]

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

El Señor D. Andres Castilliero Comisionado por el Sup$^{mo}$ Gobierno el año p$^{o}$p$^{do}$ para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas en la Mision de Sta. Clara en 19 y 25 de Febrero del presente año lo q. sigue:

" A distancia de cinco leguas de esta Mision al Oeste he descubierto y denunciado una mina abundantisima de Azogue y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado por ensima de la veta, tambien vá un poco de Azogue del sacamos con la mayor facilidad; El Sor. Director del Colegio de Mineria D. Ramon del Moral, hade recibir mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gob$^{no}$ Sup$^{mo}$ no necesitara la Republica Azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aquí; el carbon de piedra es abundantisimo y se encuentra en la [Page 7 red ink] Costa de la Bahia de San Francisco, de modo q. los buques de vapor hechando sus embarc$^{s}$ menores, pueden cargar todo el q. necesiten; este descubrim$^{to}$ lo hizo el Sr. Coronel D. Juan B. Albarado; el cristal de roca es un cerro muy grande."═Es copia. Mejico Abril 13 de 1846.═J. J. DE HERRERA.

Sor Director del Colegio de Mineria D. Ramon del Moral.═Mision de Sta. Clara Febrero 19, de 846.═Mi estimado amigo y Sor que aprecio.═V. sabe lo aficionado que soy al ramo de Mineria y empenado en encontran una mina buena de Azogue, he dado aquí con un criadero abundantisimo; al E. S. Presidente remito junto con esta unas piedras de cinabrio q. un poco de Azogue estamos formando un horno y hemos ensayado dho. metal en un cañon de Escopeta tapado el oido con barro y metido la boca en agua así nos ha dado el 30 p$^{o}_{o}$.═Yo estimaria á V. q. se tomase el trabajo en obsequio del bien público q. se ensayase este metal por depender de su trabajo esta operacion. ═Que V. y toda la fam$^{a}$ se conserven buenos y q. mande cuanto guste á su afmo. S. S., Q. B. S. M.═ANDRES CASTILLERO.

Son [Page 8 red ink, and 4 black ink] Copias. Mejico Mayo 5 de 846.

YSIDRO R. GONDRA. [Rubric.]
Oficial 1$^{o}$.

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[Page 9 red ink, and 5 black ink.]

E. S.—Por la nota de V. E. de 5 del actual y copias que se sirviò acompañan queda enterado con satisfaccion el E. S. Presidente interino de la Rep$^{ca}$ de que en la Mision de S$^{ta}$ Clara de la Baja California ha descubierto el S$^{r}$ D. Andres Castillero un criadero de Cinabrio de excelente calidad, segun los ensayos practicados en ese colegio, y de que se ha preguntado ya por esa Junta al referido S$^{r}$ Castillero la clase de auxilios que necesita p$^{a}$ fomento de su brillante empresas. Asi mismo se ha impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de Azogue extrahido de las minas de Guadalcazar cuyo resultado ha excedido al calculo que se habia formado. Lo que tenga el honor de decir á V. E. en contestacion, reiterandole con este motivo las protestas de mi consideracion y aprecio.

D$^s$ & L$^d$. Mexico Mayo 9 de 1846.

[Rubric.]

E. S. D. Vic$^{te}$ Segura, Presid$^{te}$ de
la Junta de fom$^{to}$ de Mineria.

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[Page 10 red ink, and 6 black ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA. Lg$^{l}$. 15 Sq. 140 v$^{ta}$.

No. 575. Exmo. Señor.

Acompaña con recomendacion la solicitud del Sr D. Andres Castillero para el fom$^{to}$ de la mina de Azogue que ha descubierto en la mision de Santa Clara en la alta California.

Mayo 20, '46.
Se concede en los terminos q. se propone; y por lo tocante al terreno, librese la orn. correspondiente al Ministerio de Relaciones p$^a$ las providencias de su resorte en el concepto de q. el Gobno Suprmo. esta anuente á la solicitud.

[Rubric.]

Como tubo el honor esta Junta de anunciar á V. E. en 5 del corriente bajo el numero 573, el Señor D. Andres Castillero, le ha dirijido la solicitud que original tiene el gusto de acompañar á V. E. sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la mission de Santa Clara del departamento de Californias.

La Junta no duda recomendár á V. E. dicha solicitud por que persuadida de la grande importancia de la empresa la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel departamento y el justo empeño que ha manifestado el Exmo. Señor [Page 11 red ink] Presidente por conservar la integridad del territorio nacional lo hacen digno de la mayor consideracion. Por consiguiente la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorize para franquear las retortas y frascos de fierro de su pertinencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion para dicha Mina.

Aunque la ley que autoriza á la Junta para hacer prestamos en fomento de los criaderos de Azogue exige el premio de un cinco por ciento anual al capital que se preste es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puertos en Mazatlan á disposicion de la Junta á razon de cien pesos cáda uno y en el termino de seis meses presta sin duda mucho mayores ventaja al [Page 12 red ink, and 7 black ink] fondo que el indicado interes.

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel departamento y lo que á ella puede contribuir en las circunstancias presentes para la conservacion del territorio Nacional, es en concepto de la Junta mas que suficiente motivo para dejar á epoca mas oportuna la formacion de un contrato de compañia ò de avio el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posicion dada al Señor Castillero por las autoridades locales de Californias no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estencion de tres mil varas que aqui valen á quince pertenencias conforme al articulo 2° del Titulo 8°, es preciso considerar que reune en su favor la calidad de descubridor de un *serro absolutamente nuevo en que no habia ninguna mina abierta* á quienes se conceden en el articulo 1° del titulo 6°, *tres* [Page 13 red ink] *pertenencias continuas ó interrumpidas* y si hubiesen *descubierto mas vetas una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compania á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean el que puedan denunciar cuatro pertenencias nuevas aun cuando esten antiguas y por un mismo rumbo; pero lo mas digno de consideracion es que siendo Californias un departamento fronterizo y amagado con frecuencia por los emigrados de los Estados unidos del Norte y por los nuevos colonos del Oregon parece conveniente conceder a la primera Mina descubierta en un departamento tan basto mayor numero de pertenencias lo que corrobora lá razon que se encuentra al fin del articulo 1° del titulo 8°, que dice: "considerando que los limites establecidos en las minas de estos Reinos á que se han arreglado hasta ahora los de Nueva España son muy estrechas á [Page 14 red ink, and 8 black ink] proporcion de la multitud, abundancia y felicidad de las venas metalicas que la suma bondad del criador ha querido conceder á aquellas regiones, ordeno y mando que las minas que en adelante se descubrieren en veta nueva ò sin vecinos, se observen estas medidas.=2°. Por el hilo direccion, ò rumbo de la veta sea de oro, de plata ò de cualquiera otro metal concedo á todo minero sin distincion de los descubridores, (que ya tienen asignado su premio) doscientas varas castellanas que llaman de medir tiradas á nivel."

Junta de Fomento y Administrativa de Mineria.

Por ultimo en el articulo 1° tiulo 11, se espresa en estos terminos: "y por que no siendo suficiente el caudal de uno solo para grandes empresas puede texto el de todos los compañeros, quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los terminos convenientes concediendo mi virey á los que las formaren todas las gracias, auxilios exenciones qᵉ fueren de conceder [Page 15, red ink] á juicio y discrecion del

Real Tribunal de Mineria y sin detrimento del interes del publico y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera con el objeto de proporcionarse la leña necesaria para el beneficio, la Junta, no teniendo los conocimientos necesarios en la materia en que abunda el supremo gobierno siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente.

En tal concepto al elevar á V. E. esta Junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital el la empresa y su increible trascendencia en el bien general y la prosperidad de la Republica.

La Junta tiene el honor, con tal motivo, de reiterar á V. E. las protestas de su distinguido aprecio y consideracion.

Dios [Page 16 red ink, and 9 black ink] y Libertad. Mejico 14 de Mayo de 1846.

VICENTE SEGURA,
Pres$^{e}$. [Rubric.]

Exmo. Señor Ministro de Justicia é instruc$^{on}$ publica.

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[Page 17 red ink, and 10 black ink.]

SELLO TERCERO. CUATRO REALES.

—o— —o—

Años de mil ochocientos cuarenta y seis, y mil ochocientos cuarenta y siete.

Andres Castillero, vecino y minero en el Departamento de la alta California ante V. E. y V. S. S. como mejor proceda digo:

Que habiendo descubierto en la mision de S$^{ta}$ Clara una mina de azogue de leyes tan altas como seguramente no se han visto no solo en la Republica sino acaso en el mundo entero como lo acreditan los ensayes hechos de orden de la Junta facultativa del Colegio de Mineria que reuniendo de todas las muestras que traje desde la mejor hasta la infima han dado por resultado un 35 y $\frac{1}{2}$ por ciento mientras que ha habido muestra de las superiores q$^{e}$ de ven producir leyes mucho mayores, me vea en el caso para satisfacer mis deseos en favor del progreso de mi Patria de aprovechar esclusivamente en favor de los Mejicanos las lisongeras y muy fundadas esperanzas que proporciona semejante descubrimiento.

En tal virtud he denunciado y tomado posecion no solo de dicha mina denominada [Page 18 red ink] S$^{ta}$ Clara sino de una estencion hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laborio, he construido el tiro y cumplido todas las condiciones que previene la ordenanza quedando la mina en frutos con la notable circunstancia de que las muestras que traje y que se han ensayado han sido extraidas de la voca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estrangeras de Californias; pero la empresa no necesita de semejantes auxilios q$^{e}$ resultarian en ventaja estraña cuando todo puede ser nacional y no he dudado p$^{r}$ lo mismo ocurrir ante V. E. y V. S. S. para conseguir los unicos y pequeños recursos de que necesito, ellos se reducen á una corta anticipacion de cinco mil p$^{s}$ en dinero, atendida la exesiva escases de numerario q$^{e}$ hay en aquel Departamento y la pronta [Page 19 red ink, and 11 black ink] remision á el de retortas cilindros y otros aparatos pequeños de destilacion, asi como de frascos de fierro p$^{a}$ el embase del azogue.

Yo habria propuesto un contrato de compañia á la Junta un avio ò cualquiera otro convenio si tubiese tiempo para poder proporcionar los datos y circunstancias q$^{e}$ se requieren para dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta Capital dentro de algunos dias, me veo en el caso de limitarme á lo q$^{e}$ parece no presenta dificultad y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de q$^{e}$ la Junta accedera á mi solicitud en todo aquello q$^{e}$ este en sus facultades y q$^{e}$ elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

1ª. La Junta en el acto de aprobar el convenio me entregara una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

2ª. Por mi parte me comprometo á situar en

[Page 20 red ink.]

SELLO TERCERO.
—o—
Años de mil ochocientos cuarenta y seis,

CUATRO REALES.
—o—
y mil ochocientos cuarenta y siete.

dicho puerto á las seis meses de haber salido de el cincuenta qq$^{s}$ de azogue á razon de cien p$^{s}$ cada uno, que remitire de las primeras extracciones con absoluta preferencia á todo otro compromiso.

3ª. La Junta mandará poner á mi disposicion antes de mi salida de la Capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco en estado de uso y por ultimo entregara al S. D. Tomas Ramon del Moral mi apoderado las cantidades q$^{e}$ importen las retortas cilindros y otra clase de aparatos pequeños que se mande hacer para la negociacion hasta la cantidad de 1000 p^s.

4^a. Las retortas de la Junta las recibire por el precio de su costo y los frascos q^e escoja á dos pesos cada uno conforme á su avaluo.

5^a. El importe liquido de dichas retortas y frascos y el de las cantidades que se hayan entregado al S. Moral lo devolveré en el termino de un año do este convenio asi como [Page 21 red ink, and 12 black ink] el premio de la libranza contra Mazatlan en azogue puesto en dicho puerto al precio de cien pesos qq^l.; pero si la Junta quisiere tomar una ò mas acciones en la mina quedará en parte de la cantidad correspondiente á una ò mas barras.

6^a. Entre tanto q^e se arregla la compañia, durante un año contado desde el dia en que se aprueve este convenio y satisfechos ya los cinco mil p^s de que habla la proposicion primera preferiré á la Junta en la venta del azogue puesto en Mazatlan á razon de 100 p^s qq^l.

7^a. La Junta representara al Supremo Gob^o la necesidad de que apruebe la posecion que se me ha dado de la mina por las autoridades locales de Californias en los mismos terminos en que hoy la tengo.

8^a. Ygualmente le representará las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posesion minera con el objeto de poderme aprovechar de las maderas para mis quemas.

9^a. Al cumplimiento de este contrato hipoteco la misma mina y todas sus [Page 22 red ink] pertenencias.

El q^e suscribe sujeta á la deliveracion de la Junta esta solicitud la q^e aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios y Libertad. Mejico 12 de Mayo de 1846.

ANDRES CASTILLERO.
[Rubric.]

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[Page 23 red ink, and 13 black ink.]

E. S.—Habiendo dado cuento al E. S. Presid^te interino de la Rep^ca con la nota de V. E. de 14 del presente á q^e se sirvio acompañar con recomendacion la solicitud del Sr. D. Andres Castillero p^a el fom^to de la mina de Azogue q. ha descubierto en la Mision de S^ta Clara en la Alta California; se ha servido V. E. aprobar en todas sus partes el convenio celebrado con dho. individuo p^a principiar la explotacion de dho. mineral, y con esta fha se hace la comunicacion q. corresponde al Ministerio de Relaciones exteriores y gobernacion p^a q. libre las ordenes oportunas por la respectivo á lo q. contiene la 8ª proposicion á la concesion de terrenos en aquel departamento.

Reitero á V. E. &ª.

[Rubric.]

Dª &ª. Mayo 20 de 1846.

E. S. D. Vicᵗᵉ Segura Presidᵗᵉ de la Junta de Fomento de Mineria.

—

E. S.—Hoy digo al E. S. D. Vicᵗᵉ Segura Presidᵗᵉ de la Junta de fomento de Mineria lo q. copio.

"E. S.—Habiendo &ª."

Y tengo el honor de insertarlo á [Page 24 red ink] V. E. á fin de q. por lo respectivo á la solicitud del Sʳ Castillero á q. ha tenido á bien acceder el E. S. Presidᵗᵉ interino sre. q. como colono se le conceda dos sitios de ganado mayor sre. el terreno de su posesion minera se sirva V, E. libran las ordenes de q. se trata.

Reitero &ª.

Fha. ut supra.

E. S. Ministro de Belaciones exteriores y gobernacion.

—

Jose Miguel Arroyo, Intendente honorario de Ejército y Oficial Mayor primero del Ministerio de Relaciones exteriores de la República Mexicana,

Cértifico: que en los archivos de este Ministerio existe un expediente relativo al descubrimiento de una Mina de Azogue por Dⁿ Andres Castillero en la mision de Santa Clara en la Alta California titulado "Ministerio de Justicia é instruccion "pública.=Año de 1846.=La Junta de Fomento de Mineria "participa que Dⁿ Andres Castillero ha descubierto en la mision "de Santa Clara de la Alta California un criadero de cinabrio "de exelente calidad, y acompaña la representacion de este Sor. "en que pide avio para la esplotacion de dicha mina."—Certifico ademas que las precedentes y anexas veinticuatro paginas numeradas por mi con tinta incarnada del número uno al veinticuatro inclusives de papel transparente, son una verdadera y exacta copia ò calco del referido expediente compuesto de comunicaciones oficiales, copias, minutas ò borradores de oficinas, notas y acuerdos, que es lo que constituye el citado expediente.

No. 9.

En testimonio de lo cual doy el presente bajo mi firmo y sello de oficio de este Ministerio, hoy diez de Enero, de mil ochocientos cincuenta y nueve.

[Seal.]

J. MIGUEL ARROYO.
[Rubric.]

—

[Seal], confining ribbon, with following names attached:

Castillo Lanzas, Marzo 29, '859.
[Rubric.]

(Endorsed, Jose M. de Bassoco, Abril 19.)
[Rubric.]

Abril 23 de 1859. A. J. de Velasco.
[Rubric.]

Mariano Miranda, Marzo 29 de 1859.
[Rubric.]

(Endorsed, Abril 18 de 1859. J. M. Yrissari.
[Rubric.]

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No. 4. Consulate of the U. S. of America,
Mexico, January 17th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 38.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

Fees, $2.

[Seal.]

JOHN BLACK,
*U. S. Consul.*

## EXHIBIT BASSOCO NO. 9, O. H.

SECRETARIA DE ESTADO Y DEL
DESPACHO DE GOBERNACION.

[Page 1 red ink.]

Minist$^{o}$ de Relaciones ext$^{res}$,
gob$^{on}$ y policia. Año de 1846.

No. 67. Yndiferente.

El Gob$^{or}$ de Californias sobre descubrim$^{to}$ de una Mina de azogue en aq. Departam$^{to}$ y remite una muestra de ese ingrediente concesion de dos sitios al Sr. Castillero inmediato á la Mina de azogues.

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[Page 2 red ink.]

[SEAL.]

Ab$^{l}$ 6, '846. R$^{bo}$ y enterado con satisf$^{on}$; y q. respecto á los otros puntos de q. trata la carta informe con detencion lo q. se le ofrezca. [Rubric.]

Exmo. Señor.—Por la adjunta carta del Señor D$^{n}$ Andres Castillero que atentamente acompaño á V. E. original, se impondrá del buen descubrimiento que de una mina de azogue se ha hecho en este Departamento.

En tal virtud aprovecho la buena oportunidad de remitir á V. E. con el Señor Comisionado de este Gobierno D$^{n}$ José M$^{a}$ Covarrubias el azogue q como muestra me mando el Sor. Castillero y se refiere en su carta mencionada.

Con tal moti [Page 3 red ink] vo suplico á V. E. se sirva poner esto en el superior conocimiento del Exmo Sor Presidente, manifestandole el azogue que produce dicha mina, para q. S. E. se imponga y quede complacido de tan feliz descubrimiento.

Repito á V. E. nuevamente las atenciones de mi consideracion y respeto.

Dios y Libertad.

Angeles, Febrero 13 de 1846. PIO PICO.
[Rubric.]

Exmo Señor Ministro de
Relaciones exteriores.

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[Page 4, red ink.]

E. S. Governador D$^{n}$ PIO PICO.

MISION DE SANTA CLARA, D$^{re}$ 10, 1845.

Estimad$^{mo}$ am.

Hay remito á V. una muestra de azogue que he sacado á presencia de muchos testigos. La mina está denunciada por mi, y formamos una comp$^{a}$ entre algunos.

V$^{nd.}$ y la Junta Departamental estoi seguro que apreciaran un descubrim$^{to}$ que formara la riquesa del pais, y queremos se nos conceda el terreno baldio cerca de nuestros trabajos p$^{a}$ cortar leña con la ord$^{n}$ de posesion.

Es tanto el azogue que hay que ocho arrobas de piedra dieron una arroba de metal, y en mi concepto hay muchas, y se puede hacer grande estraccion.

Estimare á V. tambien mande darme posesion de la Ysla de Santa Cruz que me consediò el Sup$^{o}$ [Page 5 red ink] Junto q$^{e}$ á los S$^{res}$ Carrillos; ya está mercado el ganado q$^{e}$ se ha de embarcár, y la posesion me la puede dar D$^{n}$ Anastacio Carrillo.

Que V. se conserve sin novedad y que mande á su af$^{mo}$ amigo que lo estima aprecia sus ordenes y atento. B. L. M.

ANDRES CASTILLERO.
[Rubric.]

P. L.—Saludeme V. á los amigos Cobarrubias y Valle y el Sr Hijar que p$^{r}$ que no me contesta tres cartas q. le he remitido, dandole tambien memorias.

[Page 6, red ink.]

Al E. Sr. Governadór del Departamento de Calif$^{as}$ D$^{n}$ Pio Pico.
Angeles.

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[Page 7, red ink.]

E. S.—Queda ent$^{do}$ con satisfaccion el E. S. S. int$^{o}$ por la carta del Sr. Castillero q. V. E. me remitiò con oficio de 13 de Febrero ultimo, del importante descubrim$^{to}$ q. se ha hecho de una mina de azogue en ese Departam$^{to}$ habiendo visto S. E. la muestra q. de ese ingrediente cita la mencionada carta y V. E. me mandò con D. José M$^{a}$ Cobarruvias.

Tengo el honor de decirlo á V. E. de Sup$^{ma}$ orn. en respuesta al oficio ref$^{do}$, asi como q. respecto de los otros puntos q. trata la carta del Sr. Castillero, inf$^{e}$ ese Gob$^{no}$ con detencion lo q. crea conven$^{te}$.

CASTILLO LANZAS.

D. Abril 6, '846.

E. Sr. Gob$^{or}$ del D.
de Californias. P$^{to}$ de los Angeles.
[Rubric.]

[Page 8, red ink.]

MINISTERIO DE JUSTICIA Y
INSTRUCCION PUBLICA.

Hoy digo al E. S. D$^{n}$ Vicente Segura Presidente de la Junta de fomento de Mineria lo siguiente:

Mayo 23, '846.
Espidarse las orns. á q$^{e}$ se contrae esta comunic$^{n}$.
[Rubric.]

"E. S.—Habiendo dado cuenta al E. S. Presidente int$^{o}$ con la nota de V. E. de 14 del presente á q. se sirvió acompañar, con recomendacion, la solicitud del Sr. D$^{n}$ Andres Castillero p$^{a}$ el fomento de la Mina de Azogue q. ha descubierto en la mision de Sta Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dho. individuo para principiar la esplotacion de dho. mineral, y con esta fha. se hace la comunicacion q. corresponde al Minist$^{o}$ de Relac$^{s}$ esteriores y Gobernac$^{n}$ para q. libre las ordenes oportunas p$^{r}$ lo respectivo á lo que contiene la 8$^{a}$ proposicion relativa á la concesion de terrenos en aquel Departamento."

Y tengo el honor de insertarlo á V. E. á fin de q. p$^{r}$ lo respectivo á la solicitud del Sr. Castillero á q. ha tenido á bien acceder el E. S. Presidente interino sobre q. como Colono se le conceda dos sitios de ganado mayor sobre el terreno de su posecion minera se sirva V. E. librar las ordenes de que [Page 9 red ink] se trata.

Reitero á V. E. la seguridades de mi consideracion y aprecio.
Dios y Libertad. Mexico Mayo 20 de 1846.

BECERRA.
[Rubric.]

E. S. Ministro de relaciones
esteriores y gobernacion.

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[Page 10, red ink.]

E. Sr.—El E. Sr. Ministro de Just$^{a}$ en oficio de 20 del cor$^{te}$ me dice lo q. copio.

"E. S.—Hoy digo &."

Y lo transcribo á V. E. para que con arreglo á lo q. prevengan las leyes y disposiciones sobre colonizacion, ponga al Sr. Castillero en posesion de los dos sitios q. se mencionan.

D. Mayo 23, '846.

CASTILLO LANZAS.
[Rubric.]

E. Sr. Gob$^{or}$ del D. de Californias.

Jose Y. de Anievas, Oficial mayor de la Secrétaria de Estado y del Despacho de Gobernacion.

[SELLO.] Certifico: que en los archivos de esta Sria. ecsiste un espediente relativo al descubrim$^{to}$ de una mina de azogue p$^{r}$ D. Andres Castillero, en la mision de Sta Clara en la Alta California, y cuyo espediente en el òrden correlativo de los negocios que se giraban p$^{r}$ el Ministerio de Relaciones Gobernacion y Policia en el año de 1846, fue asentado en el índice respectivo, bajo el núm$^{o}$ 67, siendo su carátula la slg$^{te.}$:

"Ministerio de Relaciones Esteriores, Gobernacion y Policia. =Año de 1846.=N$^{o}$ 67.=Yndiferente.=El Gobor. de Californias sobre descubrimiento de una mina de azogue en aquel Departamento, y remite una muestra de ese ingrédiente.=Concesion de dos sitios al Sor. Castillero, inmediatos á la mina de azogues."

Certifico ademas que las precedentes y ancesas diez páginas numeradas por mí con tinta encarnada del nùmero 1 al 10, de papel trasparente, son una verdadera y esacta copia ò calco del referido espediente, compuesto de comunicaciones oficiales, cartas, minutas ò borradores de Oficina, notas y acuerdos, que es lo que constituye el citado espediente que he visto y comparado.

En testimonio de lo cual doy el presente bajo mi firma y con el sello de Oficina de esta Secretaría, hoy siete de Enero de mil ochocientos cincuenta y nueve.

J. Y. DE ANIEVAS.
[Rubric.]

—

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, México, Marzo 29, '859.
[Rubric.]

(Endorsed, Abril 23 de 1859. A. J. DE VELASCO.)
[Rubric.]

MARIANO MIRANDA, Marzo 29 de 1859.
[Rubric.]

JOSE M. DE BASSOCO, Abril 14 de 1859.
[Rubric.]

(Endorsed, Abril 19 de 1859. JOSE MA. YRISSARI.)
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial mayor 1$^{o}$ del Ministerio de relaciones esteriores de la República Mexicana.

Certifico: que D$^{n}$ J. Y. de Anievas es Oficial
48 mayor del Ministerio de Gobernacion de la propia
[SELLO.] República y lo anterior firma es la suya que usa en
los documentos q. autoriza.

México Marzo 11 de 1859.

J. MIGUEL ARROYO.
[Rubric.]

Dros. 4 p$^{s}$.

[SELLO.]

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No. 100. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 50. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

Fees, $2.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

## EXHIBIT BASSOCO, NO. 10, O. H.

[Page 1, red ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Ab$^{l.}$ 23, '846. Pase de preferencia á la Junta facultativa del Colegio.

TORNEL.
(Rubric.)

E. S.—Habiendo presentado el S. D. Tomas Ramon del Moral á la Junta unas muestras de cinabrio de la mision de S$^{te}$ Clara en Californias que remite el S. D$^{n}$ Andres Castillero con las adjuntas copias para ecsitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del cinabrio en ei lavoratorio de ese Colegio sirviendose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios (Page 2 red ink) y Libertad. Mejico Abril 21 de 1846.

VICENTE SEGURA,
Pre$^{e.}$ [Rubric.]

Por ocupacion del Srio.
YSIDRO R. GONDRA,
Oficial 1°.

E. S. Gral D. José M$^{a}$ Tornel, Dir$^{r}$
del Colegio nacional de Mineria.

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[Page 3, red ink.]

SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA.

El Sor D. Andres Castillero, comisionado por el Supremo Gobierno el año p$^{o}$ p$^{do}$ para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas en la Mision de Sta. Clara, en 19 y 22 de Febrero del presente año lo que sigue:

"A distancia de 5 leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de Azogue, y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado por encima de la veta, tambien va un poco de Azogue del q. sacamos con la mayor facilidad; el Sor Director del Colegio de Mineria D. Ramon del Moral, hade recibir mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gobierno Supremo no necesitará la Republica Azogue de afuera."

" Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aqui; el carbon de piedra es [Page 4, red ink] abundantisimo y se encuentra en la costa de la Bahia de San Fran$^{co}$ de modo q. los buques de vapor hechando sus embarç$^{s}$ menores, pueden cargar todo el q. necesiten; este descubrim$^{to}$ lo hizo el Sor Coronel D. Juan B. Albarado; el cristal de roca es un cerro muy grande."=Es copia. Mejico Abril 13 de 846.=

J. J. DE HERRERA.

Es copia.=Mejico Abril 21 de 846.

YSIDRO R. GONDRA,
Oficial 1°. [Rubric.]

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[Page 5, red ink.]

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

Sor. Director del Colegio de Mineria Don Ramon del Moral.

MISION DE STA. CLARA, Fbro. 19 de 846.

Mi muy estimado amigo y Sor. q. aprecio:

V. sabe lo aficionado q. soy al ramo de Min$^{a}$ y empeñado en encontran una mina buena de Azogue he dado aqui con un criadero abundantisimo; al E. S. Presidento remito junto con esta unas piedras de Sinabrio y un poco de Azogue estamos formando un horno y hemos ensayado dho. metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua asi nos ha dado el 30 p$^{o}_{o}$.

Yo estimare á V. q. se tomase la molestia en obsequio del bien público q. se ensayase este metal por depender de su trabajo esta operacion.

Que V. y toda la fam$^{a}$ se conserven buenos y q. mande cuanto guste á su affmo S. S. Q. B. S. M.=ANDRES CASTILLERO.

[Page 6, red ink.]

Es Copia. Mejico Abril 21 de 1846.

YSIDRO R. GONDRA,
Oficial 1°. [Rubric.]

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Joaquin Velasquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico que en los archivos de este Colegio actualmente bajo mi cargo y custodia ecsiste una comunicacion original del Sor. D$^{n}$ Vicente Segura Presidente de la Junta de Fomento y

Administrativa de Mineria y las copias de las cartas que acompaña referentes al descubrimiento de una Mina de Azogue en California por D$^n$. Andrés Castillero.=Certifico ademas que las precedentes y anecsas copias en seis paginas numeradas por mi con tinta encarnada del numero 1 al 6 inclusive, son una verdadera y esacta copia ó calco de dichos documentos que ecsisten y constituyen parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma sin el sello de oficio por no tenerlo esta oficina.

Mexico, Febrero 18 de 1859.

JOAQUIN VELAZQUEZ DE LEON.
[Rubric.]

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[SELLO.] El que suscribe, Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio de la República Mexicana.

Certifico que D. Joaquin Velazquez de Leon, es Direcior del Colegio nacional de mineria que se halla bajo la inspeccion de este Ministerio. Atesto igualmente que los archivos del Colegio estan en la actualidad al cargo de dicho Director, y que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.

En testimonio de lo espuesto, doy el presente firmado por mí y sellado con el sello de este Ministerio hoy 11 de Marzo de 1859.

[SELLO.] P. ALMAZAN.
[Rubric.]

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José Miguel Arroyo, Yntendente honorario de Ejército y oficial mayor del Ministerio de Relaciones esteriores de la República mexicana.

53
[SELLO.] Certifico que D. Pascual Almazan es oficial mayor del Ministerio de fomento, colonizacion, industria y Comercio de la propia Repùblica, y la anterior firma es la suya que usa en los documentos que autoriza.

Mexico, Marzo 12 de 1859.

Dros. 4 p$^s$. J. MIGUEL ARROYO.
[Rubric.]

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[SEAL], confining ribbon, with following names attached:

JOSE M. DE BASSOCO, Abril 14, 859.
[Rubric.]

ANTO. DEL CASTILLO, Abril 23 de 1859.
[Rubric.]

(Endorsed, BLAS BALCARCEL, Abril 23 de 1859.)
[Rubric.]

No. 104. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the countries, to be used in Foreign countries, and that the Seal of said Department attached to said certificate, is the same used in the legalization of all documents by said Officer.

Register J, folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

## EXHIBIT BASSOCO, NO. 11, O. H.

[Page 1 red ink.]

DIRECCION DEL COLEGIO NACIONAL
DE MINERIA.

JUNTA FACULTATIVA,
*Sesion de* 24 *de Marzo de* 1846.

Reunidos en el salon de Juntas el Sor. D. Ramon del Moral como presidente y los SS. Barcarcel, Navarro, Camacho y el q. subscribe, se leyeron unos documentos de la Junta de Fomento de Mineria q. paso el E. S. Dror. con fha 21 del presente mes á esta Junta relativos á un criadero de Cinabrio descubierto en Californias por el Sor. D. Andres Castillero y á otro de Carbon de piedra de la Costa de la Bahia de S$^n$ Francisco, pidiendo q. se hicieran los ensayes de las muestras del Cinabrio remitidal al Scr Moral por el descubridor. La Junta acordó se informara conforme á lo q. ya se habia prácticado, es decir, q. unas de las espresadas muestras ya se habian ensayado por el Sor. D. Manuel Herrera y otros depositado en el Gabinete de Mineralogia, q. la ley de las muestras, salio con un 35½ por 100 de Azogue pues eran tan ricas q. se componian de cinabrio puro; y por ultimo q. se eshortara al E. S. Director para q. interpusiera su influjo con el Sup$^o$ Gob$^o$ y la Junta de Fomento de Mineria á fin de q. fuese eficasmente premiado el Sor Castillero por haber hecho un descubrimiento tan importante.=La Junta acordó igualmente el q. se conservase copia de los citados documentos en su secretaria con lo q. se levantó la sesion.

TOMAS RAMON DEL MORAL.
[Rubric.]

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[Page 2 red ink.]

DIRECCION DEL COLEGIO NACIONAL
DE MINERIA.

Por el oficio de V. de 24 del pasado, me hé enterado que las muestras remitidas por el Sor. D. Andres Castillero fueron ensayadas por el profesor de Quimica D. Manuel Herrera, de que resultó que diesen una ley de 35½ por 100, por lo que dicho Sr. Castillero se ha hecho digno de la eficaz proteccion del Supremo Gobierno, q. de la junta de fomento administractiva de este Colegio; á quien con ésta fha. traslado el citado oficio de V. p$^a$ su conocimiento.

Dios y Libertad. Megico, Abril 29 de 1846.

JOSE MARIA TORNEL.
[Rubric.]

Sr. D. Tomás Ramon del Moral Presidente de la Junta de Fomento del Colegio nac$^l$ de Mineria.

Joaquin Velasquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico: que en los archivos de este Colegio actualmente bajo mi cargo y custodia existen varias actas ó memorias de Sesiones de la Junta Facultativa de dicho Colegio, y varios otros Documentos pertenecientes á dicha Junta Facultativa, y que entre ellos existe una Acta ó Memoria de Sesion titulada ”Junta Facultativa, Sesion de 24 Marzo de 1846” firmada por D$^{n}$ Tomás Ramon del Moral con su firma y rubrica—y tambien existe una comunicacion original por José Maria Tornel dirijida al ”Senor D$^{n}$ Tomás Ramon del Moral Presidente de la Junta de Fomento del Colegio Nacional de Mineria.” Certifico ademas las precedentes y anecsas dos paginas numeradas por mi con que tinta encarnada del 1 al 2 inclusive son una verdadera y esacta copia ò calco de dichos documentos que existen y forman parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma, sin el sello de oficio por no tenerlo esta Oficina.

Mexico Febrero 18 de 1859.

JOAQUIN VELAZQUEZ DE LEON.
[Rubric.]

—

El que suscribe, Oficial Mayor del Ministerio de Fomento, Colonizacion Yndustria y Comercio de la República Mexicana.

Certifico que D. Joaquin Velazquez de Leon, es
[SELLO.] Director del Colegio nacional de Mineria que se
halla bajo la inspeccion de este Ministerio. Atesto igualmente que los archivos del Colegio estan en la actualidad al cargo de dho. Director, y que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.

En testimonio de lo espuesto, doy el presente firmado por mí y sellado con el sello de este Ministerio hoy 11 de Marzo de 1859.

[SELLO.]

P. ALMAZAN.
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejército y Oficial Mayor 1° del Ministerio de Relaciones Esteriores de la Repùblica mexicana.

52 Certifico que D. Pascual Almazan es oficial mayor del Ministerio de fomento, colonizacion industria y comercio de la propia República, y la anterior firma es la suya que usa en los documentos que autoriza.

Mexico Marzo 12 de 1859.

Dros. 4 p$^{s}$.

J. MIGUEL ARROYO.
[Rubric.]

[SEAL], confining ribbon, with following names attached:

JOSE M. DE BASSOCO, Abril 14, 859.
[Rubric.]

(Endorsed, ANTO. DEL CASTILLO, Abril 23 de 1859.)
[Rubric.]

BLAS BALCARCEL, Abril 23 de 1859.
[Rubric.]

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No. 106. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

# EXHIBIT BASSOCO, NO. 12, O. H.

[Page 1 red ink, and 140 black ink.]

Julian Dufart, C$^{o}$ Mejicano quejandose del retardo que sufre su causa en el Juzgado del S. Pares de Lebrija.

Mayo 11. Remitase á la Supma Corte de Just$^{a}$ para las provid$^{s}$ que correspondan.

El C$^{o}$ José M$^{a}$ Yrissari of$^{l}$ 8$^{o}$ de este Minist$^{o}$ pide permiso p$^{a}$ contrahen Matrimonio con la Srita D. Carlota Herrera.

Yd. 18. Concedido.

El Lic$^{do}$ D$^{n}$ Carlos M$^{a}$ Bustamante pide se ponga en libertad al E. S. D. Ygn$^{o}$ Frigueros constituyendose fiador y responsable a las resultas del juicio.

Yd. 18. Pasese al Minist$^{o}$ de la Grra. p$^{a}$ la provid$^{a}$ de su recorte.

El C. M. M. al Campo en representacion y p$^{r}$ encargo del Sr. Canonigo de la S$^{ta}$ Yglesia de Vajaca pide se le conceda pase al rescripto pontificio q$^{e}$ acompaña.

Yd. 18. Al Consejo.

Catalino Barroso Coronel de Ejercito y Gefe del Betall de ha plaza de Queretaro, solicita una beca para su hijo del Colegio de S$^{n}$ Yldefonso.

Yd. 19. Ynforme el S. Rector del Colegio de S. Yldefonso.

[Page 2 red ink.]

El S. Presid$^{te}$ de la Junta de fomento de Mineria acompaña con recomendacion la solicitud de D. Andrés Castillero p$^{a}$ el fomento de la mina de Azogue que ha descubierto en la mision de S$^{ta}$ Clara en la alta California.

Mayo 20. Se concede en los terminos en q$^{e}$ se propone; y por lo tocante al terreno, librese la orn. correspondiente al Minist$^{o}$ de Relac$^{s}$ p$^{a}$ las providencias de su recorte en concepto de que el Gobno. Supmo. esta anuente á la solicitud.

Felipa Lopes de Dávila se queja de algunas injusticias de q$^{e}$ solicita una reparacion.

Yd. Yd. Ecsitese al Tribunal Sup$^{r}$ respectivo p$^{a}$ q$^{e}$ administre just$^{a}$.

Yd. 28. El C. Agustin Peza escrib$^{te}$ 2$^{o}$ de este Minist$^{o}$ solicita un mes de licencia p$^{a}$ restablecer su salud.

id. Como lo pide.

Jun$^{o}$ 18. El E. S. Ministro de Relac$^{s}$ Exteriores inserta la comunicac$^{n}$ dirijida al E. é Y. S. D. José M$^{a}$ Luciano Becerra avisandole que dar admitida p$^{r}$ el E. S. Presid$^{te}$ la dimision q$^{e}$ hace del Despacho de este Minist$^{o}$ quedando encarg$^{do}$ de su desp$^{o}$ D. José M$^{a}$ Durán.

Yd. 23. Recibido hoy. Enterado.

Yd. 27. D$^{n}$ Antonio Carrillo remite una instancia relativa á una compra que hizo de varios efectos que estaban embargados en la Admon. pral. de Rentas de Sonora.

Junio 23. Con esta fha se paso al Minist$^{o}$ de Hacienda.

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MINISTERIO DE JUSTICIA, NEGOCIOS ECLESIASTICOS E INSTRUCCION PUBLICA.

El que suscribe, Oficial 1$^{o}$ del Ministerio de Justicia, Negocios Eclesiasticos é Ynstruccion Publica y Mayor honorario del mismo con ejercicio de decretos.

[SELLO.] Certifico que en el Archivo de este Ministerio existe un libro encuadernado en lienzo y compuesto de ciento cincuenta y siete fojas numeradas del 1 al 157 inclusive, titulado "*Libro General Quince Años de* 1841 *y* 1842, *y sigue en* 1843, 1844, 1845 *y* 1846." Certifico igualmente que ese libro que era en el que se asentaban en su debida fecha los estractos de los negócios que entraban al Ministerio y de los acuerdos que el Ministro dictaba sobre ellos; está lleno con los asientos de los años que en la carátula se mencionan, y que los correspondientes al año de 1846 comenzan en la foja 122 y acaban en la 157 vuelta con un acuerdo que tiene fecha de 10 de Julio del año mencionado de 1846. Certifico por último que las dos paginas anexas de papel transparente numeradas con tinta encarnada del 1 al 2 son una verdadera y exacta cópia ó calco de la foja ciento cuarenta del Libro General tantas veces mencionado que existe y forma parte del Archivo de este Ministerio. En testimonio de lo cual y de órden Suprema estiendo el presente bajo mi firma, con el sello de ofício de esta Secretaria en México á 23 de Febrero de 1859.

MAR$^{A}$ ALEGRIA.
[Rubric.]

—

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, Marzo 29, '859.
[Rubric.]

MARIANO MIRANDA, Marzo 29 de 1859.
[Rubric.]

JOSE M. DE BASSOCO, Abril 14 de 1859.
Rubric.

(Endorsed, Abril 18 de 1859. J. M. YRISSARI.
[Rubric.]

José Miguel Arroyo, Yntendente honorario de Ejército y Oficial mayor 1º del Ministerio de Relaciones Esteriores de la República mexicana.

Certifico que D. Mariano Allegría es oficial mayor
49 honorario del Ministerio de justicia de la propia
[Sello.] Repúbiica, y la anterior firma es la suya que usa en
los documentos que autoriza. México 11 de Marzo
de 1859.

Dros. 4 p$^{s}$.

[Sello.] J. MIGUEL ARROYO.
[Rubric.]

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No. 105. Consulate of the U. S. of America,

Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 51. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and
Fees, $2. year first above written.

[Seal.] JOHN BLACK,
*U. S. Consul.*

## EXHIBIT BASSOCO, NO. 13, O. H.

Esposicion de la Junta de Fomento y Administrativa de Mineria.—Primer apéndice de la Memoria de Justicia.—Mexico: Imprenta de Ignacio Cumplido, calle de los Rebeldes número 2.—1845.

## APÉNDICE.

*Esposicion dirigida al Supremo Gobierno por la Junta de Fomento y Administrativa de Mineria, sobre el reconocimiento de criaderos de Cinabrio en la República, inversion de los fondos destinados al banco de azogues, y utilidad de fomentarlo.*—Mexico, 1845: Imprenta de Ignacio Cumplido, calle de los Rebeldes número 2.

Junta de Fomento y Administrativa de Mineria. } Numero 389.

Escmo. Señor:

Aunque la Junta de fomento y administrativa de Mineria no está obligada por ley, á dar cuenta al supremo Gobierno del modo con que ha desempeñado los deberes que le impuso la de su ereccion, cediendo á las inspiraciones de su natural delicadeza, á los deseos que la animan de que sus actos puedan ser apreciados con el conocimiento de los hechos; pero especialmente á su conviccion de que serian incalculables las ventajas de publicar una Memoria comprendiendo lo mas notable del ramo de Minería, se propuso formarla, y al efecto pidió diversas noticias que dolorosamente hasta hoy han quedado sin remitírsele en la mayor parte.

No pudiendo, pues, llenar este objeto, considerando la urgente necesidad de azogue que tiene la Repùblica, y la de que su adquisicion se haga con menos quebrantos: que el silencio de la Junta sobre el particular en las presentes circunstancias podria perjudicar notablemente al ramo, y que V. E. aprovecharia en bien comun los datos relativos para la formacion de su Memoria, ha creida que, por lo menos, debia elevarle la presente esposicion instructiva.

La Junta agraviaria la notoria ilustracion del actual Ministerio, si pretendiera manifestarle todas las razones que ecsigen el fomento del ramo de azogues, y que persuaden de la influencia que protegiéndolo debe ejercer en la prosperidad mexicana; porque para conocerlas, solo se necesita recordar: que como todavia no puede usarse de otra alguna sustancia en el beneficio de los metales por amalgamacion, á cuya clase pertenecen casi todos los que producen las minas de oro y plata, es absolutamente indispensable adquirir aquel artículo esplotando las de cinabrio del pais, é importándolo de las estrangeras.

En esta inteligencia, y en la de que monopolizado del azogue español e insuficiente el de otras naciones aun para cubrir sus propias necesidades, si la Repùblica no hace grandes esfuerzos para mejorar su situacion bajo este respecto, el precio continuará siendo mas y mas alto, dependiente el pais de otros por el mismo motivo, y reducido el producto de las minas; quedando ademas en su mayor parte espuesta á cegarse una de las principales fuentes de la riqueza pública, la Junta espondrá á V. E. compendiosamente las medidas que para impedir los espresados males adoptó el Gobierno provisional, los resultados que han dado y las que, á juicio de la Junta, deben tomarse, para que no sean ilusorios los recomendables fines con que se espidieron los respectivos decretos.

La ley orgánica de la Junta, dada por la Administracion provisional en 2 de Diciembre de 842, y publicada en esta ciudad por bando de 11 del mismo, al determinar las atribuciones del cuerpo comprendiò, entre otras, la de que formara con aprobacion del Supremo Gobierno (artículo 10) un reglamento sobre el modo con que debiera adquirirse, repartirse, y venderse el azogue á los beneficiadores de metales; designándose los casos y la manera con que se habia de aviar, premiar, ò de otra suerte, estimular y proteger el laboreo de minas de aquel en la República. Puso al cargo de la Junta (artículo 13) todos los caudales que produjera el fondo que manejó el antiguo establecimiento y el creado para la adquisicion de azogues, así como su reparticion esclusiva (articulo 18) á costo y costas entre los mismos beneficiadores, los productos de venta, y la ecsistencia del que resultara sin enagenarse. Constituyó este fondo con las dos terceras partes del aumento de derechos de importacion señalado en la misma fecha á los lienzos y tejidos de algodones estrangeros, y previno que la Junta pudiese dar el azogue (artículo 19) con la garantía correspondiente y en los términos que estableceria el reglamento, quedando facultada para hacer efectivo el cobro, ocurriendo por sí ó por medio de sus agentes á los jueces de hacienda, á fin de estrechar al cumplimiento de sus obligaciones á los individuos que las contrajeran, y reducir al pago á los que lo resistiesen. Dispuso (articulo 20) la publicacion cada cuatro meses del estado de los repartimientos de azogue, espresando las cantidades compradas por la Junta, sus remitidas á cada mineral y los nombres de los beneficiadores interesados: que en caso de queja por desigualdad ò injusticia en el repartimiento decidiera el Supremo Gobierno, y que cuando llegara á reunirse el fondo equivalente á 24 mil quintales de azogue (articulo 21) cesara de aplicarse al efecto la parte designada del referido aumento de derechos.

Otra ley espedida en el mismo dia 2 y publicada tambien el 11 de Diciembre previno: (artículo 2°.) que con el producto de la diferencia en los derechos que establecia, y el gravámen impuesto por diverso decreto de la propia fecha á los malacates y fàbricas, se formase un solo fondo, del cual se aplicara una tercera parte al fomento de la industria por el término de cinco años, y las dos restantes al de la Minería en cuanto fuera absolutamente necesario, segun el concepto de la 1ª disposicion, ingresando lo demas en las arcas públicas, así como, en su caso, lo destinado á la industria, á cuyo efecto tendria el Gobierno la intervencion conveniente en este punto; en la inteligencia (artículo 3°.) de que los administradores de las aduanas marítimas conservarian en rigoroso depòsito lo que se recaudase por la espresada diferencia para entregarlo á los agentes que hubiesen de percibirlo sin poder darle otra aplicacion bajo su mas estrecha responsabilidad, y de que comenzaria á verificarse el cobro del aumento (articulo 4°.) en las aduanas marítimas de los puertos del Seno Mexicano á los 45 dias de publicado el decreto en la capital de la República en cuanto á los efectos que se condujeran en buques procedentes de los puertos de las Antillas, Centro-América, y Estados-Unidos; y á los tres meses respecto de los que llegasen de los puertos de Europa, y de los Estados de Sur-América, y en las aduanas marítimas del Sur á los seis meses para los buques que llegáran con procedencia de los puertos de las Antillas, Centro-América, Estados-Unidos y de Europa, y á los tres meses para los que arribáran de los puertos de los Estados de Sur-América.

Aunque la Junta creyò suficiente el fondo designado para la compra de los 24,000 quintales fijados por la ley, teniendo en consideracion que debia irse formando paulatinamente en razon de las importaciones de los efectos gravados, causa por la que en los primeros años seria muy poco el azogue que pudiera proporcionarse; que pasarian muchos para la adquisicion del total de los 24 mil quintales; y que la necesidad de proveer de este ingrediente á los mineros era, como es hoy urgentísima, en 10 de Febrero de 843, y coe el fin de que se ocurriese á ella cuanto antes fuera posible, propuso el único arbitrio que se le presentó reducido á que se le facultara para disponer de una suma de pesos competente, á fin de entrar en convenios con el Gobierno español; proporcionándose al efecto un empréstito hasta de dos millones de pesos, dentro ó fuera del pais; y persuadida de que segun fueran mas ò menos buenas, mayores ó menores los hipotecas que afianzaran el pago de réditos anuales y la amortizacion del capital, así serian las ventajas con que podria lograrse el realizarlo; consultò que el 3 por 100 impuesto al oro y plata por el artìculo 6°. de la ley de 22 de Noviembre de 1821 publicada en 20 de Febrero de 822, (que en Zacatecas no satisfacen los mineros del Fresnillo, y en la capital estaba consignado al establecimiento del Apartado), se diera á la Junta para que, unido al fondo que creò la ley de 2 de Diciembre, diese suficiente seguridad á los prestamistas. En consecuencia por decreto de 17 de Febrero de 1843, se facultó á la Junta (articulo 1°.) para contratar um empréstito hasta de dos millones de pesos en la República ó fuera de ella, con el menor grávamen posible y con el objeto de procurar la contrata del azogue de la mina dé Almadén, quedando (articulo 2°.) sometida á la aprobacion del supremo Gobierno y la Junta, con la facultad (articulo 3°.) de entrar en negociaciones con el Gobierno español para la contrata del espresado mineral, por la cantidad de quintales á que se contrajo la ley citada de 2 de Diciembre, señalándose por hipoteca de la contrata (articulo 4°.) el fondo que creò la misma ley, y ademas el 2 por 100 del 3, que sobre el valor del oro y de la plata debia de contarse como contribucion conforme á lo prevenido en el art. 6°. de la ley de 20 de Febrero de 822 ingresando en los fondos del ramo de minería, luego que estuviese celebrada la contrata del azogue, con calidad de reintegro á la hacienda pública por los mismos productos que diere en su venta á los mineros, quedando tambien la contrata (articulo 5°.) que la Junta celebrara con el Gobierno de S. M. C. sometida á la aprobacion del de la República.

En 17 de Abril de 1843, se publicó en esta capital el decreto de 7 del mismo, aumentando (articulo 1°.) en un 20 por 100 los derechos de importacion que se cobraban por el arancel de 30 de Abril del año anterior, mientras durara la guerra contra los sublevados de Tejas y disidentes de Yucatan; y previniendo (artículo 2°.) que los lienzos y tegidos de algodon, blancos, trigueños y pintados, á que se contrajo el decreto de 2 de Diciembre, solamente pagaran la cuota que por él se les señalo para el fomento de los ramos de minería é industria, haciéndose el cobro desde la fecha prefijada por el decreto posterior de 24 del mismo Diciembre. Previno tambien (articulo 4°.) que el importe del aumento del 20 por 100, así como la diferencia entre las cuotas fijadas por el arancel, á los lienzos y tegidos de algodon, y las que designó el mencionado decreto de 2 de Diciembre, se satisfaciese en libranzas pagaderas al vencimiento de los plazos señalados en el mismo arancel, para los derechos de importacion, girándolas á favor de la tesorerìa general, en donde se conservaria en rigoroso depósito á disposicion del Supremo Gobierno; en concepto (articulo 5º.) de que las aduanas marítimas para el cumplimiento de lo prevenido, aumentaria á la totalidad de derechos á que ascendiesen las hojas de despacho, con arreglo al repetido arancel, el 20 por 100 poniendo en columna separada el cobro de la diferencia.

De conformidad con lo informado por la Junta se espidiò el decreto de 24 de Mayo de 1843 mandando (articulo 1º. observar puntualmente, por lo relativo á las minas de azogue de la República, las reales órdenes de 13 de Enero de 1783, 12 de Noviembre de 1791, 6 de Diciembre de 1796, y 8 de Agosto de 1814, sobre franquicia de alcabalas que conceden á los articulos del consumo de Minería: que ningun impuesto (articulo 2º.) general ni municipal, pesara sobre el azogue que se estrajese de los criaderos de la República: que traficara (artículo 3º.) por toda la nacion, sin guias, pases ni otros documentos de aduana: que se aplicara (articulo 4º.) un premio de 25.000 pesos á cada uno de los cuatro primeros empresarios que estrajesen en un año de las minas de la República 2.000 quintales de azogue en caldo; que se abonara (articulo 5º.) durante tres años por cada quintal de azogue, que tuviese la espresada procedencia, la cantidad de cinco pesos: que los operarios de las minas de este órden (artículo 6º.) quedasen esceptuados de todo servicio militar, y de las contribuciones personales; y que la Junta (artìculo 7º.) formara el reglamento correspondiente para la distribucion de los indicados premios, satisfaciéndolos en su tiempo del fondo que se les designò por el articulo 2º. del decreto de 2 de Diciembre de 1842, y el 4º. del de 17 de Febrero de 1843.

En decreto de 5 de Julio del mismo se facultò á la Junta (articulo 1º.) para que pudiera trabajar, aviar y proteger las minas de azogue en la Repùblica, disponiendo (artículo 2º.) que las cantidades que facilitase con el objeto espresado á los empresarios, ademas de ser caucionadas á su satisfaccion, pagáran un interés anual de 5 por 100 para los fondos del ramo: que no aviaria (artículo 3º.) mina alguna sin obtener los datos necesarios y justificativos, en lo posible, de la bondad de la negociacion: que tampoco trabajara (articulo 4º.) por cuenta de los fondos sino las minas que le ofreciesen ventajas conocidas, ó á lo menos la conservacion del capital que hubiese de invertir, y el interés ecsigido á las que fuesen fomentadas por ella: que admitiera (articulo 5º.) bajo el precio que conviniese con los interesados, no debiendo esceder del de plaza, en pago de los respectivos capitales y réditos, azogue en caldo, repartiéndolo entre los minerales de plata y oro, de una manera proporcional y arreglada á las prevenciones del reglamento que para la útil distribucion del fondo formaria y pasaria al Gobierno para su aprobacion: que estableciera en los Departamentos mineros (artículo 6°.) rescates de azogue en caldo y lo repartiese segun lo prevenido en el artículo anterior: que comprara ó hiciera construir por cuenta de los fondos (articulos 7°.) los frascos necesarios para envasar el azogue, distribuyéndolo entre los mismos Departamentos para que se condujese con seguridad: que la Junta (articulo 8°.) pudiera mandar personas inteligentes en busca de buenos criaderos de cinabrio, hacer que se reconociesen los ya descubiertos, y dictar cuantas medidas parciales recomendara la esperiencia, á fin de que fuese eficazmente fomentada la esplotacion de azogue en la República: que para que pudiese (articulo 9°.) llenar los objetos de esta ley y la citada de 24 de Mayo, usara de los fondos que se le designaron por el artículo 2° de la de 2 de Diciembre, y el 4° de la de 17 de Febrero; y que los citados fondos quedasen desde luego á su disposicion, entregándose con su órden, á las personas encargadas de colectarlos.

En 8 del mismo mes de Julio el Gobierno provisional previno al de Jalisco que abriera en dicho Departamento una suscricion *en la que un donativo gracioso ó un préstamo voluntario* procurara el fondo oportuno para la esplotacion de minas de azogue, formando al efecto una junta compuesta de los dueños de ellas y procediendo á reglamentarla del modo conveniente para que organizase su tesorería, se hiciese cargo de percibir *todas las sumas, ó de donativo* que se destinaran al fomento de la empresa, y de las que se recaudaran por impuestos para este objeto en el Departamento, y á fin así mismo de que la propia oficina satisfaciera *los préstamos cuando los recursos de la negociacion fuesen suficientes al efecto, y los prestamistas la persona ó personas con que* debieran *entenderse para hacer la entrega*, y el modo y términos en que hubieran de ser reintegrados; en concepto de que S. E. el Presidente provisional disponia, *que al frente de los ciudadanos que quisieran subscribirse* se le pusiera con la cantidad de cinco mil pesos, presentando así un ejemplo *que queria imitaran otros en beneficio público.*

En decreto espedido por el Ministerio de hacienda en 11 del propio Julio y publicado en 31 de Diciembre, se declararon por el artículo 32, subsistentes las gracias concedidas á la Minería en las leyes no derogadas, agregando que para que tuviesen lugar las respectivas esenciones de derechos, se condujeran los efectos precisamente con guia y obligacion de responsiva; y que ademas la autoridad política del mineral de su destino diese certificacion al conductor ó consignatario, acreditando que los efectos se introdujeron en la respectiva mina, sin cuya constancia no se espidiese la tornaguía hasta cobrar los derechos; en concepto de que cuando el todo ó parte de los efectos se vendieran en el camino ó no llegasen á introducirse en los minerales, se ecsigieran los nerechos correspondientes, cuidando de cobrarlos ejecutivamente los administradores.

En decreto del 14 del cltado Julio se autorizó (artículo 1º.) à la Junta departamental de Jalisco, para imponer en aquel Departamento un préstamo, y en caso de no conseguirse, un impuesto sobre los ramos que considerara mas proporcionados para reunir la suma de cien mil pesos dentro del término que designara y fuese mas acomodado al objeto; mandando (artículo 2º.) que los espresados cien mil pesos se destinaran precisamente á fomentar las minas de azogue del Departamento mencionado: que la propia Junta (artículo 3º.) á los quince dias de haber recibido el decreto, reglamentara el reparto del préstamo, y en su caso, del impuesto, de modo que hiciese efectiva la recaudacion y aplicacion de dicha suma: que el Gobierno de Jalisco (artículo 4º.) formara una Junta á la cual presidiria, compuesta de los dueños de minas de azogue, reglamentándola como fuese mas conveniente, y creando y organizando su tesorería de manera que ella se hiciera cargo de percibir todas las cantidades determinadas por la misma ley y las que se recaudasen por donativo; así como de su devolucion cuando los recursos de las negociaciones que se fomentaran por este medio fuesen suficientes al efecto: y que las concesiones (artículo 5º.) acordadas al Departamento de Jalisco, se hicieran estensivas á todos los otros que trabajasen minas de azogue; declarándose por decreto de 24 de Agosto que debiendo ser voluntario el préstamo de que se trata, bajo esta inteligencia se procediera á su colectacion, y á lo demas que previno el de 14 de Julio antes citado.

Por ley de 25 de Septiembre se previno, con el fin de hacer efectivos los beneficios que el Gobierno se propuso dispensar á la Minería en la autorizacion que concediò á su Junta de fomento el decreto de 5 de Julio: que ella nombrara (artículo 1º.) una comision á lo menos en cada Departamento de la República para que esplorara y reconociera los respectivos criaderos de cinabrio: que el reconocimiento que las comisiones hiciesen (artículo 2º.) fuera científico, encargándose ademas de informar sobre los puntos siguientes: 1º si en el respectivo Departamento habia ò habia habido minas de azogue que se trabajasen entonces ó que antes se hubieran trabajado: 2º. cuál era el estado que tenian: 3º. cuáles serian mas susceptibles de laboreo: 4º. qué obras necesitarian para ponerse en corriente, y el costo que se les regulase: 5º. la ley que tuviesen los frutos que se reconocieran: y 6º. el costo de su estraccion y beneficio: que la

Junta (artículo 3°.) en vista de todos los informes espresados determinara los puntos que debieran ser habilitados de preferencia, y la cantidad con que hubiera de hacerse la habilitacion: que antes de seis meses (artículo 4°.) contados desde el mismo 25 de Septiembre deberian estar concluidos los reconocimientos, y antes de siete decretados los avios de las minas, pudiendo concederse anticipadamente algunas habilitaciones á las que por notoriedad las merecieran: que de los fondos (artículo 5°.) consignados para avios de minas de azogue, y de los que designò la propia ley se hiciesen aquellas habilitaciones: que para ministrar los avios (artículo 6°.) usara la Junta de uno de dos medios: 1°. ministrar el dinero necesario en clase de préstamo al rédito de un seis por ciento al año, 2°. constituirse en aviadora atenida á las pérdidas y ganancias como en los avios comunes: que cuando facilitara dinero á réditos (artículo 7°.) se asegurase precisamente de que el dinero se habia de devolver dentro del plazo que se conviniese; de que se afianzara el capital y réditos con garantias á satisfaccion del Establecimiento; de que se habia de invertir necesaria y esclusivamente en la negociacion de que se tratase, á cuyo fin podria poner interventor pagado por el dueño de la mina, y de que estos préstamos solo se hicieran á favor de las negociaciones que el mismo Establecimiento hubiese calificado dignas de ser habilitadas, segun los reconocimientos prevenidos: que si el avio se ministrase (artículo 8°) constituyéndose aviador el Establecimiento, se observara lo siguiente: 1°. que el avio se ajustara en mina digna de trabajarse segun el resultado de aquellos: 2°. que se arreglara la cantidad que hubiera de ministrarse, á los presupuestos que formara la comision reconocedora de la mina: 3°. que se estipulase la mitad á lo menos de utilidades á favor del aviador: 4°. que la direccion esclusiva fuese á cargo del aviador, con derecho el dueño de la mina para poner interventor: 5°. que cada cuatro meses se hiciera liquidacion y reparto de sobrantes si los hubiese: 6°. que el Establecimiento bajo su responsabilidad, hiciera la glosa de las cuentas; y 7°. que los sobrantes se aplicasen: 1°. á amortizar el caudal de avio, y hasta que este no estuviese enteramente cubierto no se hiciese reparto alguno entre los partícipes: que la Junta (artículo 9°.) formara un reglamento de avios segun las Bases de los artículos anteriores, sujetándolo á la aprobacion del Gobierno: que los fondos (artículo 10°.) para los avios decretados fuesen: 1°. el 1 por ciento de derechos impuestos (decreto de 16 de Marzo de 43, artículo 2°.) al numerario que se condujese de uno á otro Departamento: 2°. los 130 mil pesos que se regularon corresponder á la Minería del fondo que creò el decreto de 2 de Diciembre: que el importe del 1 por ciento (articulo 11°.) se cobrara por el Establecimiento de Minería á cuyo efecto podria nombrar y destinar los comisionados que le pareciesen: que los 130 mil pesos se pagarian (artículo 12°.) por las aduanas marítimas de Veracruz y de Tampico, ministrando la primera 80 mil pesos anuales, y 50 mil la segunda pagados por mesadas que remitirian en libranzas á favor de la Junta, la cual de los fondos destinados al laboreo de minas de azogue apliceria (artículo 13°.) los 15.000 pesos que asignò el decreto de 18 de Agosto del mismo año para la dotacion y gastos anuales del Seminario; previniéndose en el artículo 25°. del decreto de 5 de Octubre que designò las materias de estudio en el mismo colegio, que se ministráran del fondo de azogues 2.000 pesos mensuales en lugar de los 15.000 á que se refiriò el decreto de 18 de Agosto, por haberse aumentado las erogaciones. Finalmente en 14 de Octubre se declaró á consulta de la Junta: que ella podia tomar algunas acciones en las compañias de particulares que se formaran para el avio de minas de azogue, ó trabajarlas en propiedad con tal de que antes obtuviese la aprobacion del Gobierno.

En cumplimiento del artículo 10°. del decreto de 2 de Diciembre de 1842, la Junta le remitió en 16 de Noviembre de 843 el proyecto de reglamento que creyò conveniente para la mas económica y fiel administracion de los fondos que se le encargaron; consultando, por lo relativo al ramo de azogue, cuantas medidas le parecieron oportunas; pero como el mismo Gobierno en 30 de Diciembre del propio año dió la planta de la oficina de la Junta, en consideracion á que no podia llenar las importantes atenciones de que estaba encargada sin las precisas manos para su desempeño, resultó variado el proyecto que fué devuelto con fecha de 25 de Julio, para que lo reformase la Junta con arreglo á las posteriores disposiciones.

Para cumplir con lo prevenido en el decreto de 17 de Febrero de 843, ella con fecha 20 del mismo, mandò se publicara un aviso en algunos de los periódicos de la capital con el objeto de convocar personas que pudiesen hacer proposiciones sobre el préstamo de dos millones de pesos para que se hallaba autorizada, y con el fin de procurar la cómoda adquisicion de azogue de la mina de Almadén, advirtiendo que las propuestas se dirigieran á la mayor brevedad posible al secretario de la Junta; pero la publicacion no diò ningun resultado, sin duda por la poca confianza que tenian los capitalistas en la permanencia de las mismas disposiciones; y consiguientemente en la de las garantías.

Como por las ùltimas noticias de Europa que recibió la Junta, supo que el Banco de San Fernando en España habia hecho proposiciones para celebrar un contrato con el Gobierno de aquella nacion, á fin de que se le adjudicasen los azogues de la mina de Almadén, y como la respetabilidad y conducta siempre juiciosa de dicho cuerpo le hacian creer que el contrato descansaria sobre bases tan justas como convenientes á ambas partes contratantes, estando segura, ademas, de que transfiriéndosele los derechos y las obligaciones que pudieran emanar de él, lograria el término de un negocio recíprocamente útil, no dudò esponerlo así al Gobierno el 22, manifestándole las ventajas que resultarian de que se le autorizara para pretender subrogar en la contrata al espresado Banco, lo que no parecia imposible atendiendo á las consideraciones que este pais debia merecer al español, no solo por los vínculos naturales con que están unidos, y que debian estrecharse de dia en dia, sino por los grandes resultados que podrian dar al comercio español algunas concesiones especiales que se acordaran; ofreciéndose en garantía de cumplimiento de la contrata, las hipotecas concedidas en el decreto; pero, aunque con fecha del 23 se le diò la autorizacion solicitada, nuevas noticias hicieron que la Junta variase de propósito.

En esa propia fecha dirigió al Gobierno de S. M. C. por conducto de su ministro plenipotenciario el Escmo. Sr. D. Pedro Pascual Oliver, las proposiciones siguientes: 1ª. anticiparle un millon de pesos fuertes, siempre que se sirviese aprobarlas: 2ª. hacer la anticipacion al mes de recibir en México la noticia oficial de estar admitida y aprobada la propuesta por el Gobierno español, entregando la espresada cantidad á la òrden de su Ministro, y siendo por cuenta de la Junta los derechos y costo de conduccion hasta su embarque: 3ª. que no se cobrara al azogue en España ninguna clase de impuesto: 4ª. que todo el azogue que el Gobierno español estrajera de su mina en cinco años, no pudiendo bajar en cada uno de quince mil quintales, ni esceder de veinte mil, fuese esclusivamente de la Junta; la cual venderia el esceso que pudiese haber entre la primera y segunda cantidad, segun conviniera con el mismo Gobierno, y á costo y costas en el depósito que al efecto se estableciese en Cádiz; pero no conviniendo en esta parte el Gobierno español, se limitaria á los quince mil, siempre que éste se comprometiera á no vender á menos precio y mas favorables condiciones: 5ª. que la Junta pagaria el quintal de azogue á 62 pesos fuertes, debiéndosele entregar envasado en frascos de fierro con tres arrobas de mineral cada uno: 6ª. que el Gobierno español quedaria obligado á poner cada cuatro meses 2.500 quintales en Tampicoo, 1.500 en Veracruz, y 1.000 entre San Blas y Mazatlan: 7ª. que tan luego como se recibiese la noticia de la llegada á los puertos referidos de algun azogue, se pondria su importe á disposicion del Escmo. Sr. Ministro de España siendo de cuenta de la Junta el costo de conduccion á aquellos, y los gastos que debieran hacerse hasta el embarque; pero deduciendo la mitad del mismo importe, que quedaria en abono del millon anticipado: 8ª. que siendo 15.000 quintales los que debian traerse á la República; y pudiendo sacarse de la mina hasta 20.000, el esceso se situara en Cádiz á disposicion de la Junta la que pagaria el importe por medio de su comisionado en el mismo lugar y conforme fuese recibiendo el azogue; pero deduciendo la mitad del valor, que quedaria tambien en abono.

Cree la Junta de su deber indicar algunos de los fundamentos que tuvo presentes para hacer las proposiciones de que se ha hablado; En la hipòtesis de que no hubiera sido cierta la contrata del Banco de San Fernando, segun se aseguró por cartas particulares y aun en algunos periódicos, y en la de que no conocia las bas de todas las propuestas nuevamente hechas al Gobierno español, quedaba á la Junta, sin embargo, un punto seguro de partida, el que le ofrecian los artículos del convenio de Rothschild en Londres. Se hallaban entre ellos, como fundamentales los relativos á la anticipacion de dos y medio millones de pesos, á designar 62 pesos 2 reales de precio á cada quintal de azogue, y una quinta parte de su valor en abono del importe del préstamo. Sabia la Junta que la propuesta estaba mejorada y no obstante abrió sus relaciones ofreciendo un millon adelantado, fijando el precio de 62 pesos, y en una mitad del valor del efecto el abono con que aquella cantidad debiera reintegrársele. Redujo á cinco años la duracion del contrato estendiéndolo á 75 mil quintales en su mínima adquisicion, y á 100 mil en la mácsima para todo el tiempo; porque en el primer caso podria abastecerse de este ingrediente á la Minería, continuando en el estado que tuvo en el quinquenio corrido desde 1º. de Enero de 1833, hasta 31 de Diciembre de 1837, pues que ateniéndose al cálculo que hizo el Establecimiento en informe dado al Ministerio de hacienda en 10 de Noviembre de 1838, resultaba: que la Repùblica gastaria en cada año, por un término medio, 14,065 quintales, sin incluir el necesario para las oficinas de farmacia y otros usos de las artes, y prescindiendo, de que fomentándose el ramo, seria mayor proporcionalmente el consumo, evitando los varios inconvenientes que podrian resultar de que el esceso de los productos de Almadén se obtuviera por otros cuerpos ó personas á menor precio y mas favorables condiciones; y en el segundo porque determinándose la saca de metales, se impedia que la abundancia, durante el contrato, perjudicara los intereses de la empresa, ofreciendo al mismo tiempo al Gabinete de Madrid una garantía contra el monopolio que decia rehusar, en la seguridad de que se repartiese el mismo esceso á costo y costas. Tuvo tambien presente la Junta que habiéndosele dado un fondo equivalente al valor de 24.000 quintales, con él y con los producidos de venta podia llenar sus compromisos, no debiendo limitarse, por lo mismo, á la adquisicion en una vez de los 24 mil quintales mencionados, por ser esta cantidad escesiva para el consumo de un año, é insuficiente para el de cinco, tiempo en que acaso las minas del pais fomentadas, podian ministrar todo ò la mayor parte del azogue que necesitaran; lográndose de este modo un fomento permanente sin que la Junta usase de otros recursos que aquellos que se le franquearon.

Ningun resultado produjeron, ni debieron producir los esfuerzos de la Junta; ya porque ocurrió sin la debida oportunidad, no estando representada en Madrid; ya porque le fué dificil llenar algunos de los requisitos ecsigidos en el pliego de bases de propuesta que diò el Gobierno español; ya porque entre los licitantes hubo algunos á quienes sus facultades y circunstancias colocaron en mas ventajosa posicion que la que la Junto guardaba; y ya sobre todo, porque siempre fueron superiores á las suyas, otras de las propuestas presentadas al remate; lo cierto es, que este fincó en el Sr. Salamanca, no quedando otro arbitrio que el de esperar el nuevo, que no se halla muy lejos, y para el que deben adoptarse por México mas oportunas providencias.

Espedido el decreto de 24 de Mayo la Contaduría encargada de la direccion general de alcabalas y contribuciones directas visto lo dispuesto en el artículo 1º. sobre franquicias concedidas á los efectos de consumo en las minas, juzgò necesario dirigir al Ministerio de hacienda para su aprobacion una minuta de la circular que le parecia oportuno se comunicara á sus subalternos, conteniendo la espresion especificada de los artículos esceptuados, para evitar la confusa inteligencia que pudieran dar á las leyes; y como al denominarse en ellas varios de esos propios efectos se hiciese estensiva la esencion con las palabras *y otros*, á los que inmediatamente sirvieran al laboreo de minas, ò beneficio de sus metales, ò para los desagües, quedando indeterminados los demas artículos esentos, consultó que en obvio de dudas se estimaran solo libres los efectos nominalmente comprendidos en las mismas cédulas. Propuso ademas que el azogue nacional y el estrangero caminaran sin guias, ni pases, aun de las aduanas marítimas y fronterizas: que la libertad de alcabalas fuera por las introducciones ó ventas en el distrito de las aduanas, receptorías ò sub-receptorías donde se esplotase azogue: que la esencion solo se entendiese de la alcabala: que el fierro y acero estrangeros no fueran libres del derecho que pagan en los puertos al internarse: que aunque no se mencionan en las repetidas disposiciones la arena, cal, y camones de arrastre, se incluyeran en la esencion, por haberla concedido otras òrdenes anteriores; y que se publicase la circular que proponia, y las reales òrdenes que citaba.

Viò la Junta que, á pretestò de la mejor observancia del decreto, volvian á ofrecerse los embarazos causados por las prácticas introducidas en el cobro del derecho de alcabala despues de creadas la administracion y la direccion general de la misma renta; y como aquellas ya habian sido ecsaminadas con escrupulosidad por el estinguido Tribunal de Minería, al dirigir al Virey su esposicion relativa de 13 de Octubre de 1778, en la que se trataron separadamente los fundamentos de justicia y de razon que se oponian á la subsistencia de las mismas prácticas, y sus perniciosos efectos, aun en contra del erario pùblico en cuyo favor se establecieron, la Junta creyó bastante reproducir los motivos de la citada esposicion en otra que tuvo el honor de elevar al Supremo Gobierno en 31 de Julio de 843, y de la que, sin embargo de correr impresa en algunos periódicos, acompaña copia bajo el número 1, en atencion á lo importante del negocio á que se refiere.

No obtuvo respuesta alguna; y si en el decreto de 11 del propio mes, que no se publicò hasta el 31 de Diciembre, se declararon vigentes las leyes protectoras de la Minería, sus prevenciones para evitar el abuso que pudieran hacer los interesados, dieron sin duda orígen para que, á lo menos en algunos casos, resulten ineficaces las providencias que disponen la esencion, pues que así lo deduce la Junta de varias quejas que sobre el particular ha recibido.

El Supremo Gobierno, en 10 de Noviembre de dicho año, se sirvió aprobar la medida acordada por la Junta departamental de Jalisco para reunir los 100 mil pesos á que se contrajo el decreto de 14 de Julio, reducida á que aplicase al fomento de minas de azogue, el producto de la contribucion impuesta á los tercios que se introdujeran en la feria de San Juan, en virtud de su acuerdo de 2 de Octubre de 1841, haciéndola estensiva á los que se importasen en la de Tepic, é imponiendo la pension de 2 reales á cada fardo de efectos de ropa, de mercería, y del pais, y un real á los de abarrote, que debian satisfacer todos los que se introdujesen en cualesquiera de las poblaciones de aquel Departamento; pero el mismo Gobierno, al hacerlo, puso á disposicion de la Junta los espresados fondos, para que arreglara su inversion, conforme á lo prevenido sobre la materia; en concepto de no deberse aplicar á Jalisco cantidad alguna del fondo general de azogues, por tener ya el particular indicado.

La junta en consecuencia, diò todas las òrdenes necesarias para el arreglo del cobro de las referidas contribuciones, asegurando sus productos, y se hallaba percibiéndolos, cuando el Ministerio de hacienda dispuso de parte de ellos en 1°. del citado Diciembre para atenciones militares.

No podia la Junta sin embargo invertirlos desde luego por hallarse pendientes los reconocimientos de las minas, y deseando no solo la mayor seguridad de lo que tenia ecsistente, sino que no fuera improductivo, en 3 de Mayo de 1844 celebro un contrato con casa de notorio abono, para que recibiese el total colectado en Guadalajara, abonando mientras estuviera en su poder el 6 por ciento de interes anual desde que en México se supiese que el administrador de rentas, á quien se encargó de la recaudacion, habia hecho el pago de las respectivas letras; en concepto de que devolveria en la misma ciudad las cantidades recibidas al mes contado desde la fecha en que la Junta le diese al efecto el aviso correspondiente; medida á que se ha debido la conservacion de 20.125 pesos 10½ granos que hay de la pertenencia del espresado fondo.

En 15 de Junio de dicho año, espidiò la Escma. Asamblea de Jalisco un decreto para que se construyera la cárcel de Guadalajara con los fondos que anteriormente se designaron al efecto, es decir, con los que ecsistian en numerario ó en créditos de las contribuciones recaudadas en las ferias de Tepic y de San Juan, y las sumas que se cobrasen en lo sucesivo por la misma causa y por el impuesto de tercios; aunque continuando este consignado para el fomento de las minas de azogue en el caso de necesitarlo.

La Junta se vió precisada para cumplir con sus deberes, á llamar la atencion del Supremo Gobierno sobre la validez ò legalidad del mismo decreto; porque si no se equivoca en sus conceptos, la departamental de Jalisco aplicó los productos de los impuestos de que se trata en virtud de la autorizacion que le concedió el de 14 de Julio, y este fué espedido en uso de las facultades estraordinarias del Gobierno provisional; pero que ejercida una vez, cesó de tenerla, mucho mas cuando el poder de que emanara, habia dejado de ecsistir desde 1º. de Enero del propio año, y como la derogacion de cualquier decreto dado por el Gobierno legislativamente no puede ser de las atribuciones de ninguna asamblea departamental, es claro que la de Jalisco no ha tenido facultad para disponer de dichos fondos, aunqué por otra parte sea laudable el objeto á que los destinaba. La Junta de Minería por consiguiente ha hecho cuanto era de su resorte para que no se le privara de ellos; pero sin resultado alguno hasta la fecha.

Muchos fueron los trabajos que la Junta tuvo que impender para que el nombramiento de las comisiones reconocedoras de minas de azogue fuera en lo posible acertado, sin que pudiese verificarlo con mas oportunidad, porque sobre no ser abundantes entre nosotros los peritos espertos, para ocupar á algunos de los que ecsisten, se le presentaron obstáculos que no le fué dable dad; razon por la que debiera darse un tiro vertical para ecsaminar las diversas capas de la montaña, y ver si en algunas abundan aquellos ó se descubre una veta ó manto con igual clase de productos, en cuyo caso ministraria tanto azogue, cuanto pudiera la República necesitar: que en el mineral de San Pedro de los Pozos, están las minas de Animas, Soledad, y San Rafael, en las que se halla el cinabrio en hilos que tienen de ancho en la primera de ⅛ á ½ vara, y de una á dos pulgadas en la segunda, sin poder observarse la tercera por hallarse totalmente arruinada: que los ensayes dieron por resultado las leyes siguientes. Los riñones de Atarjea sin caliza 27,20 por ciento; los que la contienen en corta cantidad 22,40; los mas inferiores 20,60; los jabones muy buenos de la mina de Dolores en el Gigante 4,80; los comunes pepenados de la mina, 3,79; los de Providencia 4,13; los limpios del rincon de Centeno 4; los mismos en el Pinalillo, 2,80; las tierras buenas de la mina del Toro, 2,53; los frutos limpios de ella, 1,13; las comunes del Refugio, 2,40; los pepenados de la Soledad 2,20; los limpios de los hilos de la de San Juan, 8,20; los jabones estraidos de la superficie de la tierra en las inmediaciones del Capulin, 1,53; y los metales comunes de la de Animas, 0,30; que en cuanto á los costos de estraccion y beneficio, como los primeros varian segun la cantidad de frutos que pueden separarse de toda la carga que produce *una herramienta* no siendo constante aquella cantidad porque sigue las mismas alternativas que los labrados, la Comision juzgò seria erròneo cualquier cálculo que pudiera hacer sobre el actual estado de las minas; absteniéndose por tanto de formarlo, supuesto que no podria hacerse con alguna esactitud, siuo cuando se regularizasen los trabajos por la probabilidad que hay de que á mayores profundidades las vetas sufran ménos variaciones, prefiriendo por lo mismo calcular la ley que para costearse necesitan tener los frutos, partiéndose así de datos fijos que ministren una base para lo sucesivo - que si en este concepto se supone que de toda la cantidad de piedra producida por una *herramienta* solo la cuarta parte sea de frutos, la ley que éstos deben tener para costearse atendidos los gastos indispensables, es de 91 centésimos por ciento, atribuyendo al quintal de azogue un precio de 125 pesos: que las minas de cinabrio que, en su opinion, deben especularse, por ofrecer fundadas esperanzas de un buen resultado, son las de Atarjea; las del Toro, y principalmente las de Providencia y el Capulin; la de San Juan de la Chica; las del Gigante; y las del mineral de Centeno; sin que deba esperarse que ninguna de ellas produzca la cantidad de frutos necesaria para costear inmediatamente su laboreo, porque todas tienen muy poca profundidad, siendo preciso para adquirirla, resolverse á hacer las erogaciones consiguientes, á fin de investigar, si á una mayor, mejoran ó terminan los criaderos de cinabrio que hay en el pais: lo que, hasta ahora, se ignora; teniéndose presente que si las minas de plata hubieran sido abandonadas por no costear sus frutos á una corta profundidad, la República se habria visto privada de la enorme riqueza que han producido; y que la Junta podria asignar en clase de avio 10 mil pesos á cada una de las minas indicadas; pero esceptuando la de Dolores en el Gigante, y la de Guadalupe en el mineral de Atarjea; porque necesitando de un tiro vertical, no siendo suficiente la suma asignada á las otras, seria conveniente para estas, estenderla hasta 25 mil pesos.

La Junta en 10 de Mayo, de acuerdo con el Ministerio del ramo, dispuso, comisionar, al Tribunal de Minería de Guanajuato, para que trabajara las minas de Guadalupe en la Atarjea, y la del Clavellinas, destinando 25 mil pesos para la primera y 10 mil para la segunda, facultándole para que adquiriera la propiedad ó contratara el avio; pero sin que bajase aquella de la mitad de las barras, y en el concepto de que los azogues no se repartirian en especie, sino que se venderian por cuenta de la negociacion, sujetándose las contratas á ser ratificadas por la Junta, pudiendo el Juzgado hacer el nombramiento de los dependientes; entendido de que para el mismo objeto, y para aviar las minas del Durazno, de las que despues se hablará, quedaban situados 50 mil pesos en aquella casa de moneda.

Con fecha 17 del mismo contestó el Tribunal admitiendo el encargo, y dando aviso de que solo la mina de Clavellinas se hallaba disponible; porque aunque la habia denunciado anticipadamente por falta de fondos la cedia á la Junta; conformándose gustoso con la parte en que se quisiera dejarle interesado; la cual se redujo despues á cuatro barras viudas.

En 11 de Junio celebró la Junta un convenio con D. Manuel Mariano de Cortazar, dueño de la mina de Guadalupe en la Atarjea, por el cual cedió éste la citada negociacion con cuanto le pertenece para que la Junta la trabajara, aviara, ó fomentara de la manera que mas le conviniese, reservando para sí 12 barras viudas con la facultad de recibir en especie la parte de utilidades que le corresponda, y la de intervenir en la mina á sus espensas; pero sin mezclarse en lo directivo ni administrativo, pactándose ademas que la Junta pueda vender el azogue que la negociacion produzca á 15 pesos ménos del precio corriente de plaza, para cubrir los gastos de avio y las memorias semanarias, despues de reintegrarse los fondos de la cantidad invertida en la empresa. quedando la mina, si se abandonare, obligada á reintegrar el importe del avio con la mitad de los productos libres que resulten despues de cubierto el último refaccionario, y el Tribunal minero facultado para formalizar el respectivo contrato, haciendo las aclaraciones que estimara convenientes, como se vérificó en escritura otorgada en 24 de dicho mes.

En 23 de Agosto avisó el Tribunal que en la Atarjea se habian encontrado otros dos criaderos, siendo uno tan bueno como los que se estaban esplotando; y en 10 de Octubre que habia dada principio á los trabajos del punto llamado Herramienta en el Capulin, por haber producido con gasto de 350 pesos cosa de 4 quintales de azogue: que en la mina del Toro se hallaba un escarbadero por el cual ecsigian los dueños alguna cantidad; debiendo èste comprarse porque la abundancia dc sus metales compensaria la escasa ley de ellos dando alguna utilidad; y que debia esplorarse la mina de Palos Colorados por estar en una veta de que no se ha descubierto mas que un respaldo, haciendo lo mismo con la de Peña Sentada que tiene el propio carácter de aquella. La Junta dispuso lo conveniente para contratar las minas, cuya esplotacion recomendaba el Tribunal.

Varias obras se han emprendido en aquellas; pero segun las ùltimas noticias que alcanzan hasta el 17 de Enero de este año en la mina de Clavellinas se cortó la veta á las 104 varas de socavon; pero resultando emborrascada, solo se avanza el cuele vertical que debe constar de 100, y que tiene ya 61½ para lograr un término ventajoso, ò abandonarla: en las del Toro se recogen algunos frutos ordinarios; pero con la fundada esperanza de que aumenten luego que las minas se hallen limpias; y ademas, en el Capulin se obtuvieron algunos metales y sobrevino la borrasca, continuándose por lo mismo uno que otro trabajo de investigacion; y en la de Atarjea hay seis labores, produciendo cuatro de ellas frutos que, aunque no abundan todavia, tienen una ley considerable, pues llegan los buenos á la de 53 por ciento y la de los comunes á un 2½; habiéndose invertido en toda la negociacion, hasta aquella fecha, 18.801 pesos 3 reales 9 granos, de los que ecsisten en metales y efectos, 9.487 pesos 2 reales, quedando solamente consumidos 9.314 pesos 1 real 9 granos, en gastos muertos hechos para el establecimiento de la empresa, en la esplotacion de las minas, y en un horno pequeño que aun no estaba puesto en uso, siendo de advertir que en el cálculo de ecsistencias no se comprenden 6 quintales de azogue en caldo estraidos hasta entonces.

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## MEXICO.

Se formaron dos comisiones, una para la parte que mira al Sur, y otra para la del Norte de este ciudad.

La 1ª. compuesta en 22 de Enero de 1844 del Sr. D. Rafael

Durán y de D. Agustin Font, dió principio á sus trabajos en 7 de Febrero, y en informe del 22 espuso: que habiendo reconocido una labor en cada una de las minas de Negrilla y de Santa Gertrudis en la hacienda de Pregones del mineral de Tasco, no haciéndolo de las demas por hallarse llenas de escombros é inundadas, las encontrò poco dignas de llamar la atencion de la Junta, por ser muy miserables las leyes del metal, no obstante que los elementos esteriores son de tal naturaleza, que pudieran favorecer la esplotacion, concluyendo con opinar: que ella no debe emprenderse sino en el caso inesperado de no hallarse mejores minas en el mismo Departamento.

Al remitir su informe de 23 de Marzo sobre resultados del ecsámen que hizo de las minas de San Rafael, en el cerro de Chapitzaco, distrito de Chilapa, manifiesta sus deseos de que la Junta se persuada que aquella negociacion promete surtir de azogues, en poco tiempo á todas las haciendas de beneficio que hay en el Departamento de México, por ser abundante en su saca, y estar la veta regularizada; pues aunque, hasta ahora, es pobre, se debe acaso á que en nuestro pais la riqueza de las minas, consiste regularmente, mas que en las buenas leyes de los métales, en la crecida estraccion que se hace de estos. Dice ademas que la negociacion se compone de dos vetas en las que se encuentran cuatro bocas casi unidas, teniendo la una de aquellas una tercia y la otra una vara de ancho en la parte que se reconocieron: que la segunda aunque emborrascada, contiene vermellon muy diseminado y fué reconocida desde el año de 1677 bajo el nombro de la Concepcion y abandonado despues de haberse estraido de ella 4.000 quintales de metal: que son buenos sus elemontos esteriores y aun se conserva en buen estado un horno pequeño: que con *solo las labores habilitadas pueden sacarse* 10 *cargas de metal al dia con* 6 *paradas de barreteros, no pasando el costo de* 2 *reales y* 40 *centavos el quintal, pudiendo poblarse todas con* 20 *á lo menos*, con lo que aumentaria acaso proporcionalmente la cantidad de la estraccion, sin bajar *de* 500 *quintales diarios* si se considera que los frutos mejorarán de ley en la razon en que se profundicen las labores; pues aun en el supuesto, lo que no debe esperarse, de *que las leyes se mantengan en el mismo estado, se estraerian* 125 *libras de azogue en el dia, y otras tantas en la noche, suma considerable si se atiende á que la mina es cata y su profundidad no escede de* 25 *varas:* que no hallándose en los terrenos los metales que deben haberse estraido segun la estension de las escavaciones, esto solo puede consistir en que los esplotadores los beneficiaran oon provecho, ó que los buscones los hayan despues utilizado, inclinándose la comision por varias consideraciones á creer lo segundo: y que como al meditar el plan de un reconocimiento minucioso tuvo que presuponer los gastos de ademes, escaleras, y algunos desagües y desensolves, que ascenderian á cerca de 1.000 pesos, y necesitando ademas de algun tiempo para verificarlo, se redujo á reconocer las labores accesibles, y habiendo ensayado los frutos de aquellas, halió que la ley media es de ¼ por ciento, *siendo de advertir que como el metal rico abunda mas, los resultados por mayor deben ser mejores.*

En 30 del mismo avisó que no habia pasado á reconocer las minas de la Joya de Ahuaguacingo, porque los interesados ademas de ecsagerar en su concepto, la bondad de las minas, ignoraban el verdadero punto de su situacion; pero que habiendo ensayado algunos metales que se le presentaron, la ley no escedió de la de ¼ por 100, que como el mineral de Mochitlan cerca del de Chilpancingo, promete en sus vetas la misma formacion de las de Ahuaguacinso y Chapitzaco: es de presumir que con el tiempo se encuentren algunas de cinabrio, pues que las pocas personas de razon que pueden tener conocimiento de ellas, sin duda temen presentarlas, por no chocar con los indígenas, *que aun conservan respecto de los mexicanos la misma antipatía y desconfianza que tuvieron á sus conquistadores.*

En 13 de Abril regresó del cerro de los Cajones, distrito de Chilpancingo, á donde habia ido á reconocer un criadero de mercurio nativo que allí ecsiste, segun aseguran varias personas de veracidad, sin haber obtenido resultado alguno sus investigaciones.

En 27 informó que la mina del Huamuchil en Ajuchitlán ha sido esplotada con mal écsito, acaso por falta entre los especuladores de los conocimientos necesarios para el beneficio del cinabrio: que se halla despilarada completamente y que en dos ensayes que se hicieron, ol uno diò 15 adarmes por quintal y el otro 3¼ por 100: que las venas sirven como de guias al minero para encontrar depósitos mas ó ménos considerables en la cantidad y riqueza del metal: que quizá por el pésimo estado de los labrados, se proyectó un socavon en la falda occidental del cerro, abajo de la boca principal, y á distancia de 200 varas en línea oblìcua, y 162 en la vertical, el que tiene ya 12 de escavacion: que esta obra á juicio de los comisionados es interesante, y tendrá de costo cerca de 1700 pesos: que la saca de metales en el estado en que se encuentra la mina, podrá ser de 6 arrobas diarias en cada labor, y su costo un peso por cada quintal: que aunque la habilitacion para trabajar las labores antiguas, seguir las emborrascadas, y las dos que se hallan en frutos, ecsigiria un gasto de cerca de 600 pesos, la comision le gradua por ahora inútil, atendiendo á que aquella debe calcularse á la conclusion del socavon, por los términos en que se corte la veta: que se abstenia de detallar el costo que deberian tener los hornos necesarios, porque en el estado que ofrece le negociacion, siendo de tan dudoso écsito, se aventuraria mucho haciendo el gasto desde luego, y que, por lo mismo, la mina no merece el avio hasta que se reconozca la veta en su mayor profundidad.

En 14 de Mayo los comisionados dieron parte de haber reconocido el creston llamado de la Candelaria en el mismo territorio. Del informe aparece, que se halla en la falda del cerro de Huamuchil, como 400 varas mas abajo del nivel de la mina antigua: que hecho un ensaye de frutos pepenados, produjo una ley de ½ por 100: que si no es la propia veta, al ménos es de la misma formacion: que como promete por su abundancia grandes esperanzas, pudiendo ponerse en corriente desde el principio á poco costo, debe habilitarse; y que haciéndose un gasto de 11.643 pesos 4 reales que pueden invertirse en constrúir un horno de destilacion de azogue, y 364 pesos en cada mes, suponiendo á este artìculo un valor de 2 pesos libra, precio menor en que se venderá en aquellos minerales, se tendria una utilidad mensual de 155 pesos, aun cuando no mejorasen los productos de la mina.

Con fecha 15 de Mayo comunicaron á la Junta quedar reconocidas las de Tecusco en Tlalchapa: que el cerro de aquel nombre tiene abiertas varias bocas en su falda del Norte y en una estension de 150 varas: que la veta tiene como una tercia de metal compuesta de vermellon, y otras sustancias, sin mas profundidad vertical que la de 8¾ varas, y un cuele horizontal de 20¼: que la saca de metales puede subir hoy hasta 6 cargas diarias: que se ha comenzado un tiro para cortar la veta, cuya escavacion llega á 12, faltando para lograrlo poco mas de 13, segun el cálculo, lo que puede importar 224 pesos: que la comision considera esta obra de mucha importancia, pues con ella se desaguará la mina principal, evitándose en algunas el costo de ademes y otros: que ensayados los frutos de una de las minas, dió una ley de 14 onzas por quintal: que habilitadas y limpias sus labores puede hacerse la estráccion de 10 á 12 cargas de metal en el dia, aumentándose cuando se concluya el tiro: que calculados los costos de estrccion, en un mes, debe quedar una utilidad de 474 pesos, empleándose 40 dias en la quema, y gastándose aprocsimadamente 11.707 pesos 4 reales en la fabricacion de un horno; y que para que la Junta pudiera formar una idea de las ventajas que podria traer el avio de una de las minas, y principalmente el establecimiento de un horno, por lo ménos, en aquellos lugares, advertian que desde la mina del Huamuchil en Tlalchapa hasta el creston de la Candelaria hay varias bocas mas ó menos cavadas, cuyos frutos, que se hallan diversamente pintados de cinábrio, demuestran que todo el terreno comprendido en aquella distancia, que no baja de 10 leguas, contiene azogue en sus entrañas, lo que tambien indican geognósticamente las rocas de que se componen los cerros, en concepto de que con el medio indicado se conseguiria sobre todo, popularizar los conocimientos para el beneficio del cinabrio, y cuya falta constituye el mayor obstáculo que se ha opuesto á las especulaciones, las cuales habrian multiplicado las empresas, encontrándose tal vez una riqueza que todavia no presentan las minas reconocidas: que estableciéndose el trabajo en cualquiera de ellas, debia autorizarse á su director para comprar metales, previo el ensaye y las precauciones convenientes; porque de esta manera se abriria un nuevo giro que cubriria de cateadores aquellas montañas para esplotar todos los crestones que contienen, abasteciendo al horno de materia suficiente para sus destilaciones, y haciéndose descubrimientos mas importantes y fáciles á la investigacion de la multitud, é imposibles para un aviador, por poderoso que se le suponga; y que se pondrian así en movimiento muchas minas de plata que en Tepantitlán, Coronilla, y otros puntos, están sin trabajarse por la escasez y alto precio del azogue, el cual se habia vendido en aquellos dias, hasta 250 pesos el quintal.

La comision suspendiò sus trabajos el 23 de Mayo, atendiendo á los inconvenientes que para continuarlos ofrecia la estacion de las aguas, quedando pendientes de reconocimiento algunas minas.

Nombrado en 15 de Enero de 1844 el teniente coronel de artillería D. José Manuel Gonzalez para reconocer las del Departamento de México, hácia el Norte de la capital y las de los de Michoacan y Querétaro, salio á desempeñar su encargo con fecha 26 del mismo, dando principio á sus trabajos en las del segundo; pero los interrumpió despues por diversos motivos: así es que la parte indicada del Departamento de México no ha sido todavía reconocida.

## MORELIA.

La comision en 8 de Marzo informó que la mina del Canario, sita en el rancho del Zapote, jurisdiccion de Tuzantla, producia metales que indican mas bien un rico criadero de cobre que de cinabrio, pues son muy escasos los puntos en que se manifiesta, y que teniendo la veta tres cuartas de ancho, siendo ademas dura y faltando operarios para el trabajo, tales inconvenientes harian muy costosa la estraccion de sus frutos, á ménos que el aspecto de la veta no variase á las 12 ó 15 varas de profundidad.

Segun resulta de lo informado por la comision en 25 del mismo, se esploró cuidadosamente un criadero de cinabrio que se halla en la sierra de Tepustepec, al Noroeste de Maravatio en la cañada nombrada del Indio; y aunque á la profundidad de diez varas no presenta veta ni manto formal, son tantas las vetillas desde 4 hasta 8 y mas dedos de ancho en diferentes rumbos é inclinaciones al horizonte, que pareciendo mas bien un rebosadero habia requerido una empeñosa esploracion, atendiendo á su abundancia de frutos y caractéres, no siendo éste el unico punto en que se manifiesta el cinabrio, pues aparece en distintos parages de la misma cañada en la estension de dos leguas que se reconoció.

Como la comision espuso que aunque los metales eran de corta ley, el criadero se hallaba absolutamente vírgen, la Junta atendiendo á esta y otras consideraciones, como la de ser las venas tan abundantes y blandas, que cualquier peon con el ausilio de una barreta podria estraer hasta 20 cargas en un dia, dispuso con fecha 28 del espresado mes, que se hiciesen diversas y amplias obras de esploracion en los mejores puntos del criadero.

Presupuesto su costo en 1085 pesos 6 reales se comenzaron algunos trabajos; pero no resultando los frutos con mayor ley que la de 4½ onzas por quintal, y habiéndose gastado hasta el 16 de Julio 570 pesos 4 reales, en 17 de Agosto acordó la cesacion de los trabajos y que la comision presentase su informe científico y la correspondiente cuenta de gastos; lo que hasta ahora no ha podido lograrse, sin embargo de las muchas instancias que al efecto se han hecho al comisionado.

Algunos meses antes se habia reconocido el rancho de Santa Bárbara en jurisdiccion de Jiquilpan, sin obtener ningun resultado segun aparece de lo que la comision espuso en 29 de Marzo, siendo tambien inútil el reconocimiento de la cañada de Garcia, cerros del Astillero, y del Joconostle en el de Maravatio.

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## ZACATECAS.

Nombrados en 29 de Enero de 1844, los Sres. Dr. D. Ernesto Berger y D. Antonio Blanco para desempeñar la comision reconocedora del mismo Departamento, dieron principio á sus trabajos en 1° de Febrero por las minas del Tequesquite, concluyéndolos todos el 11 de Marzo.

Segun el informe respectivo un valle estenso rodeado al Norte de los cerros de las Ventanillas, al Poniente del de S. Pedro, al Sur del de los Gatos y otros que no tienen nombre hácia la llanura de las Mangas, y al Oriente comunicándose con el rio de Melilla, es el que contiene en su seno las vetas de azogue de dicho mineral: la ley de los metales que producen algunos de sus labrados aunque deben mejorarse á mayor profundidad, ensayes hechos en los muy escogidos de los terreros, la dan hasta de un 8 por 100; pero en lo general solo resulta la de $1\frac{2}{8}$ á 3 por 100 de azogue. Por dos años las ha trabajado la compañía de Bolaños durante los cuales se avanzaron 160 varas á hilo de veta, y un tiro vertical de 64 varas; y como los labrados mas profundos conforme á noticias tradicionales, solo llegan á 60, la caja del tiro lo está en 40 mas que todos los planes. Hay otros cinco pozos, que se hallan situados à poca distancia unos de otros, no habiendo podido reconocerse sino hasta 10 varas de profundidad, por hallarse inundados. Juzgando por las obras visibles de las que no lo están, puede creerse que todas fueron proyectadas y ejecutadas con igual premeditacion que juicio, debiéndose inferir que la compañía las abandonó en el año de 841, atendiendo á la pobreza de los frutos, y á que el panino á mas profundidad aumenta en macicéz. La comision, para formar un presupuesto esacto de los costos que ecsigiria el nuevo fomento y trabajo de estas minas, considerò necesario poderlas ecsaminar despues de desaguadas; porque juzgó probable que debajo del agua los labrados deben hallarse en estado ruinoso, siendo por lo mismo indispensable ademar el tiro completamente, y proveerle de malacates. Como no se encuentran fábricas ó edificios útiles que pudieran servir á la negociacion, porque el reparo de las que hay costaria tanto como si se hicieran de nuevo, calculó por lo bajo, que se invertirian 40.000 pesos en reparaciones, adquisicion de ùtiles, y construccion de dos hornos; cada uno de los que produciria con metales de una ley media de 2 por 100 de azogue, 800 quintales al año, suponiendo que á mayor profundidad siguiesen en el mismo estado para poder contar con una estraccion de 26.000 cargas en el propio tiempo. La comision por último, advirtió que no podian esperarse grandes utilidades, y que solo en el caso de que á mayor profundidad los metales lleguen á formalizarse, una compañía con capital, que no bajára de 70.000 pesos podria estar segura de lograr siempre una ganancia regular; pero que como para el pais seria muy benéfico el trabajo de las minas, aun en el supuesto de solo costearse, asegura: *que no se perderia el dinero que se emplease en ellas.*

La mina del Carro, situada en el cerro de San Miguel, en pertenencias de la hacienda del mismo nombre, á juicio de la comision es la misma que conforme se dice, produjo en otro tiempo tanto cinabrio, que se escitó el celo de algunos empleados españoles en favor del monopolio de la madre patria y que en consecuencia fué tapada, segun espuso Gamboa en sus Comentarios, aunque el trabajo habia cesado cuando llegó la prohibicion, pues habiéndose adelantado 20 varas y profundizado 6 sobre la veta, se contrajo ésta al ancho de unas pulgadas, sin contener cinabrio alguno.

Hace pocos años se formó una compañía para reconocerla à mayor profundidad, comenzándose un socavon que debiendo cortarla á las 80 varas solo pudo lograrse á las 85; pero de un ancho de 5 pulgadas y sin vestigio de metal, causa por la que fué abandonada una obra que el genio emprendedor de D. Rafael Carrera hizo despues continuar hasta una longitud de 210 varas, sin obtener los resultados que esperaba y quedando reducida la produccion al metal suelto, que recogian algunos pobres, y al producto de varias vetillas insignificantes; pero hace tres años uno de los rescatadores encontró como á 600 váras al Poniente de la mina vieja, y casi en la superficie, un ojo considerable de cinabrio, que comprò y trabajò el mismo D. Rafael, siguiendo la inclinacion de las capas hasta la profundidad de 18 varas en que el metal desapareció, habiéndose estraido seis mil cargas que contenian por término medio 1¾ por ciento de azogue, y de las cuales beneficiadas cinco mil produjeron 16 mil libras. El empresario con actividad y constancia estraordinaria dió otro socavon de 230 varas en borrasca completa, sin adquirir mas que la conviccion de que las capas que son muy ricas en la superficie, pierden su metal en el interior. No obstante, se conserva todavia en la intencion de continuar los socavones, obras que no pueden darle ningun resultado, y cuando mas bien, debiera seguir sus trabajos sobre las capas que dieron la pasada bonanza; concepto que ha sido posteriormente confirmado por la esperiencia, encontrándose sobre alguna de ellas tierra metalífera, hasta en cantidad de 200 cargas, que se ha estraido de un pozo de 4 varas y que tiene una ley de 3 por ciento, atendiendo á que el cinabrio se encuentra en la superficie, y á que la única capa que le contiene en cantidades mayores, es insignificante, por ser poco estensa la formacion en que se halla: la comision juzga que en el mejor caso se pódrá esperar un producto de algunos cientos de quintales de azogue en el año; pero que nunca será duradero.

El mineral de Pinos, colocado al Suroeste de la ciudad del mismo nombre, se compone de 4 criaderos de azogue llamados el Refugio, San José Coyassu, y San Pedro. Hace pocos años que en el primero de ellos se halló un ojo de mercurio nativo, pero que no fué de importancia; pues cuando se habia acabado de disfrutar, ya no pudieron encontrarse en la veta metales de azogue, lo que hace creer que la presencia de éste puede haberse debido á una casualidad. El segundo, que es constituido por un simple pozo de 4 varas de profundidad, se halla abandonado, aunque presenta algunos vestigios de cinabrio. El tercero lo contiene, pero en cantidad tan insignificante, que se han hecho cesar los trabajos, sin embargo de tener algunos metales el 1½ por ciento de azogue y en la inteligencia de que para registrar la profundidad se ha emprendido un pozo de mas de 60 varas sin haberse logrado un écsito satisfactorio; y en el cuarto hay hilitos de una pulgada de grueso que han comenzado á esplotarse, sacandose de 6 á 7 cargas de metal semanariamente con ley de 2½ por ciento. La comision opina: que los criaderos de que se trata, apenas podrán producir de 15 á 20 cargas de metal en cada semana, cuya ley por término medio de 1¾ por ciento, rendirá de 3 á 4 arrobas de azogue, siendo necesario sostener siempre multitud de trabajos esploratorios con riesgo algunas veces de que los gastos sobrepasen á los productos.

Ninguna importancia da la comision á las minas de azogue de San Cosme y Bañon, situada la primerá á 15, y la segunda á 10 leguas al Oriente del Fresnillo, porque considera que lo vivo del color de algunas sustancias ferruginosas ha dado motivo para que juzgándolo cinabrio algunos especuladores, hayan abierto varios pozos á tres leguas al Surdeste de San Cosme, no habiendo ni aun indicios de su ecsistencia, si no es á un cuarto de legua al Este del pueblo, en donde se encuentra una veta de cuarzo con pinta de cinabrio; siendo todavia menos atendibles las minas de la hacienda de Bañon, porque aunque han producido algunas arrobas de azogue, les falta mucho aun para igualar á las anteriores, causa porque se hallan abandonadas; así como otros criaderos de los citados minerales, que son todos de poca consideracion.

## JALISCO.

Con fecha 20 de Marzo la Junta encargó á la comision de Zacatecas que reconociera las minas de cinabrio de dicho Departamento, y por informe de 12 de Septiembre da cuenta con el resultado de sus trabajos en el tiempo corrido desde 25 de Abril hasta 30 de Julio.

El rancho de los Huages se halla situado á 3 leguas al Poniente de la hacienda de Santa Rosa y 6 al Sur del mineral del Mesquital del Oro. Allí se encuentran metales de cinabrio, cuya mejor ley es de 3½ por ciento de azogue; siendo las vetas tan angostas é inconstantes, que nunca podrá formarse en ellas una grande esplotacion. Estas minas fueron antiguamente trabajadas, pero sin la debida inteligencia, y despues las esplotó una compañía de Guadalajara; pero el Dr. D. Ernesto Berger ha presagiado un mal écsito á los especuladores, porque en su concepto las minas son muy pobres y tan escasos los metales de una ley regular, que calculaba no se sacarian 10 arrobas semanarias, aun cuando trabajasen muchos barreteros en diferentes puntos de la cuesta, quedando por consiguiente perdidos para siempre los capitales que se invierten en ellas; mientras que D. Antonio Blanco en atencion al corto tiempo que permaneció la comision en aquel mineral fué de dictámen que antes de decidir sobre su importancia convendria registrar el interior y reconocer por el lado del Norte el punto de interseccion de dos bordos ò crestones que allí ecsisten.

En la Sierra de Capula entre Chiquilistlan y Tapalpa, está situado el minerál Martinez que produce el cinabrio en una estension como de dos leguas, y en la que cada año se estrae una pequeña cantidad de azogue. Se han hecho y hacen muchas escavaciones sin provecho, en sentir de la comision, sobre un terreno de cosa de $\frac{3}{8}$ de legua cuadrados. Sus principales minas son el Nuevo Almadén, el Mercurio, Refugio, Saucillo, Manto, y Socorro.

Bajo la equivocada inteligencia de ser estas vetas formales, cuyo metal produjo desde 9 hasta 14 libras de azogue por carga, una compañía de Guadalajara compró y trabajó las minas con un capital de 28.800 pesos, repartido en 48 acciones de á 600; pero antes de asegurarse de la subsistencia de los productos metálicos hizo construir un horno enorme con gasto de 23 mil, agotando casi todo el capital disponible, y reduciéndose á trabajar con el resto las minas del Almadén y Mercurio, que muy prontamente emborrascadas demostraron no ser vetas en forma. El director de la compañía adquirió entonces la mina del Manto, en donde se habia encontrado cerca de la superficie una bolsa de cinabrio, cuyos metales segun se dice, daban por carga 20 libras de azogue; pero como el horno se habia construido para beneficiar los de las minas del Almadén y Mercurio; abandonadas estas resulta mal situado, porque se aumentan los gastos con el flete de los metales á distancia de una legua de pésimo camino.

En diversos puntos hay metal muy pobre, y solamente en algunos se han hallado á veces ojos bastante grandes y de buena ley, cuya irregular distribucion hace improductivo el trabajo que se emprende para buscarlos. Uno se disfrutò en la mina del Manto que tenia cosa de seis varas de largo sobre 3 de ancho, dando cantidad considerable de metal con ley media de 4 por ciento: otro semejante se halló á las 130 varas Sureste de aquel; y un tercero á 80 al Este: siendo todavia mas grande que el 1°. y cuyos metales, se asegura que daban 20 por ciento de azogue cuando los del occidental no producian sino un 3. Acabados dichos ojos, siguió trabajándose en la mina del Manto un hilito de cinabrio que condujo en muy corta distancia al descubrimiento de otros ojos en las cuales apareció reducida la ley hasta el 2 por ciento aunque era la carga de consideracion; encontràndose despues una série de ojos, y continuando en la última frente á donde las lábores han llegado, el mismo hilito que probablemente indica el camino de otros ojos de metal.

Ya el 5 de Abril de 843 estaban abandonadas las minas del Almadén y del Mercurio, á causa de haberse perdido, segun se ha dicho, todos los indicios de azogue. Solo la del Manto es la que ha dado los metales que despues han servido para cargar el horno; siendo la cantidad de éstos desde Abril hasta Agosto inclusive de 2.736 cargas, con ley media de 7 libras de azogue por cada una, debiendo ascender el importe por lo mismo á 19.152 libras. De ellas se perdieron en las respectivas operaciones 14.047, que equivalen a un 73 por ciento, no siendo estraño que con semejante método de beneficio la compañia gastase hasta 8 de Septiembre del mismo año, 34.113,44, ò 5.313,44 mas que lo que componia su capital primitivo. En consecnencia subió el desembolso por las acciones hasta 710 ps. 69 cent. y se ocasionó tal desaliento entre muchos de los accionistas que la compañía se habria estinguido, si dos casas de comercio no se hubiesen dejado persuadir para conceder á cada accion de las ecsistentes un valor de 800 pesos obligándose á gastar una suma igual á la del primer fondo por la adquisicion de la mitad de las propiedades y derechos de la compañía; quedando invertido del nuevo capital hasta Mayo de 844, $4.447,76; pero precisamente cuando ella se reformó se acabaron los ojos del Manto. La comision ha propuesto á los empresarios nuevas obras de probables y buenos resultados, confiada en que los productos costearàn el trabajo, proporcionaràn à la compañía regulares intereses, y al pais una cantidad de azogue de su propio suelo; lográndose ademas datos esactos para calcular hasta dòndé deben estenderse las especulaciones en el mineral de Capula; pero para esto juzga necesario que se varíe el método del beneficio y abandone el horno; porque siendo las grandes pérdidas de azogue que se han esperimentado, solo debidas á su muy mala construccion, debe adoptarse el método de hacer el beneficio por retortas con recipientes como en el Palatinado, Bohemia y Transilvania.

La comision no ha calculado la cantidad de azogue que estos criaderos pueded dar en cada año, ni sus costos, porque esto requiere otros datos, que solo el tiempo puede proporcionar; pero quiere, y con razon, se tenga presente *que hasta ahora, malo como ha sido el trabajo del horno, se ha costeado el beneficio de metales con una ley de* 1 *por ciento de azogue.*

Las minas del Saucillo y el Socorro, cuyo metal es mas pobre, se trabajan superficialmente por cuenta de operarios que no ademan los labrados, ni tienen que invertir cantidad alguna en los jornales; pero que hacen el beneficio en cántaros de barro, perdiendo así los vapores metálicos hasta tal punto, que de frutos de una ley de 2 por ciento sacan $\frac{3}{4}$; de manera que se estravían cerca de los $\frac{2}{3}$- Se ignora la cantidad de metal que se recoje de estas minas, porque los dueños no lo pesan y se reducen á vender libra de azogue á 10, ó 12 reales: la comision, á quien el tiempo que estuvo en las minas sirvió de dato, gradúa en 3 arrobas el que semanariamente aprovechan tan pobres empresarios.

Muy lisongeras esperanzas se tuvieron en el año anterior de recoger considerables cantidades de azogue en el lugar que se halla al Oriente de la ciudad de Aguascalientes, cerca de la hacienda del Puesto, distrito de Lagos, Sierra de Mariquita, por haberse encontrado en él metales riquísimos: pero el Dr. Berger, que reconociò el criadero, en informe de 31 de Octubre de 1844, no lo considera capaz de dar productos importantes.

Dice que los especulares padecen frecuentes engaños, como les ha sucedido, por ejemplo, en la mina de los 12 Apóstoles, que despues de profundizarla hasta 9 varas en borra completa han seguido el trabajo entusiasmados, porque los frutos empezaron á colorear, circunstancia debida á hallarse la roca en aquello profundidad impregnada de fierro; pero que era juzgada como indicio seguro de la ecsistencia del mineral; siendo esta la historia de çasi todas las minas que se han abierto, y que pasan de 40 en el espacio de una legua cuadrada, pues en la mayor parte de ellas no se han hallado ni vestigios de azogue; en algunas muy débiles, en tres bolsos pequeños de buen metal, y solo una le ha producido en cantidad que merezca alguna consideracion.

La mina de que se trata se llama de San Romualdo, es la mas antigua y pertenece á una compañía de particulares. Se trabajó en el año anterior, y hasta fin de Octnbre en que el comisionado produjo su infórme, tenia 40 varas de profundidad. Los metales se encontraron á la de 10 ò 12 lo mismo que en la mina Providencia, de manera que debe esperarse acontezca lo propio con la de la Bufa, que inmediatamente bajo la superficie da escelentes bolsos de cinabrio, y las llamadas de San Francisco, de la Esperanza, San Lorenzo, los Terros y San José que presentan un aspecto semejante al de aquellos criaderos sin que los demas anuncien importancia alguna ni aun bajo este respecto. En ellas no se observa veta ó manto, sino que el cinabrio aparece en la roca, penetrándola en diferentes puntos; pero de tal manera, que en algunas partes, que casi se encuentra puro, formando bolsos de un diámetro desde una línea hasta un pié, pueden rivalizar en hermosura y riqueza con los mejores del mundo; pero siempre en tan corta cantidad que en 9 meses la mina que mas se ha trabajado, produjo de 700 á 800 quintales de metal con ley media de 12 por ciento de azogue, sin embargo de que algunos pedazos contienen la de 50 á 70. La produccion que llegará á 30 cargas mensuales, es corta, no por la pequeñez de la mina, como sucede en las nuevas, que se abren sobre vetas ó mantos regulares, sino porque no habiendo metales en la profundidad y hallándose los bolsos diseminados irregularmente en la superficie, y siendo por lo comun raros y pequeños, no debe contarse con productos permanentes; consideraciones por las cuales el comisionado entiende que de aquellas minas, solo la de San Romualdo ofrece una ecsistencia temporal y nunca de muy larga duracion.

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## SAN LUIS POTOSI.

Con fecha 2 de Febrero del mismo año dispuso la Junta que se reconociese dicho Departamento por la comision de Zacatecas, y esta lo hizo en efecto, informando separadamente de los resultados el Dr. D. Ernesto Berger en 12, y D. Antonio Blanco en 30 de Septiembre.

La comision opina con el Baron de Humboldt que la mina del Durazno disfruta en el pais de una grande celebridad, no por su riqueza, que es menor que la de la veta de San Juan de la China, sino porque puede trabajarse á tajo abierto, y ha dado muchos frutos, siendo tal la produccion á fines del siglo anterior, que se estrageron en pocos meses, de 70.000 cargas, cerca de 700 quintales de azogue; pero como el metal tenia solamente una ley de $\frac{1}{8}$ por 100, no se cubrieron los gastos, y hubo que abandonarla; mas es de advertirse que en aquel tiempo el quintal se vendia á 41 pesos; que el producto no ascendió mas que á 28.700; que el valor de $3\frac{1}{2}$ reales que él daba á la carga de metal, no podia cubrir los gastos de la mina, espuesta á derrumbarse, del desagüe, y del alto precio del combustible; y que cuando con posteridad ha subido el azogue hasta 150 pesos, primeramente por la guerra de la Península, luego por la revolucion de la independencia, y despues por el monopolio que sobré el mismo efecto ejerce en Europa una casa inglesa, el Durazno volvió á llamar la atencion de los especuladores.

En el principio la gente pobre del vecindario, perforando el suelo, estraia el metal, y lo beneficiaba en cántaros. No hay por lo mismo noticias esactas de la produccion, ni la mina tiene la soidez correspondiente á causa del despilaramiento que ha sufrido, y del desarreglo con que las labores se siguieron, ocasionando su estado ruinoso el sacrificio de varias vidas, y el de algunos capitales; pero una compañía formada en la capital del Departamento en los últimos años, diò un tiro, desaguò la mina, y construyó dos hornos de beneficio, pero con tal mal écsito, que tuvo por fin que abandonar la negociacion, perdiendo cosa de 30.000 pesos.

Dejaba ya entonces comenzado un tiro que se profundízò hasta cuarenta varas en busca de otro manto, pero sín llenar el objeto. Esta obra en opinion del comisionado es tan inútil, como estravagante la idea de continuarla, porque así se lo hacen creer varias consideraciones geognósticas; porque á su juicio ya está disfrutado el manto en toda su estension conocida; porque no hay esperanzas razonables de ampliarlas, y porque la de hallar otro es quimérica con arreglo á sus conocimientos científicos.

Dice ademas que la presencia del cinabrio no se limita al manto, pues que al Sur del Durazno hay infinidad de vetas de cuarzo muy anchas, que le contienen, siendo entre otras una que se halla al pié de la campaña y sobre la cual se han trabajado cuatro puntos diferentes; porque la poca importancia dada á los labrados, ha hecho que queden los respaldos sin descubrir y por consiguiente desconocida la inclinacion; produciendo el azogue en cantidad tan escasa, que no causa aliento para emprender su beneficio.

La mina del Pedernal ha merecido al comisionado la mayor consideracion. Su veta cuarzosa de un ancho como de 16 varas, y que se trabaja por la misma compañía que abandonó el Manto, contiene las minas Blanca, San Roberto y la Grande. El cinabrio se encuentra en cintitas de un ancho desde una línea hasta 3 pulgadas, uniéndose estas á menudo en 6 ó mas, volviéndo á separarse ò acabando enteramente; pero como no hay regularidad en el rumbo, inclinacion, aparecimiento, y término de estas cintas de jaboncillo impregnado de cinabrio, se siguen sus ramaleos en cualquier rumbo por caprichoso que sea, sin que se obtengan por lo mismo ventajosos rasultados.

Ademas de estas minas, que producen muy poco metal, trabaja la compañía un socavon que llaman de San Andres, comenzado á 160 varas de la boca de Mina grande: obra inútil, en dictámen del Dr. Berger, porque na sirve para reconocer la veta, ni para desagüe estando seca la mína. El trabajo en todas se hace con barras, rara vez con cuña y pico; y como no se usa de la pòlvora, dá algun provecho la estraccion semanaria de 35 cargas de 7 á 8 líbras de azogue cada una por término medio, beneficiándose en cántaros. Desde mediados de Noviembre de 840 solo se han quemado metales del Pedernal que produjeron hasta Julio de 1844, 8274 libras 15 onzas de azogue, sin que queda determinarse la cantidad que lo produjo porque no se pesan: no obstante un cálculo aprocsimativo con atencion al método que hoy se sigue, hace creer que se necesitarian 2.415 cargas 8 arrobas, resultando por la division del tiempo en algunos periodos que la produccion aumentò en el segundo cuatro veces mas que en el primero, y en el último un 8 por 100 comparado con el segundo; que se sacaron de cada carga 3½ libras de azogue, y que se perdió en el beneficio mas de un 50 por 100 que equivale á 9.000 libras en 3 años y medio; estravio qne pudo evitarse mejorando el beneficio por algun método como el del Dr. Ure, lográndose así con un costo de 3.000 ps. que la empresa se hubiera costeado, aprovechando una mas crecida cantidad de azogue.

Las principales dificultades que presenta el mineral, consisten en la falta de combustible, y sin embargo el comisionado entiende que la nacion debe proteger la empresa, por ser una de aquellas que aunque no sea productiva para el empresario, será de conocida utilidad pública, pues que la mayor estraccion de azogue que es muy posible, dará al pais incalculables ventajas. No opina que para esto deba entrar la Junta en relaciones oon la compañia, sino seguir solamente la veta del Pedernal fuera de las posesiones de aquella en donde no se halla registrado, pues que manifiesta contenerse el cinabrio en diferentes puntos del creston, y ademas hay en todo el distrito un número considerable de vetas semejantes que podrian registrarse por mèdio de catas con probabilidad de buen écsito, y sin otro gasto que el de 3 á 4.000 pesos aun cuando no se emprendan todas las obras de investigacion que el terreno reclama.

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## CHIHUAHUA.

Con fecha 18 de Marzo del año pròcsimo pasado la Junta nombrò á D. Cástulo Chavez para que reconociera minas de azogue en el referido Departamento; y aunque todavia se hallan sin ecsaminar los minerales de Canelas, Batopilas y Morelos, y se asegura que en la sierra del Mogollon, rios Gila y San Francisco, se encuentra no solo el cinabrio sino el mercurio nativo, se ha descubierto ya un criadero al Oeste de Jesus María en el punto llamado de Casas coloradas, como á 6 leguas al mismo rumbo de Batopilillas, y 3 al Norte de Arechuivo, en el cual aparece el cinabria en granos aislados con grueso hasta de una pulgada en una estension como de 60 varas de longitud y 20 de latitud; pero solo en la superficie y en corta cantidad.

La ley de estos granos es de un 80 por 100; y como sin embargo de la escasez que de ellos se advierte una mas formal esploracion pudiera producir resultados de mayor cuantía, la Junta la dispuso con fecha 1°. de Octubre del mismo año, y hasta la fecha no ha tenido efecto, porque ademas de algunas dificultades ocurridas á la comision, quedan por vencer las que presentan las incursiones de los indios bárbaros.

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## SONORA Y SINALOA.

D. Florencio Monteverde fué nombrado por la Junta en 27 de Enero del propio año para reconocer los minerales de cinabrio de dichos Departamentos, y despues de aceptar el encargo hizo presente en nota de 17 de Abril la necesidad que habia de que terminara la revolucion y mudara el tiempo para emprender con écsito su viage, y que entre tanto, se proporcionaria datos sobre la ecsistencia de cinabrio en el mineral de Rio Chico y Tamasula de Sinaloa, pues que aunque se vociferaba que en los terrenos de la Apachería habia manantiales de azogue, la discordancia en las relaciones fundaban su duda, con tanta mas razon, cuanto que se ignora que se halle aquel efecto en parte alguna tan abundantemente en el estado nativo.

En 2 de Octubre manifestò que continuaba recogiendo noticias: que habia recibido la de que en Alamos se halla un criadero; y que para adquirir todas las necesarias, era indispensable el transcurso de mayor tiempo.

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## NUEVO LEON, COAHUILA, Y TAMAULIPAS.

La Junta nombrò á D. Rafael Chovell en 12 de Junio del repetido año para que reconociera los criaderos de cinabrio de los mismos Departamentos, haciéndole una especial recomendacion de los minerales de Vallecillo, la Iguana y Villa-Aldama ecsistentes en el primero; y en 7 de Julio al manifestar su deferentia, propuso y se le aprobò en 24 de Julio á D. Patricio Flores para su segundo en la comision.

Hasta 14 de Noviembre, en que se le proporcionaron los recursos necesarios, no pudo comenzar sus trabajos; y como durante tres meses no ha vuelto la Junta á recibir noticia alguna, en 7 del actual dispuso finalmente que aquellos se suspendieran, y que la comision diese cuenta de las resultas de los emprendidos.

La Junta deja hecha una reseña de los reconocimientos que han podido practicarse aun en épocas posteriores á las prefijadas en el artículo 4º. de la ley, no solo para hacer las investigaciones, sino para decretar los avios; cosa que fué de imposible cumplimiento atendida la estrechez de los plazos y otros obstáculos que se presentaron.

Dos son los fondos que últimamente fueron destinados al fomento de las minas: el producto del 1 por 100 de circulacion de moneda, y los 130.000 pesos al año que en mesadas proporcionales y á favor de la Junta debian girar las aduanas marítimas de Veracruz y de Tampico.

Autorizada ella por el artículo 11 de la ley citada de 25 de Septiembre para recaudar el derecho impuesto al numerario por medio de los comisionados que le parecerian convenientes, ecsaminò varios proyectos para sistemar la colectacion con la posible economía y con la mayor seguridad, y al fin tuvo que encargarla á los administradores principales de rentas; dando parte al Gobierno Supremo en 29 del mismo mes, para que se librasen por el ministerio de hacienda las òrdenes correspondientes, segun se verifiicò el dia 30, ordenándose que las cantidades percibidas desde la fecha de la ley, por el espresado derecho se invirtieran á la voluntad de la Junta: ésta en 12 de Octubre tuvo la satisfaccion de ver que se hallaba conforme á sus deseos la circular que la direccion general de alcabalas y contribuciones directas espidiò para dar instrucciones á los administradores, reglamentando el cobro y la parte de contabilidad de los que por él resultaran responsables, y despues la de ver acreditado por la esperiencia que el método establecido sino el mejor, fué por lo menos el mas adaptable á la seguridad de los fondos en las circunstancias en que se encontraba la República; pues con escepcion de un robo hecho al administrador de Sinaloa en que se perdieron 14 pesos, 3 reales, 3 granos; y la quiebra en que, á su muerte, apareciò el de Nuevo Leon por no hallarse en caja los 549 pesos 2 reales 3 granos que debia tener ecsistentes, de cuya cantidad puede recobrarse todavía alguna parte; el resto de los productos, cuya totalidad ascendiò á 151.199 pesos 4 reales, 1½ granos se ha colectado con regularidad por los mismos empleados, quedando solo pendiente la remision de algunas de las cuentas respectivas á los últimos meses del año, la de la ecsistencia que hay en algunas administraciones, importante 6.345 pesos 2 reales 6⅛ granos, y la de una ú otra corta suma de que no se tiene conocimiento todavìa.

Sin embargo, al fondo se ha dado una distinta aplicacion en mucha parte, ya porque la Junta se haya visto precisada á obsequiar para ello algunas òrdenes supremas, y ya tambien porque no le ha sido posible evitar usasen de varias cantidades, con autorizacion ò sin ella, los gefes de varios Departamentos.

Diversas diligencias practicò la Junta para asegurarse del giro de letras prevenido por la ley á las aduanas marítimas de Veracruz y de Tampico; pero todas, así como la multitud de esposiciones que hizo en varias fechas á la administracion provisional para que se sirviera espeditarlo, atendiendo á la importancia del objeto á que su valor estaba destinado, han sido casi ineficaces, pues que únicamente por la 1ª. de las citadas oficinas ha recibido 32.244 pesos ½ grano en lugar de 164.904 pesos 10 granos que, entre ambas, debieron haber librado hasta fin de Diciembre del año anterior; por cuya razon restan 132.660 pesos 9½ granos.

Los pormenores de la colectacion é inversion de los fondos aparecen del resúmen que la Junta tiene la honra de acompañar á V. E. bajo el número 2 en donde se ve que hasta fin de dicho mes los gastos de administracion subieron á 18.755 pesos 7 reales 2⅝ granos, ò lo que es lo mismo, á 5⅞ por ciento: que en reconocimientos de minas se han gastado 14.586 pesos 5 reales

3 granos: que el avio de algunas minas de cinabrio en Guanajuato solo llegaba á 20.120 pesos: que al colegio se habian satisfecho 30.900, conforme al artículo 25 de la ley de 5 de Octubre de 843: que el Supremo Gobierno debe, en el caso de declararse que los 34 mil pesos que tomò el Escmo. Sr. general D. Antonio Lopez de Santa-Anna en la casa de moneda de aquel Departamento haya de sufragarlos la hacienda pública, 232.018 pesos 2 reales 3½ granos; y que de los 339.951 pesos 3 reales 4 granos que suman las partidas recibidas y que han debido recibirse, solo tenia la ecsistencia de 7.960 pesos 4 reales 7½ granos perteneciente al fondo general, y 20.125 pesos 10½ granos al particular de Jalisco; pero debiendo 22 mil pesos á una casa de comercio.

Con la mira de ir reintegrando al fondo de las cantidades que habian distraídose de la aplicacion que les designò la ley, dispuso el Supremo Gobierno en 24 de Julio ùltimo que las aduanas marítimas del Sur procediesen desde luego y sin falta algunr, á entregar al comisionado que al efecto nombrara la Junta, la mitad de lo que rindiese el derecho de averia, consignándosele ademas en 10 de Agosto en calidad de prenda subsidiaria, y con encargo y facultad de realizarla, la letra girada por el síndico del concurso de Zambrano en Durango, contra D. Juan José Zubizar, importante 17.500 pesos para que se cubriera lo que pudiese quedar insoluto; pero del derecho citado ha recibido en el presente año la insignificante cantidad de 590 pesos, 73 centavos, y la libranza antes de serle remitida fué adjudicada por la administracion provisional á resultas de un contrato celebrado en 23 de Octubre; mandándose á la Junta que designara en sustitucion otro crédito de igual clase, lo que hasta ahora no ha podido tener su verificativo.

Fácilmente se deduce de todo lo espuesto: 1°. Que si no se hallan cumplidas en su totalidad las disposiciones legislativas dictadas durante la administracion anterior en bien del ramo de azogues, solo ha dependido de que unas modificaron á las otras tácita ò espresamente, y las que conservan su vigor ecsigen el transcurso de mayor tiempo para producir todos sus resultados: 2°. Que las relativas á la adquisicion del azogue español no han perdido la solidéz de los fundamentos en que su objeto se apoyò porque las circunstancias peculiares á la época impidieran que se realizaran. 3°. Que las contraidas á ecsimir de derechos de alcabala á los efectos de consumo en las minas, requieren alguna aclaracion para llenar en todas sus partes el fin laudable con que se espidieron. 4°. Que la Junta departamental de Jalisco debe dejar á la de Minería espedito el uso de los fondos que para el fomento de las minas de cinabrio en aquel Departamento designò el decreto de 10 de Noviembre de 843, mientras que no se derogue, ò se apruebe el que en 15 de Junio de 844 diò su Escma. Asamblea para invertirlos en la construccion de la cárcel de Guadalajara. 5°. Que el reconocimiento de criaderos de cinabrio en la república se ha hecho, aunque incompletamente. 6°. Que en el interés nacional se halla el de continuarlo. 7°. Que basta el ecsámen que se ha practicado para probar la ecsistencia de minas de cinabrio en el pais. 8°. Que el avío de algunas debe dar utilidad; que el de otras puede desde luego costearse, y que el de muchas no se perderá cuando se abran nuevos caminos, sea menor el precio de los artículos de primera necesidad, y se adopten mejores aparatos de beneficio. 9°. Que solo se han comenzado á esplotar algunas minas, y no todas las que merecen serlo, porque la Junta no ha podido disponer sino de una pequeña parte de los fondos que al efecto se le consignaron. 10°. Ultimamente, que la recaudacion de ellos ha sido hecha con suma regularidad y economia.

Los males que produce en la república la falta de datos estadìsticos correspondientes á casi todos los ramos de la administracion nacional, se resienten tambien en el de Minerìa. La Junta, aunque ha hecho cuantos esfuerzos se hallaban á su alcance para destruirlos, lo ha procurado en vano, y por lo mismo le es imposible, por ahora, determinar con esactitud el consumo de azogue que por término medio se hace cada año en la república; pero sea cual fuere, no puede negarse que esta emplea la mayor parte del que rinden las minas europeas, porque es tambien la que contribuye con mas plata y oro para la acuñacion de la moneda. Tampoco cabe duda que *la Minería es el agente principal á cuya accion se hallan sudordinadas las creces de nuestra agricultura, industria y comercio*, y que si sus productos se entorpecen, el daño público será de ilimitada trascendencia.

Con el fin de impedirlo, la nacion debe hacer grandes esfuerzos, y el supremo gobierno dirigirlos y protejerlos.

Trabajadas las minas del pais por la administracion pública, y por empresas particulares, verémos tal vez realizada la lisongera profecía del Baron de Humboldt, sobre no necesitar esta América de la importacion del azogue europeo; pero aun deben transcurrir algunos años antes que la nacion llegue al estado de poder disfrutar tales ventajas.

Entretanto, tiene que surtirse de aquel fruto en la parte que dejen de cubrir los criaderos mexicanos las necesidades del consumo.

Dos medios le quedan para lograrlo: el uno, contratar los azogues de Almadén luego que termine la presente contrata, preparando con oportunidad los fondos, y los demas elementos necesarios para obtenerla; el otro, comprar cada año la cantidad de azogue indispensable, pero á la misma casa contratista, para que ya que por el pronto no pueden evitarse los males consiguientes al monopolio, por lo menos se reduzcan los quebrantos, haciendo refluir en beneficio de los mineros las utilidades que naturalmente logra el comercio, trayéndolo por su cuenta á la república.

El fomento de sus minas requiere la inversion de algunos caudales; tambien son precisos para contratar los azogues españoles: son urgentes otros para surtir por lo pronto á los minerales del azogue que ecsigen, y que tienen hoy que adquirir á un precio tan alto que no pudiendo costearlo los metales comunes, se limitan solo al beneficio de los ricos, ocasionándose con esto un mal inmenso á la riqueza nacional.

Los fondos que dejò á la Junta la administracion anterior, si no para todos, para alguno de tan importantes objetos, van casi á desaparecer con la derogacion del decreto que impuso el derecho de uno por ciento á la moneda en su transporte de uno á otro Departamento.

Muy lejos se halla la Júnta de criticar el acuerdo que sobre este punto ha tenido la augusta cámara de diputados, porque lo apoyan la justicia, una bien entendida economía, y la angustiada situacion del comercio; pero no puede menos que clamar ante el Supremo Gobierno con toda la energía que demanda la muy triste en que se hallan los mineros mexicanos, á efecto de que teniendo presentes los innumerables fundamentos que reclaman la proteccion de las minas nacionales, se sirva iniciar en el Congreso las medidas correspondientes para que el fondo indicado del uno por ciento, se sustituya con otro equivalente, ampliando en cuanto fuere posible los recursos y facultades de la Junta, á fin de que tenga la suficiente aptitud para llenar los interesantísimos objetos que deja relacionados.

Ningun fondo es en su concepto mas análogo, ni mas á propòsito, que el que creó la ley de 22 de Noviembre de 821 en su artículo 6º. y consiste en el 3 por 100 que pagan el oro y la plata; porque sufragándolo la minería, nada tan equitativo como el que sus productos se destinaran á su fomento, no olvidando que con él se encuentran íntimamente ligados los mas grandes intereses de la prosperidad pública.

La Junta se honra renovando á V. E. sus protestas de muy distinguida consideracion.

Dios y libertad. México 22 de Febrero de 1845.—*José María Bassoco*, presidente.—*José María Castera*, secretario.—Escmo. Sr. Ministro de Justicia, é instruccion pùblica, D. Mariano Riva Palacio.

## Número 1.

### JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Escmo. Señor.—El señor contador encargado de la direccion general de alcabalas y contribuciones directas, viendo en el artículo 1°. del supremo decreto de 24 de Mayo último lo dispuesto por el Escmo. Sr. presidente provisional para que tengan su mas puntual observancia en lo relativo á las minas de azogue de la República, las reales òrdenes de 13 de Enero de 1783, 12 de Noviembre de 1791, 6 de Diciembre de 1796, y 8 de Agosto de 1814, sobre franquicia de alcabalas que conceden á los artículos del consumo de minería, creyó conducente circular con el mismo decreto las cédulas citadas en el referido artículo 1°.

Cotejando su contenido con el de otras quince circulares libradas en tiempo del gobierno español sobre gracias concedidas al ramo, hallò que aquellas aprobaban ò se referian á otras providencias en las que no solo estaban inclusas las relativas al caso, sino á otros diversos, haciendose en consecuencia necesario escoger lo perteneciente á la franquicia de alcabalas.

Hecho esto dirigió al Ministerio de hacienda una minuta de la circular que le parece oportuno se dirija á sus subalternos, y en la que se contiene la espresion recopilada de los artículos que se esceptuaron de alcabala, con el fin de que se evite la confusa inteligencia que pudiera darse por algunos funcionarios, á aquellas soberanas disposiciones.

Como en ellas se denominaron varios artículos para la esencion del derecho, aunque haciéndola estensiva con la frase *y otros* á los que inmediatamente *sirvan al laboreo de minas ó beneficio de sus metales, ó para los desagues*, el espresado señor contador entiende que con la palabra *otros* quedan indeterminados los demas artículos esentos; lo que en su concepto da motivo á dudas, consultas y cuestiones que pueden evitarse estimándose solo libres los efectos que nominalmente se comprendieron en las cédulas, y que tambien abraza la minuta de la circular que propone, para que aprobada pueda dirigirse á las oficinas subalternas de la Direccion, publicándose ademas por medio del Diario del Gobierno.

En la misma circular hace la juiciosa advertencia de que la libertad concedida á los azogues nacionales para traficar sin guia, pase, ni otro documento de aduanas, comprende tambien á los estrangeros, supuesto que la ley no los distingue de manera alguna.

Refiriéndose á la real òrden de 8 de Agosto de 1814, preventiva de que las gracias acordadas á la Minería fuesen estensivas á los territorios de las administraciones subalternas y receptorías dependientes de los mismos reales ò asientos, dice que podria darse una inteligencia muy lata y perjudicial á la propia franquicia, considerando por tanto ser necesario esplicar que esa gracia ò esencion de derechos se acuerda en el distrito de las aduanas ó receptorías ò sub-receptorías en que se esplote el azogue, concepto que es conforme á la declaracion hecha por el vireinato á consulta de la renta en 21 de Agosto de 1798, en que se resuelve que *para la libertad de alcabalas de los efectos y utensilios de minería, deben tenerse por reales de minas las administraciones ó receptorías en cuyos suelos están situadas.*

Juzga tambien que debe advertirse á las administraciones que no recayendo la esencion sino sobre la alcabala, sigan cobrando los demas impuestos, como el medio por ciento para tribunales mercantiles, municipales ú otros que no sean de aquella especie; así como que el fierro y acero estrangeros son libres del consumo interior; pero no del que pagan en los puertos á su internacion.

En fin, la citada contaduría, reasumiendo sus conceptos, consulta:

1°. Que bajo los nombres de pertrechos, utensilios y avíos, se entiendan esceptuados los que nominalmente se refieren, no agregándose las palabras *y otros*, que contiene la providencia de 24 de Abril de 1781.

2°. Que tanto el azogue nacional como el estrangero camine sin guias ni pases, aun de las aduanas marítimas y fronterizas.

3°. Que segun el concepto de la real òrden de 8 de Agosto de 1814, la libertad de alcabalas es por las introducciones ò ventas en el distrito de las aduanas, receptorías ò sub-receptorías, donde se esplote azogue.

4°. Que la esencion es solo de la alcabala y no del medio por ciento de tribunales mercantiles, derechos municipales ú otros.

5°. Que el fierro y acero estrangeros son libres de derechos de consumo interior; pero no del que se cobra é su internacion en los puertos.

6°. Que aunque en los efectos esentos á que se contraen las reales òrdenas de 6 de Diciembre de 1796 y 8 de Agosto de 1814, no se menciona la arena, cal y camones de arrastre, se incluyen no obstante en dicha esencion por haberla concedido las reales òrdenes anteriores.

7°. Que se publique en el Diario la circular y reales ordenes que cita.

Las nuevas prácticas introducidas en el cobro del derecho de alcabalas, despues del establecimiento de la Administracion y Direccion general de la misma renta, produjeron entre los mineros un clamor y una queja universales, porque aunque aquel método no llevaba otra mira que la de acrecer los fondos públicos, perjudicaba gravemente el interés minero, y por una natural consecuencia la riqueza de la nacion.

Encargado el estinguido tribunal de minería de promever el fomento del ramo, defendiendo los derechos justos del cuerpo, ecsaminò escrupulosamente los fundamentos en que apoyaron los mineros sus respectivas representaciones, y dirigió al virey una tan sólida como enérgica en 13 de Octubre de 1778.

Tratò entonces con la debida separacion cada uno de los puntos en que la nueva práctica en el cobro de alcabalas dañaba á la minería, esponiendo tambien en cada uno los fundamentos de justicia y de razon que se oponian á su establecimiento, los derechos del ramo y los perniciosos efectos que se obtendrian en contra del mismo erario que se pretendiera aumentar por aquel medio.

La ley 9ª, tit. 13, lib. 6º. de la Nueva Recopilacion, dice así: "Y el plomo, greta, cendrada y almártaga y escobilla, y todo lo demas que de las afinaciones saliere, sacada la plata, de que se nos han de pagar las partes segun que de suso va declarado, libres de todas costas, han de quedar y queden para los dueños de las dichas minas; sin que del dicho plomo, greta, cendrada, almártaga, y escobilla, se haya de pagar á nos cosa alguna." Segun se ve quiso la ley que solamente las platas pagasen un derecho; pero en lugar de atender á su espíritu se consideraron sus palabras, y en el artículo 6º. de una instruccion impresa dirigida á los administradores y receptores se previno por su director general el cobro de alcabalas á los metales, gretas, cendradas, que *cualesquiera personas vendieren no siendo dueños de minas, ó parcioneros en ellas y removida toda sospecha de negociacion; pues en caso de ésta se cobrará aquel real derecho.*

El natural resultado de esta disposicion fué que se cobrase la alcabala á los metales en piedra, y que se cobrase tambien de su fundicion y beneficio, resultando ilusoria la esencion concedida á los dueños ó parcioneros, porque no siendo prácticamente posible que los administradores averiguasen si el metal conducido por el rescatador para beneficiarlo, era comprado al dueño ó parcionero, ò á otro rescatador, cobraban promiscuamente de todo el metal que sabian habia sido rescatado.

Aun en el último caso, el mas plausible en la aparencia, se producia un gravámen injusto, porque no haciendo la venta los dueños ò parcioneros, los rescatadores no podian obtenerla mas que de los operarios, á quienes se da partido, recayendo el impuesto sobre sus jornales, que no pueden considerarse como venta ni permutacion, sino como la mera locacion del trabajo personal. De esta manera el dueño tenia que privarse de las manos necesarias, ò aumentarles el partido, con notable detrimento de sus negociaciones; sin dejar de sufrirlo ni en el supuesto de que solamente pagaran el derecho los rescatadores, porque éstos no comprarian sino el metal que soportase su pago, ò aquel que se les vendiese á inferior precio: siendo éste el mas seguro medio de reducir las especulaciones y separar del ramo muchos capitales que contribuian á su engrandecimiento.

Las mismas razones favorecieron la esencion de alcabalas á las especies resultantes de los metales de que hizo referencia la ley citada de la Nueva Recopilacion; pero ademas hubo otras muy poderosas que emanaron de la consideracion de que todas esas especies son "de ingredientes, sin los cuales no se puede verificar la fundicion de las piedras minerales, en la que se le mezclan revueltos y se les da entonces el nombre general de *ligas de fundicion*, de tal suerte que la minería los produce, y la minería los gasta, y de consiguiente la minerìa es quien los vende, y la minerìa es quien los compra."

Por cèdula de 30 de Diciembre de 1716 se dispuso que los mineros en lugar del quinto pagasen el diezmo de las platas; pero se pretendiò que los rescatadores no se hallaban comprendidos en esta gracia hasta que la esperiencia produjo el convencimiento de que era necesario hacerla á ellos estensiva, pues que de otro modo no se llenaba el objeto, y en 19 de Junio de 1723 esta franquicia se hizo general para los mineros, aviadores, rescatadores, compradores, &c.

La ley 6ª, tìtulo 13, libro 8º de Indias previno que la vajilla pagase únicamente la alcabala de la manufactura, deduciéndose el costo de las pastas de oro y plata y satisfaciéndose cinco maravedìs por marco de la una, y dos por onza del otro, debiendo ser creidos por su juramento acerca de la utilidad en la maniobra de pequeñas alhajas y cosas menudas; pero se pretendió que se pagasen por el total valor de las piezas.

Se quiso que la venta ó permutacion de las minas, satisfaciesen aquel derecho contra lo que deciden los autores clásicos, infiriéndolo muy bien de lo dispuesto en las leyes 12 y 13, tìtulo 17, libro IX de la Nueva Recopilacion.

Sin embargo de que lo accesorio sigue la naturaleza de lo principal; de que las disposiciones favorables deben mas bien ampliarse que restringirse, y de que diversas leyes favorecian la escepcion de alcabalas de los vìveres y abastos que se llevan para provision de las minas, se pretendiò tambien que el maiz y otros artìculos que los mineros llevaban á sus minas y haciendas para dar racion semanaria de ellos á los operarios, pagasen alcabala porque consideraban equivocadamente el hecho como una especie de venta ò negociacion, olvidándose de que esas mismas raciones se distribuian por una práctica constante en las minas, sin reducir las porciones por la subida de precio en los artìculos.

En el 5º de la citada instruccion, se estableciò el cobro de la alcabala de cualesquiera españoles que tuvieren por trato ò grangerìa hacar carbon, leña ò madera para vender, como venden á los mineros y otras personas, queriendo observar este artìculo en la práctica de tal manera, que no siendo indio el que llevaba aquellos efectos, cuya calificacion quedaba al arbitrio de los administradores, se hacia efectivo el cobro.

Por diversas consideraciones deducidas en favor de las rentas de alcabalas, ya porque cuando ha convenido se atendia al espìritu mas que el tenor literal de la ley, ó viceversa, se ecsigiò el derecho qde nos ocupa por la cal, la arena, el barro, los adobes y las piedras; y de la sal, del magistral, de las béstias, de los cuero al pelo, de las jarcias, de las herramientas, sebo y demas avìos de minas, cuando se llevaban á ellas por cuenta de los mineros.

Nada valia para los empleados en rentas la consideracion importantìsima de que gravar á la minería es disminuir sus productos, y que disminuir sus productos es reducir tambien los de las demas rentas del Estado y el comercio, y aun con el tiempo los del mismo ramo de que dependian. Los administradores, y especialmente los dotados al tanto por ciento, no querian sino colectar mayores cantidades para poder disfrutar de mayor sueldo.

Nada importaban para ellos los consejos de la razon ni los frutos de la esperiencia.

Unos pretestos para ciertos casos, y otros para los diversos, servian á sus miras de interés individual, cubriéndose á veces con un falso celo, y en las mas, con la supuesta ignorancia de las leyes.

Medio siglo largo ha trascurrido y la lucha todavìa no se termina; pero la Junta de fomento y administrativa de minerìa cree que la conclusion de este debate ha llegado ya con la ecsistencia del actual Gobierno.

El no permitirá la supresion de las palabras *y otros* consultada por la contadurìa de alcabalas, porque entonces, lejos de terminarse la contienda, no hariamos sino comenzarla; porque el Gobierno en vez de restringir, debe ampliar sus beneficios á la minerìa; y porque asì lo aconseja la sana razon, una constante esperiencia y los mejores cálculos econòmicos; de manera que hoy el mismo Gobierno no solamente sostendrá la esencion de alcabalas á todos los efectos de consumo de las minas de azogue, sino que la hará estensiva á los minerales de oro y plata, segun consultò el establecimiento en su informe dado á la comision de industria del Congreso general en 4 de Noviembre de 1836, que reprodujo en 10 del mismo mes de 38, y sobre el que ha insistido esta Juuta en el suyo de 18 de Febrero de este año.

A fin de robustecer la justicia y conveniencia de su solicitud, cree oportuno recordar á V. E. que ademas del principio general reconocido de todos modos sobre que si se quiere que prospere la minerìa del pais deben acordársele cuantas franquicias sean imaginables, y no gravarla ni en lo mas mìnimo: hoy la estricta observancia de este principio es tanto mas indispensable cuanto que entre otras poderosas razones, la de la carestìa de los azogues, hace temer fundadamente quebrantos inmensos para la Minerìa, y por una inmediata consecuencia para la riqueza nacional. No olvide V. E. que en los cálculos del especulador cabe algunas veces la decision de abandonar los metales cuyo beneficio le ofrece la pérdida de un real en cada marco de plata y que tal vez proporcionándole ese mismo real con la esencion de alcabalas ú otras franquicias, esos metales en lugar de ser abandonados se beneficiarán, y entonces un solo real puede convertirse en un marco de plata: que la reduccion de los impuestos aumentarán los productos minerales proporcionalmente, y que la pérdida, si asì puede llamarse la diminucion de los derechos de alcabala á los efectos de consumo en la minerìa, se retribuirá con usura para la riqueza nacional.

Bajo este supuesto y para evitar interpretaciones que hagan continuar esa escandalosa y perjudicial contienda, es claro que no deben tener lugar los artìculos 1°. y 3°. que en aclaracion de la ley de 24 de Mayo último consulta el contador de la renta, y que tampoco debe tenerlo el 6°, pues qne antes bien en vez de restringir la esencion acordada á los minerales de azogue, debe hacerse estensiva á los de oro y plata en toda la República: debiendo en consecuencia sustituirse el 1°. con este otro.

"Quedan esentos del pago del derecho de alcabala todos los artìculos, efectos y materiales de consumo minero en los minerales de azogue de la Repùblica," pudiendo añadirse despues de la palabra *azogue:* "y de oro y plata," para el caso en que el Supremo Gobierno tenga á bien, como la Junta se lo tiene pedido y reitera ahora, conceder la citada ampliacion de aquella gracia; resultando por consecuencia que la circular propuesta por la misma contaduría de aduanas, en la que se incluye una lista por òrden alfabético de efectos asceptuados, no debe espedirse, porque como se ha demostrado, es inútil, nociva y contraria al espíritu de las leyes protectoras de la Minería.

México, Julio 31 de 1843.—*Vicente Segura,* presidente.—*José María Castera,* secretario.

Es copia. México, Febrero 10 de 1845.—*José María Castera,* secretario.

Núm. 2.

## JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA. FONDO DE AZOGUES.

*Resúmen que manifiesta el total producto de este fondo y su inversion, desde* 25 *de Septiembre de* 1843 *hasta fin de Diciembre del siguiente año, y consiste en los* 80 *y* 50.000 *pesos del derecho de importacion sobre las aduanas de Veracruz y Tampico, y en el de* 1 *por* 100 *de circulacion de moneda de uno á otro Departamento; ambos consignados por la ley para fomento de las minas de azogue en la República.*

### CARGO.

| | | | | | | |
|---|---|---|---|---|---|---|
| Ingresaron de la aduana marítima de Veracruz en cuenta de los 80.000 pesos anuales que debe satisfacer con arreglo á la ley... | | | | 32.244 | 0 | 0½ |
| Se cargan 69.235 pesos, 3 reales, 5½ granos, que resta la misma aduana para completo de 101.479 pesos, 3 reales, 6 granos, que en un año y 98 dias, vencidos en el tiempo que comprende el presente resúmen, al respecto de los 80.000 pesos referidos, ha debido remitir.......... | 69.235 | 3 | 5½ | | | |
| Idem 63.424 pesos, 5 reales, 4 granos, que debió haber satisfecho igualmente la aduana marítima de Santa Anna de Tamaulipas, al respecto de 50.000 pesos anuales, en el mismo periodo.......... | 63.424 | 5 | 4 | | | |
| **Restan estas aduanas por lo vencido hasta 31 de Diciembre de 1844**...... | 132.660 | 0 | 9½ | 132.660 | 0 | 9½ |
| *Producto total de estas asignaciones hasta fin del año de* 1844, *que debió entrar en este fondo*.......... | | | | 164.904 | 9 | 10 |

Se cargan 151.199 pesos, 4 reales 1½ granos, que en el tiempo citado, han colectado las administraciones principales de rentas por productos del derecho de 1 por 100 de circulacion de moneda, en la forma siguiente..........A saber:

| | | | |
|---|---|---|---|
| En la administracion principal de Zacatecas se recaudaron desde 25 de Septiembre de 1843, hasta fin de Diciembre de 1844.......... | 34.222 | 3 | 3 |
| En la de Guanajuato, hasta fin de Octubre de 1844.......... | 33.892 | 2 | 6 |
| En la de Mèxico, hasta fin de Diciembre de idem.......... | 29.902 | 2 | 6 |
| En la de Jalisco, hasta fin de idem.......... | 11.484 | 5 | 8½ |
| En la de San Luis Potosí, hasta fin de idem.......... | 9.075 | 5 | 7⅞ |
| En la de Durango, hasta fin de idem.......... | 7.420 | 1 | 8 |
| En la de Puebla, hasta fin de idem.......... | 4.528 | 7 | 9¾ |
| En la de Chihuaha, hasta fin de idem.......... | 4.241 | 5 | 2⅞ |

| | | | | | | |
|---|---|---|---|---|---|---|
| En la de Michaocan, hasta fin de Julio de idem | 3.091 | 4 | 4 | | | |
| En la de Nuevo Leon, hasta fin de Noviembre de idem | 2.778 | 7 | 1½ | | | |
| En la de Aguascalientes, hasta fin de Diciembre de idem | 2.712 | 4 | 1½ | | | |
| En la de Querètaro, hasta fin de idem | 1.859 | 7 | 3 | | | |
| En la de Veracruz, hasta fin de idem | 1.486 | 0 | 2 | | | |
| En la de Coahuila, hasta fin de idem | 1.216 | 5 | 10 | | | |
| En la de Oajaca, hasta fin de idem | 708 | 4 | 0 | | | |
| En la de Chiapas, hasta fin de Julio idem | 65 | 0 | 0 | | | |
| En la de Sonora, hasta fin de Abril de idem | 32 | 1 | 11½ | | | |
| En la de Sinaloa, solo en Julio de idem | 15 | 0 | 0 | | | |
| En la aduana marítima de Mazatlan, solo en Octubre de 1843 | 1.964 | 0 | 6 | | | |
| En la de Santa-Anna de Tamaulipas, hasta Junio de 1844 | 598 | 5 | 10 | | | |
| En la fronteriza de Tuxtla Chico, solo en Abril de idem | 2 | 2 | 0 | | | |
| *Productos integros del derecho de* 1 *por ciento de circulacion hasta* 31 *de Diciembre de* 1844 | 151.199 | 4 | 1½ | 151.199 | 4 | 1½ |
| Se cargan asímismo 1.847 pesos, 6 reales, 4½ granos, por aumentos ó premios habidos de libranzas giradas por esta Junta contra los administradores de rentas, y descuentos de otras á cargo de la misma; con inclusion de mil y quinientos pesos de descuento al 3 por ciento sobre cincuenta mil pesos que se situaron en la casa de moneda de Guanajuato, para el avio de minas de azogue | | | | 1.847 | 6 | 4½ |
| *Total de los productos que relativamente han debido ingresar* | | | | 317.951 | 3 | 4 |

## CRÉDITO PASIVO.

| | | | |
|---|---|---|---|
| Debe el fondo á los Sres. Manning y Mackintosh veinte y dos mil pesos que entregaron en Diciembre último, por cuenta de los cincuenta mil que se sitnaron en la Casa de Moneda de Guanajuato, cuyo entero hicieron en concepto de que ecsistian en dicho lugar los 34.000 pesos que tomó en esos dias el Escmo. Sr. D. Antonio Lopez de Santa-Anna, para las tropas de su mando, único resto que habia quedado de la cantidad situada | 22.000 | 0 | 0 |
| **Balance** | 339.951 | 3 | 4 |

# DATA.

## GASTOS DE ADMINISTRACION.

| | | |
|---|---|---|
| Por los honorarios pagados á los administradores de rentas al 4 por ciento conforme á la ley, sobre las cantidades que recaudaron del derecho de 1 por ciento de circulacion | 5.632 2 4⅜ | |
| Por descuentos sufridos en el cambio de libranzas giradas por esta Junta contra los mismos administradores | 3.652 0 9 | |
| Por corretages pagados en dicho cambio | 23 5 | |
| Por la parte que reporta este fondo de los sueldos que disfrutan los Sres. empleados de la oficina | 8.000 3 ½ | |
| Por lo invertido en cajas de fierro para guardar los caudales, libros para la cuenta y razon y demas gastos anecsos á la oficina, en la parte respectiva á este fondo | 1.447 4 ½ | |
| **Suma** | 18.755 7 2⅜ | 18.755 7 2⅜ |

## GASTOS DE RECONOCIMIENTO Y AVIOS DE MINAS DE AZOGUE.

| | | |
|---|---|---|
| Por honorarios pagados á los comisionados nombrados por esta Junta con tal objeto en los Departamentos de Mèxico, Morelia y Querètaro, Guanajuato, Zacatecas, San Luis Potosí, Chihuahua, Nuevo Leon, Coahuila y Tamaulipas; compra de retortas para ensayes, fletes de estas, formacion de planos y otros gastos | 14.856 5 3 | |
| Por lo ministrado al Tribunal de Minería de Guanajuato para el laboreo de las minas de cinabrio, nombradas Clavellinas, Guadalupe, Toro, Capulin, Palos colorados, otra Guadalupe en Atargea y otra innominada que están trabajóndose | 20.120 | |
| **Suma** | 34.976 5 3 | 34.976 5 3 |

## GASTOS DEL COLEGIO DE MINERIA.

| | | |
|---|---|---|
| Se le han ministrado para ellos | | 30.900 0 0 |
| **Gastos generales** | | 84.632 4 5⅜ |

## CRÉDITO ACTIVO.

| | | |
|---|---|---|
| Debe el Supremo Gobierno por lo que salió restando de los 80 y 50.000 pesos asignados á este fondo del derecho de importacion sobre las aduanas de Veracruz y Tampico, segun liquidacion formada en 31 de Diciembre de 1844 | | 132.660 0 9½ |
| Idem por las cantidades que se le han prestado en pesos fuertes en varias fechas hasta 31 de Diciembre último, con calidad de reintegro | 42.000 0 0 | |

| | | | | |
|---|---|---|---|---|
| Idem por los sueldos de Mayo á Diciembre últimos, pagados de órden suprema al Escmo. Sr. general de division D. Josè María Tornel, con igual calidad | | 4 000 0 0 | | |
| Idem por 34.000 mil pesos que en Diciembre último, tomó el Escmo. Sr. D. Antonio Lopez de Santa-Anna para las tropas de su mando, de los 50.000 que se situaron en la casa de moneda de Guanajuato para avio de minas de azogue | | 34.000 0 0 | | |
| Han tomado las tesorerias Departamentales del derecho de 1 por 100 de circulacion por órdenes supremas en las administraciones principales de rentas, lo siguiente...A saber: | | | | |
| En la de Mèxico | 9 339 6 5 | | | |
| En la de Guanajuato | 4.219 3 5 | | | |
| En la de Durango | 2.567 3 9½ | | | |
| En la de Jalisco | 807 1 3 | | | |
| En la de Nuevo Leon | 682 0 11½ | | | |
| En la de Morelia | 530 0 0 | | | |
| En la de Aguascalientes | 416 3 8 | | | |
| En la de Querètaro | 172 6 7½ | | | |
| Resto de 1.885 pesos 4 reales, con que la aduana de Mazatlan ausilió el Departamento de Sonora | 507 5 6½ | | | |
| Compensacion hecha á la casa de D. Anselmo Zurutuza por el retardo que sufrió para reintegrarse del importe líquido de la libranza número 4, que se giró á sn favor y á cargo del administrador de la aduana de Mazatlan, de los 1.885 pesos 4 reales referidos en la partida anterior | 115 1 10 | 19.358 1 6 | | |
| **Suma** | | 99.358 1 6 | 99.358 1 6 | |
| **Deuda Total del Supremo Gobierno** | | | 232.018 2 3½ | |
| Debe la Direccion general de Industria por lo que de órden suprema se le prestó en 18 de Noviembre á depósito irregular por dos años | | | 10.000 | |
| Idem los Sres. Manning y Mackintosh por resto de 25.000 pesos de un convenio que celebraron con esta Junta | | | 3.315 | |
| Idem el fondo dotal de mineria 2.025 pesos que se le prestaron en Noviembre último para los gastos del colegio | | | 2.025 | |
| | | | | 247.358 2 3½ |
| **Total del credito activo** | | | 247.358 2 3½ | |

## ECSISTENCIA.

| | | |
|---|---|---|
| En la caja de este fondo | 1.615 2 1 | |
| En las administraciones principales de rentas y sus subalternas | 6.345 2 6½ | 7.960 4 7½ |
| **Igual** | | 339.951 3 4 |

**NOTAS.**—1ª. Por la primera partida del cargo, se advertirá que las aduanas marítimas de Veracruz y Tampico apenas han remitido á esta oficina una quinta parte de lo que les asignó la ley, del derecho de importacion, como un recurso absolutamente necesario para fomentar los descubrimientos y laboreo de las minas de azogue.

2ª. En la siguiente partida se notará que la recaudacion del uno por ciento de circulacion de moneda, está incompleta; pero esto ha sido por la falta de noticias que algunos administradores han debido remitir, á los cuales se les han hecho repetidos reclamos para que las rindan con la brevedad posible, á fin de recoger inmediatamente los productos y de tener las cuentas en un perfecto arreglo; lo que, hasta ahora, no ha tenido efecto en su totalidad.

3ª. Los productos que ha recibido este fondo y los que debia haber recibido, ascienden á 317.951 pesos, 3 reales, 4 granos, é importando los gastos de administracion, segun se vé en la data, 18.755 pesos, 7 reales, 2⅜ granos: resulta que solo han sufrido aquellos la corta baja de un 5⅞ por ciento, pues los 132,660 pesos que deben satisfacer las aduanas de Veracruz y Tampico, no erogan gasto alguno en atencion á que el cobro de las libranzas que remite la de Veracruz y debe remitir la de Tampico, se cobran íntegras. Este pequeño gasto que se impende en la citada administracion del fondo de que se trata, debe llamar la atencion del supremo gobierno, haciéndole conocer claramente la economía que se ha observado, pues en otros, para su recaudacion, se invierten mucho mayores cantidades respectivamente; deduciéndose de aquí la utilidad y conveniencia que resultará de su conservacion, y mucho mas si se atiende á lo importante de su objeto.—Contaduría de la junta de fomento y administrativa de minería. México, Febrero 19 de 1845.—*Miguel Hierro.*

## EXHIBIT BASSOCO A.

(CROSS-EXAMINATION.)

Is a photograph copy, from Exhibit Bassoco No. 1, of certain rubrics shown therein.

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## EXHIBIT BASSOCO B.

(CROSS-EXAMINATION.)

Duplicate of Exhibit A.

## TRANSLATION OF EXHIBIT BASSOCO No. 1.

*Session of 23d April,* 1846.

Present the Seño[illegible] Segura, Flores and Bassoco. After the approval of the minutes of the Session of the 20th inst. report was made of the following communications:

*First.*—From the Ministry of Justice of date 17th instant, authorizing the Board to submit to arbitration the question of the claim for eight thousand dollars against Don Joaquin Llaguno as surety for Don Manuel Gonzales.—Let instructions be drawn up for Don Eduardo Penny.

*Second.*—From the same of date 20th, replying that there has been transmitted to the Ministry of Finance copy of the communication in which it is requested that Executive Orders be given to the Custom houses of Mazatlan and Guaymas, for the delivery of the half of the duties of average (averia) appropriated for the payment of the debt of the government to the Junta.—To its Espediente.

*Third.*—From His Excellency the Governor of San Luis Potosi, accompanying Certificates of there having been extracted from the Mines of Guadalcazar five hundred and eighty-six quintals of quicksilver, for the purpose of claiming the premium of five dollars per quintal granted by law, representing that the parties interested request the prompt payment of the same, with the object of procuring an apparatus for distilling.—Let the bureau of Encouragement (fomento) report.

*Fourth.*—From the Mining Tribunal of Zimapan, complaining of the Judge (Juez de Letras) of that District.—Let the same be communicated with recommendation to the Governor of the Department.

Two from the Direction General of Industry dated 21st and 22d inst., acknowledging the receipt of the last drafts for the three per cent. of importation duty, with the difference of one cent.—The first to its Espediente, and the second remitted to the Comptroller's Office.

Another from the Collector of Customs at Hermosillo, representing why he has not been able to send the accounts of the one per cent. which are asked of him.—To its Espediente.

Another from the Architect Don Antonio Villard, presenting a list of the works which in his opinion should be done on the College for its repair and preservation, amounting to two hundred and fifty dollars.—Let the Treasurer report in view of the works proposed.

There was read a report from the Comptroller's Office relative to an account of the Collector in Guadalajara, advising that

Vol 2.

# SUPREME COURT OF THE UNITED STATES.

## Nos. ~~218~~ and ~~230.~~

123 & 133.

ANDRES CASTILLERO, APPELLANT,

VS.

THE UNITED STATES,

AND

THE UNITED STATES, APPELLANTS,

VS.

ANDRES CASTILLERO.

ON APPEAL AND CROSS-APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

GOVERNMENT PRINTING OFFICE.

# In the United States District Court,

NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES
vs.
ANDRES CASTILLERO. } No. 420.

# "NEW ALMADEN."

# TRANSCRIPT OF THE RECORD.

CALHOUN BENHAM, Esq., U. S. Attorney.
EDMUND RANDOLPH, Esq., of Counsel.

A. C. PEACHY, Esq.
FRED'K BILLINGS, Esq. } for Claimant.

REVERDY JOHNSON, Esq.
J. P. BENJAMIN, Esq.
HALL McALLISTER, Esq. } of Counsel.

SAN FRANCISCO:
1860.

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the Assayer and Administrator be reprimanded for certifying to the same without having examined it. The Junta resolved in conformity, and also that in addressing the principal assayer the said certificate be remitted to him, and he be requested to return it, that it may be sent back to the Collector to make out anew, and that like communication be addressed to the Direction of the Revenue, in respect to the administrator.

Another report from the Comptroller's Office, making distribution of the drafts for the three per cent. lately received from Tampico, amounting to three hundred and eleven dollars, sixty-four cents.

Notice was given of an opinion of the Bureau of Fomento, relative to the Tribunal of Mazapel not having elected a President. The Bureau is of opinion that the question be asked,—How can there be no miners who can read and write, when in February of the present year twenty-three voted by secret ballot by means of tickets?—The board ordered in conformity.

The Secretary said, that in the Espedientes relating to Tasco, it is shown to be true that Don José Zamora has not received the sixteen dollars per week which the Junta allowed him as administrator, ever since on the 30th ult. he offered not to claim said allowance, in the case that after a settlement of the accounts of the whole year there should have been no profit to the Junta, and also represented that the proper Bureau of the Comptroller's Office had reported on the 14th March to agree that the profit of four thousand dollars which said Zamora deducted, has been deducted exactly. The Junta resolved, that said sum may be credited to him from August to the end of December of the past year.

The Professor of the College, Don T. Ramon del Moral, having sent in some specimens of cinnabar from the presidio of Santa Clara in Californias, it was resolved, that they be transmitted to the Director, with copies of the letters of Señor Castillero, who sends them, that the proper assays of them may be made.

Report was made of a list presented by the bureau of Administration of unfinished business, and it was resolved—

*First.* That Don Enrique Mackintosh be required to collect the installments due by the assayer Don Mariano Cataño.

*Second.* That Señor Don Diego José Perez Fernandez be reminded of the sums and answers which he promised to give since the 1st of March, and that the Official letter to this effect be delivered to him in person.

And *Third.* That there be duplicated to Señor Don Miguel Moro the Official letter, in which he was asked if he was disposed to pay the interest of the eight thousand dollars which he owes on his estate of San Sebastian.

[Three Rubrics.]

OFFICE OF THE SECRETARY OF THE MINING JUNTA. } Year 1846.

### BLOTTERS OF THE MINUTES OF THE MONTH OF MAY.

### *Month of May*, 1846.—*Session of 2d.*

Present, Señores Bassoco and Flores. After the approval of the minutes of the previous day there was read a communication from Don Manuel Mariano Cortazar, dated 22d ult., together with the Inventory of the articles which he received belonging to the Mine of Atargea. The Junta resolved that, pending the report of the bureau of Fomento, reply be made to him that Sor. Echevarria shall be seen, and that either through him, or by way of Queretaro, money shall be remitted to him by the Mail of Wednesday.

The Señor Licentiate Don Diego Perez Fernandez appeared, and after having agreed to the observations made by the Comptroller's Office, he represented that having to proceed to Yxtlahuaca, where he had been appointed Judge (Juez de Letras), he would give in his proposals for the payment of what he owes, for which purpose he would come on Monday to finish the settlement of the account.

[Three Rubrics.]

---

### *Session of 4th May*, 1846.

Present, Señores Segura, Flores and Bassoco. The previous minutes having been read and approved, report was made of the following communications:

*First.* From the Tribunal of Pachuca, of date 30th ultimo, representing the scarcity of powder in that Mining District.=Resolved, that said communication be transcribed to the Government.

*Second.* From the District of Nieves, of date 25th ulto. in reply to Circular No. 3.=Let the bureau of Fomento report.

*Third.* From that of Bolaños, communicating the new appointment of its President in conformity with the orders of the Government.=Same resolution.

*Fourth.* From the administrator of Morelia, Don José Maria Cortes, apologizing for not having forwarded the accounts of the three per cent.=Let the Comptroller's Office report.

*Fifth.* From Colonel Don Miguel Mosio, representing that although he acknowledges against his Estate of San Sebastian eight thousand dollars owing to Señor Fagoaga, the persons to whom they should be paid have not yet been designated.=Let this communication be transmitted to Señor Fagoaga.

*Sixth.* From Don Eugenio Bermejillo, dated 24th in Morelia, accepting the commission given to him of collecting in that city from Don José Maria Cortes, who had promised him that in 15 days he would render his accounts.

*Seventh.* From His Excellency the Director of the College, inserting the report of the professional Junta (Junta facultativa) of the same, regarding the result of the assay which it made of the specimens of cinnabar remitted by Don Andres Castillero from Californias.—Resolved, that it be transcribed to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for National Quicksilver extracted in Guadalcazar.

The Maritime Custom-House of Tampico transmitted the index of drafts for the three per cent., amounting to four hundred and seventy-nine dollars, eighty-seven cents.—Let the notes be taken up from the Treasury.

There was read a communication from Don Julian de los Reyes, dated 22d ulto., saying that he had been informed that his previous draft for two thousand nine hundred and thirty dollars had been paid, and that he had drawn another for two thousand dollars, which, with two amounting to two thousand five hundred drawn by Don Vicente de Bustos, it is understood that no others will be presented than those corresponding to Quicksilver, which may be collected in April, and till the 24th May, when the privilege ceases.—Resolution suspended till hearing the opinion of the bureau of encouragement.

Four communications from Don José Zamora, dated the 2d inst., the first accompanying the tally reports (memorias) number 17, the statements and cash balance sheet No. 4, corresponding to last month.—Let receipt be acknowledged, and notice given to the Comptroller's Office. In the second, he informs that he requires two hundred and fifty dollars for the tally (raya) of the present week.—Understood.—And in the two last he communicates having drawn the drafts Nos. 18 and 19, which were ordered paid.

Information was given of a report from the Comptroller's Office, designating the drafts which belong to the Direction General of Industry, of the last remittance from Vera Cruz, which owes a balance of eight cents.—Resolution in conformity.

Two reports from the bureau of Fomento, in the first of which is recommended that the approval of the Supreme Government be obtained to the act of election of its president, and it was so resolved; and the other, relative to the communication of His Excellency the Governor of San Luis Potosi, transmitting the certificates which prove that the miners of Guadalcazar have extracted nine hundred quintals of Quicksilver.= The bureau was of opinion that payment should be made of the corresponding premium at the rate of five dollars per quintal, being four thousand five hundred dollars, and that the two thousand dollars which belong to Don Basilio Martinez, being endorsed in favor of Don Julian de los Reyes, the draft which he this day gives advice of having drawn for said amount may be paid.=The Junta resolved in conformity, and said draft was ordered to be paid.

[Three Rubrics.]

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### *Session of 6th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and the minutes of the 4th having been approved, it was resolved to send an Official letter to his Excellency the Minister of Justice, representing that although the Junta does not believe that it is included in the circular of the 5th inst. which orders the suspension of payment of salaries, nevertheless it desires to be informed whether it should suspend those which it is required to make for the discharge of the administration confided to it by the law passed for the Encouragement of Mines of Quicksilver.

It was likewise resolved to take note of the propositions made by the Señor Licentiate Don Diego José Perez Fernandez, to the effect that he will pay monthly, out of his salary as Judge (Juez de Letras) of the District of Yxtlahuaca, the sum of fifty dollars, till he completes the payment of his debt, which, being adjusted, has resulted to amount to one thousand four hundred dollars; the first payment to be made on the 1st July.

Señor Don Andres Castillero appeared and made a verbal report regarding the discovery, denouncement and actual condition of the Quicksilver Mine situated in the Mining District (Mineral) of Santa Clara, in Upper California, inviting the Junta to take shares in the Company which he has formed for working it, with other measures which he requests may be obtained from the Supreme Government for the furtherance of the enterprise. The Junta resolved that Sor. Castillero should present his indications in writing, that the Junta, taking them into consideration, may resolve what may be expedient.

Señor Bassoco was commissioned to correspond with Señor Don Pedro Echevarria, regarding the situating in his Hacienda of Ajuchitlan the three hundred dollars monthly which should be remitted for the support of the Mines of Atargea.

[Three Rubrics.]

### *Session of 7th May,* 1846.

Present the Señores Segura, Flores and Bassoco; and after the approval of the preceding minutes, report was made of the following communications:

*First.* From the Tribunal of Asientos, in reply to the Circular No. 3.—Let the bureau of Fomento report.

*Second.* From the agent in Guanajuato, remitting a draft for five thousand two hundred and eighty-one dollars, four rials, three grains, the proceeds of the Mining fund (Mineria) for the month of April.—That the draft be accepted, the proper entries made, and receipt be acknowledged.

*Third.* From the agent in Pachuca, of date 5th inst., with another draft for nine hundred and seventy-six dollars, proceeds of said month.—Resolution same as above.

*Fourth.* From the agent in Guadalajara, acknowledging receipt of the communication in which he was informed what was the responsibility of the agents.

*Fifth.* From Messrs. Manning and Mackintosh, informing that Don Enrique A. Mackintosh having withdrawn from the collection of the Mining dues in Guadalupe y Calvo, Don Tomas A. Mackintosh remains in his place.—Understood.

*Sixth.* From the Director of the Company of the Mineral del Monte, inquiring about the laws regulating the ownership of mines by foreigners.—Resolved, that the communication be transmitted to the advisers (consultores) of the Junta for their report.

The Junta confirmed the understanding of its resolution to pay to Señor Zamora ten dollars per week only until the end of the last week of the last year.

Finally, the account of the rents of rooms belonging to the College, collected during the last month, was presented, and ordered to be passed to the Comptroller's Office.

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### *Session of 9th May,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the previous day, report was made of the following Official communications:

*First.* From the Ministry of Justice, of the 7th inst., acknowledging receipt of the statement of receipts and disbursements which had been transmitted to it.

*Second.* From the same, informing that the notice of the scarcity of powder given by the tribunal of Pachuca, had been transmitted to the Ministry of Finance (Hacienda).=Let it be passed to said Tribunal.

*Third.* From the Commissioner at Guanajuato, of date 4th inst., transmitting the answer given by the Administrator of Revenue regarding a certificate which had been asked of him. =Let it be transmitted to the Comptroller's Office.

*Fourth.* From the Direction General of Industry, acknowledging receipt of the last drafts, and informing that the settlement of account is correct.

There was read a report from the Comptroller's Office, relative to the reply which should be made to the excuses alleged by the Administrator of the Revenue at Morelia, Don José Maria Cortes, for not forwarding his accounts, still pending, and the proceeds of the one per cent. which should be on hand in his office.=The Junta resolved in conformity, considering that recourse be had to the Inspectors of said Custom-House, and that Señor Cortes be so informed.

The Treasury reported, that having made application to the General Treasury, by order of the Minister, there had not been delivered to it the last drafts received from Vera Cruz, for four hundred and sixty-nine dollars, eighty-seven cents, nor the one for two thousand and odd dollars from San Blas, for the half of the duty of average.=Let the notices be annexed to their respective Espedientes, and information of the first be given to the Direction of Industry.

There were read two reports from the Bureau of Fomento—the first relating to the communication from the Tribunal of Nieves, of 25th ult., in reply to the Circular No. 3 recommending to call for the decree to which it refers, and that information be given of the number of deputies (Suplentes) in said tribunal.=The Junta resolved in conformity. The second informing that, there having been a new election this year for the Tribunal of Santa Rosa, it is not necessary to have another election for any of its members.=The Junta resolved in conformity.

[Three Rubrics.]

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## *Session of* 11*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 9th, report was made of two communications from His Excellency the Minister of Finance, dated 6th and 8th inst.—the first asking information relative to the moneys paid into the treasury, and the second, relative to the receipts of the same for account of the branches appropriated to the Quicksilver fund.=Resolved, that information be given regarding both matters, observing to the Ministry that said communications having been received together on the 9th, at 2 o'clock, P. M., the Junta is engaged in replying in detail to the various matters contained in them.

*Third.* From His Excellency the Governor of Chihuahua, replying that he had called for the information requested of him. =To its Espediente.

*Fourth.* From the Mining Tribunal of Hidalgo, transmitting the report of the proceedings at its installation.=To the Government, if there is no illegality.

*Fifth.* From that of Temascaltepec, transmitting the Certificate of Election of a Deputy.=Let the bureau of Fomento report.

*Sixth.* From the Commissioner at Zacatecas, dated 2d May, remitting a draft for six thousand two hundred and twenty-four dollars, four and a half rials, proceeds of the Mining fund (Mineria) for the last month, and a receipt for twenty-five dollars for the student Ayala.=That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* From the Commissioner at Zimapan, remitting another for one hundred and thirty-six dollars, two rials, five grains, proceeds of the month of April.=Resolved as above, and also that the draft be collected.

*Eighth.* From the Commissioner at Guadalajara, of date 5th inst., advising having placed in the house of Messrs. Manning & Mackintosh one hundred and sixty dollars, for account of partial payments made by Señor Garay.=Resolved, that the amount be collected, and that the bureau report regarding payments still pending.

*Ninth.* From Señor Demetrio Montes de Oca, communicating that he has spoken with Don Pedro Anda respecting the inspection of the mine of Clavellinas, and that he will report the result=To its Espediente.

*Tenth.* Three from Don José Zamora, dated the 9th inst.—the first transmitting the tally accounts No. 18 (Memorias) of the negotiation of Tasco.=Acknowledge receipt, and transcribe to the Comptroller's Office.=The second, informing that in the present week will be commenced the new work, and that for the tally-roll (raya) he will require three hundred dollars.= Understood.=In the third, he communicates having drawn draft No. 20 for two hundred and sixty dollars.=Let the same be paid.

[Three Rubrics.]

### *Session of* 13*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 11th, report was made of two Official communications from the Ministry of Justice, dated 9th inst., informing of the approval by the Supreme authority of the Certificates of Election of President of the Tribunal of Zacualpan and a Deputy for that of Asientos.—Resolved, that they be transcribed to the respective tribunals.

There was read a communication from Don M. Mariano Cortazar, of date 5th inst., transmitting the tally accounts (memorias) Nos. 3 and 4 of the mine of Atargea, informing having extracted twenty-three loads of ore, and that he had not received the draft corresponding to the present month.—The Junta resolved, that there be procured a draft for three hundred dollars on Queretaro, drawn in favor of Senor Cortazar, in which resolution Sor. Flores reserved his vote, for the reason that as the Government had been consulted as to whether payments should be made by the branch of Quicksilver, and that in the meantime no payment should be made. It was also resolved, that Señor Cortazar be notified that he must specify in all his accounts the number of loads extracted every week, and that he report the assay made of the quality of the ore whenever there exists any reason to believe that it may have varied.

Lastly: notice was given of a report made by the bureau of Administration, having relation to the monthly payments made by Señor Garay to the Commissioner in Guadalajara, representing that the payments have been made in full up to the month of January of the present year, and that the sum of one hundred and sixty dollars, which Señor Blume has received, should be collected, without other discount than the current exchange, and the same be credited to Señor Garay.—The Junta resolved in conformity.

[Two Rubrics.]

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### *Session of* 14*th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the minutes of the previous session, report was made of the following communications:

*First.* From the Ministry of Justice, of date 9th, acknowledging receipt of the Official letter in which was communicated to it the discovery of the mine of Quicksilver in Californias.

*Second.* From His Excellency the Governor of San Luis, dated 9th inst., transmitting certificates showing that there have been extracted from the mines of Trinidad and San Andres seventy-eight quintals of Quicksilver.—Let the bureau of Fomento report.

*Third.* Another from the same, and of the same date, transmitting three certificates showing the extraction of fifty-three quintals of Quicksilver from the mine of San Antonio in Guadalcazar, and it was sent to said Bureau for report.

*Fourth.* From the Tribunal of Sombrerete, dated 5th inst., inserting the resolution of the E. Assembly of Zacatecas that said tribunal do not obey the Supreme order communicated by the Junta relative to the Election of Substitutes (Suplentes.)—Resolved, that it be transcribed to the Ministry, informing it that only in this Department has there been any such resistance.

*Fifth.* From the tribunal of Jesus Maria, with notice of its installation, and in reply to the Circular No. 3.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner for Collections in San Luis Potosi, remitting a draft for three hundred and fifty-one dollars, fifteen cents, for proceeds of the Mining Fund (Mineria) in the month of April.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* Three communications dated 28th April, from the Commissioner in Chihuahua, remitting a draft for seven hundred and seventy dollars, three rials, for proceeds of that city and of Jesus Maria in the month of March—an account which had been asked by the Comptroller's Office.—That the draft be accepted, the proper entries made, receipt acknowledged, and the amount transmitted to the proper Office.

*Eighth.* From Don Manuel Garcia del Valle, with his resignation of the post of First Copying Clerk in this Office.—Resolved, that it be transmitted to the Supreme Government, recommending that it be accepted.

*Ninth.* From Don Ignacio Rosso, soliciting the appointment to the vacant place of Second Copying Clerk of the same.—Reserved.

Notice was given of a report from the Comptroller's Office, respecting the communication of the Commissioner in Guanajuato, dated 4th inst., relative to the remitting of documents in the Espediente of Señor Robles. The Junta resolved in conformity with everything proposed, with exception of the last indication made in regard to applying to the Treasurer and Administrator of Guanajuato for duplicate of the certificate of payment made by Señor Robles of sixty dollars for the fourth quarter of the loan for the payment of the debt of the United States.

[Three Rubrics.]

*Session of 18th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the minutes of the session of the 16th, report was made of the following communications:

*First.* From His Excellency the Governor of Jalisco, of date 28th ulto., returning with information the tariff of fees of the Tribunal of Bolaños.—And the Junta, being in conformity with said information, resolved that the same be transmitted with approval to the Supreme Government.

*Second.* From the Governor of San Luis Potosi, accompanying a petition of Don Andres Barroeta, that there be paid to him the premium corresponding to fifteen quintals, one arroba, fifteen pounds, six ounces of quicksilver extracted from the new Almaden and pedernal (flint) in the Durazno.—Let the Bureau of Fomento report.

*Third.* From the Company for restoring (or establishing) El Oro, complaining of the scarcity of powder.—Let it be transcribed to the Supreme Government with recommendation.

*Fourth.* From the Commissioner at Zacatecas, of date 12th inst., acknowledging receipt of the documents remitted to him for the collection of the debt of Señor Llaguno.—To its Espediente.

*Fifth.* From the Commissioner at Guadalupe y Calvo, informing having forwarded the accounts asked of him.—Let the bureau of administration report.

*Sixth.* From the Second Civil Judge, requesting information regarding the amount to the credit of the Minor Elguea in the dotal fund.—Let the Comptroller's Office report.

*Seventh.* From Don Miguel Quinones, of date 16th inst., requesting that order be given to Señor Zamora to supply him with the amount required to pay the Tribunal of Tasco the costs of the certified copy of the proceedings which the party will show.—Let such order be given.

*Eighth.* From Don José Zamora, five communications dated 16th, transmitting in the first the tally accounts (memorias) number 19.—Acknowledge receipt, and send to Comptroller's Office. In the second, he notifies that he requires three hundred dollars for the tally (raya.)—Understood. In the third, he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece, as they are valued at two reckoned as iron.—Let this difference be represented to Señor Castillero, and to the Government when his propositions are approved—and transmitting in the two last advice of having drawn the

Bill number 21 for the sum of two hundred dollars, and number 22 for one hundred and forty.—Let them be paid.

A petition of Don Tomas Ramon del Moral was read relative to fixing the amount of compensation which he is to receive for the month during which he acted as substitute in the direction of the College, and the opinion which the Bureau of Fomento gave upon the petition pending before the Government being read.—The Junta resolved, that this be transcribed to the Ministry, with a copy of said opinion and of the articles of the law relating to substitutions of the members of the Junta and its officers.

Notice was given of the five following reports of the Bureau of Encouragement (Fomento):

*First.* Relative to the ordering to be paid three hundred and ninety-four dollars, four rials, two and a half grains, to Don Andres Barroeta, for premium on seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces of quicksilver which he shows he has extracted from the mines of La Trinidad and San Andres in Guadalcazar.—The Junta resolved, that the settlement of this matter be suspended till the resolution of the Government.

*Second.* Relating to the payment of two hundred and sixty-five dollars for premium on fifty-three quintals of quicksilver extracted by Don Demetrio Toscano from the mine of San Antonio in Guadalcazar; and the order in this case was the same as in the former.

*Third.* Relative to asking from the Supreme Government the ratification of the election of a deputy (suplente) made by the Tribunal of Temascaltepec.—The Junta resolved in conformity.

*Fourth.* Recommending the approval of the election of President, and his substitute, made by the Tribunal of Bolaños, and that the Supreme Government give notice to the members who served the last year to continue in the Office the present year.—The Junta resolved in conformity—and expressing its opinion in the last, that the Tribunal of Jesus Maria en Chihuahua be called upon to forward the certificate of its installation, that it may elect another substitute if it only has elected two; that the fund be designated to it from which according to law it is to defray its expenses, and that there be remitted to it the documents and information which it has solicited.—The Junta resolved in conformity, with the exception of the transmission of a copy of the mining ordinances.

[Three Rubrics.]

### *Session of 22d May*, 1846.

Present, Señores Segura and Bassoco; and after the approval of the minutes of the session of the 18th, report was made of the following communications:

*First.* Five from the Ministry of Justice, dated 16th, 19th and 20th inst., informing in the first having accepted the resignation of Don Manuel G. del Valle, as First Copying Clerk of this Office.=The Junta ordered it to be transcribed to the party interested. In the second, transmitting for report an Official letter from His Excellency the Governor of Chihuahua, soliciting that there be sent to him the mining ordinances, and that the allowance made to the Secretary and Officers of the Tribunal of Jesus Maria be approved.=Resolved, that the bureau of Encouragement report.

In the third, informing that the certificate of the installation of the Tribunal of Hidalgo del Parral has been approved. In the fourth, that of the substitute of the Tribunal of Temascaltepec; and in the last, informing of having transcribed to the Ministry of Finance the petition of the Company for restoring the mining district of El Oro relative to the scarcity of powder.

*Second.* From the Tribunal of Ojo Caliente, transmitting the certificate of election of a substitute.=Let the Bureau of Encouragement report.

*Third.* From the Tribunal of Guanajuato, in reply to the report of the Comptroller's Office relative to the account of Clavellinas.=That said Office report.

*Fourth.* From the President of the Tribunal of Mazapil, dated 5th inst., resigning his office.=Let the same be communicated to the Government with recommendation.

*Fifth.* From the Mercantile Junta of Encouragement of this Capital, transmitting five copies of the balance of last year.= Answer, with many thanks.

*Sixth.* From His Excellency Don Demetrio Montesdeoca, informing that Don Pedro Anda, having the necessary qualifications, and being of unimpeachable integrity, offers to inspect the mine of Clavellinas for a gratuity of two hundred dollars. =That he proceed to make the inspection, and that Señor Montesdeoca draw upon the Junta for said sum.

*Seventh.* From the Inspection General of Offices in the Department of Michoacan, relative to its having demanded the accounts of the suspended Collector of the Custom-House, and that it will cause them to be adjusted without delay.=To its Espediente.

*Eighth.* From the Commissioner at Guadalajara, remitting a draft for eight hundred and thirty-seven dollars, one rial, three and a half grains, proceeds of the mining dues for the month of

April.—Let the draft be accepted, the proper entries be made, the receipt acknowledged, and order be given to collect the one hundred and sixty dollars of Señor Garay.

*Ninth.* Another of the same, date 15th, informing having received one hundred and sixty dollars from Señor Garay for account of the month from February to May.

*Tenth.* From the Commissioner at Durango, remitting a draft for the sum of one thousand and thirty-eight dollars, seven and a half grains, proceeds of the mining dues of the month of April, and the detailed account of the previous year.—Let the draft be accepted, the proper entries made, the documents transmitted to the Comptroller's Office, and receipt acknowledged.

*Eleventh.* From the Commissioner at Culiacan, dated 1st May, remitting a draft for six hundred and five dollars, two rials, proceeds of Cosala in March.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Twelfth.* Another from the same, and of the same date, remitting a draft for one hundred and three dollars, seven rials and six-eighths, proceeds from the 20th to the 30th ultimo of the new Assay Office of Culiacan, and the accounts lately called for.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Thirteenth.* From Don Manuel Mariano Cortazar, dated 17th inst. at Queretaro, acknowledging receipt of the three hundred dollars which were remitted to him lately, and requesting that he be furnished with the sum necessary to take possession of the mine of Providencia.—Resolved, that on account of the late order for the suspension of payments, the Junta will hardly be able to remit the three hundred dollars monthly, according to promise, to maintain the mine, and that the bureau report concerning the accounts transmitted.

*Lastly.* There were read two petitions for the post of Second Copying Clerk in the Office, presented by Don Joaquin Urrutia and Don José Garcia de Arana.—Resolved, that they be kept in reserve.

**[Two Rubrics.]**

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## *Session of* 25*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 22d, report was made of the following communications:

*First.* From the Commissioner for Collections at Guanajuato, dated 22d inst., with a statement of the silver assayed in the first four months of the present year, the weight of the bars, and the general account of dues.=Resolved, that they be transmitted to the Comptroller's Office.

*Second.* From the Commissioner at Zacatecas, dated 13th, remitting the general account for Zacatecas and Sombrerete, and the same resolution was passed.

*Third.* From the same, dated 18th, remitting a draft for one hundred and seven dollars, two rials and five-eighths, for dues collected in Sombrerete in April.=Let the draft be accepted, the proper entries be made, and receipt acknowledged.

*Fourth.* From the Collector of the Maritime Custom-House at San Blas, informing having given a draft in favor of the Junta for the sum of seventy-five dollars, eighty-six cents, for the half of the duties of average.=Resolved, that the Treasurer apply for the same at the General Treasury.

*Fifth.* Four communications from Don José Zamora, dated 23d, informing in the first that he requires twelve stampers (almadanetas).=Let them be purchased.=In the second, transmitting the tally account (memorias) No. 20.=Acknowledge receipt, and transmit to the Comptroller's Office.=And the other two, advising having drawn bill No. 23 for one hundred dollars, and No. 24 for two hundred dollars.=Let them be paid.

*Sixth.* An Official letter from His Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government; and informing that he had sent to the Ministry of Government the petition for two square leagues of land (Sitio de ganado mayor) as a colonist, upon his mining property.=The Junta resolved, that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara; to which Señor Castillero agreed: and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Razon del Moral all the quicksilver flasks in good condition in the storehouses there, at the rate of two dollars each.

[Two Rubrics.]

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### *Session of* 26*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after approving the minutes of the session of the 25th, there was read a report of the Comptroller's Office, informing that the instrument, the date of which Señor Macedo wishes to know, was executed before the Notary Don Fernando Tamayo, on the 20th April, 1807.=The Junta ordered that the same be communicated to the Court.

There were read other three reports from the Bureau of Administration; the first relative to the note of 28th ult. of Don Enrique Mackintosh, opining that it is necessary to wait for the account of the weights of bars which has been asked of him.

*Second.* That there be duplicated to Señor Olascuaga, surety for the payment to be made by Señor Lebrija, a resolution relative to the fifty dollars of the month of September next, which he has not remitted; and finally, that Señor Don Diego Moreno be reminded to remit the proceeds of the pearls of Señor Garay which were given to him to sell, or that he return them by some person in whom he can confide.=The Junta resolved in conformity.

[Three Rubrics.]

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### *Session of 27th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the session of the 26th, there was read an Official letter of His Excellency the Governor of Michoacan, informing that he had ordered the suspended Administrator of the Revenue to present his pending accounts, and pay over the amount due by him, and that he will communicate the result. =To its Espediente.

There were read three reports of the Bureau of Encouragement—the first recommending that the Supreme Government's approval of the election of a substitute of the Tribunal of Ojo Caliente be requested in conformity with the last circular on the subject; and the Junta resolved accordingly.

*Second.* Relating to the recommendation of the Government in regard to a communication from His Excellency the Governor of Chihuahua, requesting copies of the ordinances, and that the thirty dollars per month to the Secretary of the Tribunal of Jesus Maria be approved. The bureau is of opinion that the Government be informed, that as the Junta has no copies of the ordinances, they may be purchased at Zacatecas, where they are sold at twenty rials; and respecting the salary, it be stated that the decree which established said salary has been abrogated, and that fees stated in the tariff only are allowed.= The Junta resolved accordingly.

*Third.* Relative to the last communication from Don Manuel Mariano Cortazar, with the Inventory of the Mine of Atargea. The bureau is of opinion that it be transmitted to the Comptroller's Office for its report; and the Junta so resolved.

[Two Rubrics.]

### *Session of the 28th May*, 1846.

Present, Señores Segura and Rosas; and after approval of the minutes of the 27th, report was made of the four following communications:

*First.* From the Ministry of Justice, dated yesterday, transcribing the communication of the Ministry of Finance of same date, in which it represents that intimation having been received of the blockade of the ports of Vera Cruz and Tampico, it is not to be expected that the remittances of drafts from these Custom-Houses will be continued; for which reason the Government directs that the Junta reserve its existing funds for its own expenses and those of the College, suspending for the present all payments for the extraction of Quicksilver.=The Junta resolved that the Bureau of Encouragement report.

*Second.* From the commissioner at San Luis Potosi, with the account and note of the weight of the bars of silver assayed during the past month.=To the Comptroller's Office.

*Third.* From Don Eugenio Bermejillo, informing that he had obtained from His Excellency the Governor of Michoacan, the order that the suspended administrator of the revenue there present his accounts within two weeks, after which time a clerk will be employed to make them out at his expense.=To its Espediente.

*Fourth.* From the Messrs. Manning and Mackintosh, dated 27th, representing that the signature of Señor Garcia Granados is only that of an attorney of Señor Stahlknecht.=To its Espediente.

[One Rubric.]

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### *Session of 29th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 28th, report was made of a communication from His Excellency Don Francisco Fagoaga, in reply to the last official letter addressed to him, relative to the encumbrance of eight thousand dollars on the estate of San Sebastian.=The Junta resolved, that it shall be reserved, adding it to the Espediente until Señor Rosas shall have acquired some information in the matter.

There was read a report of the bureau of Encouragement upon the communication of the Government, relative to the suspension of payments from the Quicksilver fund. The bureau reports: *First.* That said communication be transcribed to His Excellency the Governor of San Luis Potosi, with reference to the payment of the premiums for quicksilver which it had resolved should be paid; two thousand dollars to Don Timoteo Toscano, two hundred and sixty-five to Don Demetrio Toscano, and four hundred and seventy-one dollars, four rials, eight and a half grains to Don Andres Barroeta, for premiums on National Quicksilver which they have extracted, at the rate of five dollars per quintal; and that if the first sum has not been paid to Don Timoteo Toscano, it was for the reason that he did not make application at the proper time, and the others for the reason that the demand of payment of them was received after the order was communicated for the suspension of payments.

*Second.* That the same order be communicated to Don Manuel Mariano Cortazar, representing to him that if he can do so, he should continue to extract quicksilver to some extent, so as to keep up the working of the mine.

*Third.* That it be transcribed also to His Excellency Don Demetrio Montesdeoca, with the object that he will please order a suspension of the sale of the mine of Clavellinas, but that if by virtue of former resolutions, he should have been at any expense, it shall be refunded to him immediately.

In consequence of the Supreme Government having accepted the resignation which Don Manuel Garcia del Valle made of the post of first copying clerk, in the Secretary's Office, the Junta has resolved, that it be represented to the proper ministry that, according to law, the second copying clerk, Don Manuel Couto, should be promoted to the office; that if the Government so accords, he may be put in possession.

It was also resolved, in conformity with the report of the Comptroller's Office, that twenty-five dollars be paid to the Notary Calapiz for proceedings in the instrument of agreement which had been made with Don Andres Castillero to assist his quicksilver enterprise in the mine of Santa Clara, in Upper California, embraced in the official order for the suspension of all payments for this branch.

[Two Rubrics.]

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### *Session of* 30*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after the minutes of the 29th, report was made of a communication from the Ministry of Finance, dated 28th inst., in which information is asked relative to whether the two thousand one hundred and twenty-five dollars, ten and a half grains, belonging to the fund of the new prison at Guadalajara are disposable; and the Junta resolved that it be answered immediately, with a short review of the origin of this fund belonging to the quicksilver fund, and that it be indicated, that this business being pending in the Council, the Junta informally deposited said sum in a respectable commercial house, with the condition that it should be refunded in Guadalajara, in the same class of coin in which it was paid, one month after notice being given of its repayment, offering to amplify this information should the Ministry consider it necessary.

The Secretary's Office represented that Señor Don Tomas Ramon del Moral laid before the retiring Junta the petition which he presented, relative to the allowance of salary or gratuity for the time in which he acted as substitute in the direction of the College last year.

Señor Don Joaquin Velasquez, in the name of His Excellency the Director of the College, represented, that requiring in London the sum of one thousand dollars, and understanding that the Junta had some money in the house of Messrs. Baring Brothers, he requested to order that credit should be given to said house for the sum of seventy-two pounds seven shillings and six pence, sterling, for account of some articles ordered from those gentlemen for the College, and that it draw a bill of exchange in favor of said Señor Velasquez for the sum of one hundred and eleven pounds nine shillings and seven pence sterling, in full of one thousand dollars, at the current exchange of forty-four and one-eighth pence.=The Junta resolved that the order be given, and that said bill of exchange be drawn to account of the two bills of exchange for five hundred pounds each drawn against said house by Messrs. Manning and Mackintosh on the 30th November of the past year.

[One Rubric.]

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## *Session of* 21*st September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the session of the 18th, report was made of the following communications:

*First.* From the Ministry of Relations, dated 19th, transcribing the Official letter of the Ministry of Finance, in which, according to the indications of the Junta, it informs that the Supreme Government has ordered that the assets on hand belonging to the quicksilver fund continue to be used as had been ordered in the advancement of the College, and asking as a loan from the dotal fund the sum of twenty-five thousand dollars.

Señor Bassoco and Flores were of opinion that it ought to be represented to the Government, that while the Junta acknowledges the urgent necessity that all should contribute to the national defense as far as possible, nevertheless, considering the origin and actual condition of the dotal fund, the Junta does not consider itself invested with sufficient authority from its constituents to employ it in any other object than those which are designated by law; and after an attentive discussion it was so resolved, notwithstanding the remarks made by Señor Segura, who reserved his vote, and gave in a protest which he desired should appear in the minutes, and which he said he should transmit to the Ministry, together with the reply which it was resolved should be sent.

The Junta resolved, in regard to the first, that said protest be inserted in the minutes, and with respect to the second, that Señor Segura, as a member of the Junta, might transmit the communications which he thought proper, but that the Junta could not authorize he might make protests against the resolutions of the majority. Consequently, the protest treated of is the following:=The undersigned, though with regret, is under the necessity of protesting that his opinion differs from that of his worthy colleagues. His opinion is, that in the present penury and afflicting condition of the public treasury, the Supreme Government ought to be furnished with the loan of twenty-five thousand dollars, solicited for the dotal fund, the property of the miners; that there being not this amount on hand, there be remitted to the Treasury what there is, and the balance to complete said loan from the first moneys the Junta can dispose of; that he considers it unnecessary, before obeying the order of the Supreme Government, to make to it those very proper observations which operate in favor of the same fund, and of the interests of the Government itself, because, in the wisdom of the Government, the reasons have been weighed, and the balance inclined towards the public weal, when, by the most unjust war, is endangered the most precious of our possessions —the National Independence—have caused it to dictate an order which should be promptly obeyed, with the reservation of manifesting, after having obeyed it, what may be proper. This is his vote, which he desires may be registered in the minutes of the day, and also that the distribution, which is being made, be suspended, so that the money may be dedicated to the loan solicited; and that should such distribution be carried out, it will be understood that he also reserves his vote in said resolution.

Report was then made of an Official communication from the Tribunal of Guanajuato, in which is inserted the petition of

Don Ignacio Porter, as one of the persons interested in the sale of the mine of Toro, praying that he be paid three hundred and fifty dollars balance due to him.—The Junta resolved that the Bureau of Encouragement report.

Another from Don Fernando Pohls, dated 18th, with a draft for four thousand nine hundred and fifty dollars, seven rials, one grain, for proceeds of mining dues in the month of August. —Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

From the Commissioner of Pachuca, dated 19th, remitting draft for one thousand five hundred and fifty-nine dollars, one rial, for nett proceeds of mining dues in the past month.—Same resolution as the foregoing.

Finally, another of date 16th inst. from the Commissioner at San Luis, transmitting the account and statement of the weight of bars for the last quarter.—Resolved, to pass it to the Comptroller's Office.

It was resolved, that there should be recorded in the minutes, as the opinion of Señores Flores and Bassoco, the Official letter which was directed to the Supreme Government, which is as follows:

This Junta received yesterday, Sunday the 20th, the Official communication which your Excellency is pleased to address to it of date 19th inst., transcribing that of His Excellency the Minister of Finance of the same date, in which the Junta is informed that His Excellency the General-in-Chief, in exercise of the Supreme Executive power, had thought proper to decree, in view of the Official note of date the 12th, that there be given to the fund established for the Encouragement of Quicksilver Mines the destination to which it is directed in favor of public instruction, but that the great penury of the Treasury being so notorious and pressing, the Supreme Government requires, that from the dotal fund a loan be made to it of twenty-five thousand dollars, in the understanding that the payment of the same shall be decreed as soon as possible.

For nothing in the world would the Junta have it thought, for one moment, that it is indifferent to the urgent necessity that all those who appreciate the Mexican Nationality should hasten to assist in its defense in the manner in which each is able, but it also believes that it would betray the confidence which the miners and creditors of the dotal fund placed in its agents, and that it would even make itself unworthy of the respect of the Supreme Government itself, should it not make the remarks which it proceeds to make.

The dotal fund consists of the payment of one rial per mark of eleven pennyweights, and by legal authority this contribution was levied by the mining body on itself for its establishment; and as property belonging exclusively to said body, according to the provisions of the decree, it has administered it through its representatives with entire separation from the public revenues of the State. Under these guaranties, it has solicited and obtained from various persons loans of large sums of money on irregular deposit, with mortgage of the same fund, and these owing at these dates, on capitals or principal sums, upwards of eighteen years of interest. This is what constitutes the debt of the body, and it thus results that the attorney of the creditors is one of the members of the Junta.

This very slight explanation, in our own opinion, is sufficient to prove that the dotal fund is private property, and in this position to be dealt with and taxed like others, without there appearing any reason why it should be subject to any other exactions; and the Government, consequent to these principles, even although it has been comprehended in some contributions, has not exacted any sum from it since 1842, notwithstanding that during the same period it has taken various sums, making in all a large amount, from the Quicksilver fund, which from its nature is national and public property.

Notwithstanding the incolumity of the dotal fund during this time, and the endeavors by which the Junta has procured the improvement of its administration, having established amendments of much importance, the exactions from its funds on former occasions were of such transcendency and pernicious influence that it has not been able to recover from the discouragement and prostration to which it was reduced by them.

The mortgage is valid, the administration upright and very economical, but, nevertheless, the value of the credits fell excessively, and this evil has been entirely owing to the cause we have pointed out.

This consideration is what moves the Junta to propose to your Excellency, that the persons and corporations who have capital invested in the funds, may be taxed with other contributions or exactions rather than on their investments here; it being plain, that besides a withdrawal of a portion of these, they would have to experience in future the fatal result of a still greater decline in the value of their credits than that already suffered. The attorneys of the mines and creditors have certainly no other authority over the dotal fund in virtue of the laws for the establishment of this body, than to administer the same, and apply it to the objects which those laws designate; and none of the parties will consider that their agents have fulfilled their duty, did they not present these observations to an enlightened administration like the present.

The Junta therefore reiterates, that only the desire of thoroughly fulfilling its duty compels it to express its sentiments in the manner set forth; in other respects, as private individuals, they have contributed, and are disposed to do in the present critical circumstances, whatever the condition of their affairs will allow them. The Junta protests to your Excellency the security of its distinguished consideration and respect.

[Three Rubrics.]

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*Session of 5th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having read and approved the minutes of the preceding day, report was made of an Official communication from the Ministry of Relations, dated 3d, desiring that in the term of eight days there be transmitted to it an exact account of the proceedings of the Junta since 1845, with the suggestions which may be thought proper.=The Junta resolved, that having in view the annotations of the report made by Señor Castero, said account be transmitted to the Ministry, adding the posterior occurrences up to the present month.

[Three Rubrics.]

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*Session of 9th November*, 1846.

Present Señores Segura, Flores, and Bassoco; and after approval of the minutes of the 5th, report was made of the five following communications from the administrator of Tasco; with the first he transmits the tally accounts, (Memorias,) No. 43, and a ticket for the reduction of ores on shares, (or toll).=Let the receipt be acknowledged, and transmit to the comptrollers office. In the second, informs that he will remit the bars to Cuernavaca on Tuesday of the present week.=Understood. In the third, that the last five hundred loads of ore of La Trinidad had been reduced; that the working had been increased by two working parties, and that he required five hundred dollars for the present week.=Understood.=In the two last he informs that he has drawn two bills, Nos. 72 and 73, one for four hundred dollars and the other for one hundred dollars.

Beginning was made of the reading of the report, (Memoria,) to be presented to the Government, and the two chapters relating to the Office and to Mining Tribunals were approved;

and it was resolved that an official letter be addressed to Señor Otero, inquiring of him the condition of his work upon Mining legislation.

There was read an Official communication from the Collector of the Maritime Custom-House of Vera Cruz, dated 2d, in which he informs that he has not been able to procure from the drawer of the bill No. 884, which was protested, another in its place, and that consequently he had given notice of this affair on the 10th September, and would give further notice of the result.=Notify the Comptroller's Office, and to its Espediente.

Another from Don José Joaquin de Rosas, dated the 5th, informing that he has notified his Clerk, Don Antonio Gutierrez, of Cuernavaca, to receive the bars to be sent to him from Tasco, and that he will give notice of the cost of the six arrobas of powder which he sent to the same negotiation.

Another from Don Cayetano Buitron, dated the 5th, remitting one thousand three hundred and sixty-two dollars, nine grains, the proceeds of Mining dues for the last month.=Acknowledge receipt, and transmit to the Comptroller's Office, that the proper entries may be made.

Another from Don José Zamora, dated the 2d, ordering that by the muleteer, José Apolonio, there be remitted to him the ten quintals of Quicksilver, and the same quantity of Sulphate, which he has asked.=Order that they be delivered.

From Don Manuel Mariano Cortazar, dated at Rio Blanco the 25th ulto., transmitting the last tally account (memoria) of the mine of Atargea.=To the Comptroller's Office, and notifying that Señor Rule is prepared to execute the bond for the value of the effects delivered to Cortazar at said mine, and claiming the charge made for the watchman of the mine in nine weeks, requesting that there may be remitted by draft the entire sum of ninety-eight dollars, six rials, amount of the memoria.=The Junta resolved, that Señor Rule be informed, that if he is to be in Mexico shortly, he can execute the bond there, but if he has to delay his coming he may execute it before the authorities of that mining district, or appoint an attorney. That an Official communication be addressed to Señor Segura to deliver the former Official letter, and obtain the answer of Señor Rule. That Señor Cortazar be notified to appoint his attorney to sign the instrument; that the Junta cannot, according to the agreement, allow the watchman to be paid for nine weeks, but only for three, and that it being difficult to procure a draft, there be paid to him the amount of the memorias, less the thirty-six dollars of such charge, to the commissioner whom he may send when he comes to sign.

[Three Rubrics.]

### *Session of* 13*th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having approved the minutes of the 11th, it was resolved, that there should be paid at once the balance of the three thirds of the contributions from houses for the part belonging to the College.

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### *Session of* 16*th November*, 1846.

Present Señor Segura, Flores and Bassoco; and after having approved the minutes of the 13th, report was made of the following communications:

*First.* From the Commissioner at Guanajuato, remitting a draft of five thousand six hundred and thirty-nine dollars, seven rials, proceeds of Mining dues for the month of October.

*Second.* From the Commissioner of Zacatecas, remitting another draft of four thousand one hundred and forty-five dollars, two rials and nine grains for the dues of said month.

*Third.* From the Commissioner of Durango, with another for one thousand three hundred and forty-nine dollars, forty-four cents, corresponding to the same period.

*Fourth.* From the Commissioner of Zimapan, dated 1st November, with another draft for three hundred and seventy-three dollars, corresponding to the previous month.=That said drafts be accepted, the proper entries made, and the receipt of the same be acknowledged.

*Fifth.* From the Commissioner at Zacatecas, remitting another draft for one hundred and twenty-three dollars, six rials, three grains, proceeds of October in Sombrerete.

And last: another transmitting the balance sheet and detailed account of the sums collected for Mining dues in that city in the second third of the present year.=Acknowledge receipt, and transmit to the Comptroller's Office.

The reading of the report, which was continued on the previous days, having been finished, the same was approved; and it was resolved to direct also to the Supreme Government an Official communication requesting that the Ministry of Finance transmit the respective orders to the effect, that so soon as the blockade is raised, the Custom-Houses of Vera Cruz and Tampico remit directly the corresponding drafts in favor of the Junta, giving authority to the Junta to negotiate a loan for the purpose of defraying the expenses of the College and the most urgent expenses of the branch of quicksilver; resolving, finally, that the President convey said communication to the Minister, that it may be promptly dispatched.

[Two Rubrics.]

### *Session of 5th December*, 1846.

Present Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the two following communications:

From the Ministry of Relations, dated yesterday: in the first, acknowledging receipt of the information sent to it for insertion in the report, and authorizing the Junta to procure, on the most favorable terms possible, the sum required to defray the expenses of the College, and the salaries assigned to the Quicksilver fund, with mortgage of this fund, in the understanding that the proper orders have been issued; that immediately so soon as the blockade of Vera Cruz is raised, there shall be remitted directly to the Junta drafts for the three per cent. of importation duties to the amount of eighty thousand dollars per annum; adding, also, that in the case said loan is not promptly obtained, the Junta furnish the amounts required from the Dotal fund, to be repaid by the Quicksilver fund, out of which it shall be reimbursed so soon as any money is received from the Custom-Houses or the proposed loan is contracted.

Señores Flores and Bassoco represented that the destination of the Dotal fund being predetermined, the Junta has no authority to apply it to other purposes, nor as a loan.

Señor Segura said, that the Government having power to dictate this measure, he was of opinion that the order should be obeyed, that said loan should be diligently sought for without delay, taking care that the proper orders can be obtained for the remittance from the port of Tampico of the drafts for fifty thousand dollars per annum, so soon as it is liberated from the Anglo-American invasion. Consequently, the majority of the Junta resolved, that an answer be given to the Government in the terms indicated by Señores Flores and Bassoco; and Señor Segura requested that his vote be recorded in the minutes, adding, that he would explain the reasons on which it was founded, and that he would transmit the same to the Government.

The second Official communication confines itself to exciting the zeal of the Junta to use every effort for the purpose of obtaining for itself the loan of the two millions of dollars for the purchase of Spanish quicksilver, for which it was empowered by the decree of the 17th February, 1843; and it was resolved that this matter be considered on Monday next.

[Three Rubrics.]

OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND. }

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the Archives of said Office by virtue of the decree of 28th June, 1852, do certify: That the Blotters of the minutes of the Junta for the encouragement and Administration of Mining exist and form part of the Archives of this Office. That among the said Blotters there are to be found those of the minutes of said Junta for the months of April, May, September, November, and December, of the year 1846. That the Blotters of each of said months are sewed together separately from the others, and on the first leaf of each there is written what follows: The Blotters of April.=" Office of the Secretary of the Mining Junta, year 1846. Blotters of the minutes of the month of April."

Those of May—" Office of the Secretary of the Mining Junta, year 1846.=Blotters of the minutes of the month of May."

Those of September—" Office of the Secretary of the Mining Junta, year 1846.=Blotters of the minutes of the month of September."

Those of November—" Office of the Secretary of the Mining Junta, year 1846.=Blotters of the minutes of the month of November."

And those of December—" Office of the Secretary of the Mining Junta, year 1846.=Blotters of the minutes of the Junta for the Encouragement and Administration of Mining from the 2d to the 30th of December of the present year."

I certify that the preceding and annexed pages numbered by me with red ink from 1 to 4 inclusive, are a true and exact traced copy on transparent paper of the Blotter of the minutes of said Junta of the session of the 23d April, 1846, and that the preceding and annexed pages numbered by me with red ink from five to thirty-nine inclusive, are true copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the month of May, 1846, including the page that bears the superscription of the same. That the preceding and annexed pages numbered by me with red ink from forty to forty-six inclusive, are true and exact copies, or traced copies on transparent paper of the Blotter of the minutes of said Junta of the session of the 21st of September, 1846. That the preceding and annexed pages numbered by me with red ink from forty-seven to fifty-three inclusive, are true and exact copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the session of the 5th, 9th, 13th, and 16th November, 1846. That the preceding and annexed pages numbered by me with red ink from fifty-four to fifty-six inclusive, are true and exact copies, or traced copies on transparent paper, of the Blotter of the minutes of said Junta of the session of the 5th December, 1846.

In testimony whereof I give this present in the City of Mexico, this 30th day of March, 1859.

MANUEL COUTO, Secretary.

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I, Vicente Segura, Administrator of the Mining Fund, do certify that Don Manuel Couto, whose name appears on the foregoing certificate, is Secretary of this Administration, and in charge of the Archives of said Office of Mineria, to which Archives belong the Blotters of the minutes of the Junta for the Encouragement and Administration of Mining. That said Couto is in the exercise of the Office of Secretary at the date of his certificate, that his signature is true, and deserving of full faith and credit.

In testimony whereof I give this present, under my signature, and the seal of this office, in the City of Mexico, on the 30th day of March, 1859. VICENTE SEGURA.

[SEAL.]

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The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, do certify that Don Vicente Segura, and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, which is under the inspection of this Ministry. I likewise attest that the Archives of said Office are in the charge of the Secretary, and finally, that the signatures appearing to the two foregoing certificates are those used by those gentlemen, as well as that the seal affixed to their certificates is the true seal of the office in which they are employed.

As testimony of what is here stated, I give this present, signed by me and sealed with the seal of the Ministry, in the City of Mexico, on the thirty-first day of March, 1859.

[SEAL.] P. ALMAZAN.

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José Miguel Arroyo, Honorary Intendent of the Army, and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce of said Republic, and the foregoing signature is his, which he uses on documents authenticated by him.

[SEAL.]

[Dues $4.] J. MIGUEL ARROYO.

## TRANSLATION OF EXHIBIT BASSOCO NO. 2, O. H.

MINISTRY OF HACIENDA,
SECTION I.

The Most Excellent Señor President *ad interim*, has been pleased to address me the decree which follows:

Mariano Paredes y Arrillaga, General of Division and President *ad interim* of the Mexican Republic, to the inhabitants thereof. Know ye:

That considering that the salvation of the Republic, in the critical circumstances in which foreign invasion has placed it, is the first duty of the Government:

That all interests are compromised, and that it would be vain to attempt to save them if first of all the Nation be not saved:

That to defend and secure the national territory, as well on the frontier which has been invaded as at other points which are threatened, it is indispensably necessary to provide for the expenses which are being incurred for the troops that the Government has put in motion, and for the others which are being raised and organized, and must march with promptness to the points to which the Government proposes to send them:

Knowing that by the ruinous system of contracts the necessary resources are not obtained and the revenues of the nation become pledged for a long time, as is the case at present, by all its products being incumbered, and without the Government being able to rely upon the smallest sum which it might dispose:

Having hitherto endeavored by all the means within its reach, even by that of contracts, to meet the most urgent expenses, having endeavored to reduce them as much as possible during the time the present administration has been established:

Considering that even that fatal system has become impracticable, and is more ruinous each time, more onerous conditions being exacted as the securities to be offered become less:

Desiring also to establish the national credit, which is completely destroyed, upon secure and uniform bases, liquidating the floating debt against the public treasury, providing sufficient funds for its payment, and making such payment compatible with the imperative necessities of the nation:

This grave subject having been attentively discussed, at a meeting of Ministers, I have resolved to decree as follows:

I. The payment of all debts borne by the revenues of the General Government, and any other payment which is now being made in pursuance of decrees or orders heretofore made, are provisionally suspended.

II. All the offices of the general revenues of the Republic, upon the receipt of this decree shall immediately transmit to the Ministry of Hacienda a detailed statement of all payments which they may have been ordered to make and which they may suspend in compliance with the preceding article, showing the amounts which have been paid and the balance remaining due.

III. In view of the data which may be furnished by said offices, in virtue of the foregoing article, the Government will determine as to payment in the mode and order which may be most convenient, reconciling the rights of the parties interested with the progress of the public administration.

Wherefore, I order that it be printed, published, circulated, and that it be duly complied with.

Palace of the National Government in Mexico, 2d May, 1846.

MARIANO PAREDES Y ARRILLAGA.

To Don FRANCISCO ITURBE.

And I communicate it to you for your information and corresponding effects.

MEXICO, 2d May, 1846.

YTURBE.

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## TRANSLATION OF EXHIBIT BASSOCO, NO. 3, O. H.

EXTRACTS *from the report which Don Jose Maria Lafragua, Minister of Interior and Exterior Relations, read to Congress on the* 14*th*, 15*th and* 16*th of December*, 1846, *and of the report by Vicente Segura, President of the Junta de Fomento de Mineria, addressed to said Minister on the* 17*th November*, 1846.

[Page 65.]

* * "In the State of San Luis Potosi, the metals reduced, and the Quicksilver extracted, are in proportion; and in Upper California a mine (*criadero*) has been discovered, whose *ley* surpasses that of the best mine known, that of Almaden, which does not produce more than thirteen per cent., while ours, by the assays made in the College of Mining, of this capital, exceeds thirty-five and a half per cent." * *

[Page 66.]

* * "I recommend the sovereign Congress to direct its attention to this subject, making the production of our Quicksilver a truly national enterprise, the importance of which cannot be overrated; either by creating a fund, or dictating other suitable measures." * *

[Page 118.]

## Number 52.

"SECRETARY'S OFFICE OF THE JUNTA DE
FOMENTO Y ADMINISTRATIVA OF MINING. }

"Most Excellent Sir:—In compliance with your Excellency's superior order of the 3d inst., directing this Junta to give an account of the matters confided to its care since the epoch of its report in 1845, their present condition, with the object in view, in order to form the *Memoria* which should be presented to the general Congress of the nation, immediately on its installation, the Junta has the honor to submit to your Excellency a simple historical relation of the most important matters with which it has been occupied for the last two years, and their present situation, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties." * *

[Page 136.]

* * * "The Junta, on the 21st of April last, sent to the professional Board (*Junta Facultativa*) of the College some specimens of cinnabar which Don Tomas Ramon del Moral presented, in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he had discovered in the Mission of Santa Clara, known by the old Indians, who got out of it vermilion to paint their bodies. The assay, made by the Professor of Chemistry, of the ores in common, produced the extraordinary *ley* of thirty-five and a half per cent., which was communicated to the Government on the 5th of May, representing that Señor Castillero had been asked what assistance he required of the Junta.

"That Señor presented his petition in due form, and it was very attentively examined by the Junta; he made his propositions, to which this (Junta) agreed, to wit: that there should then be delivered to him five thousand dollars in money, eight iron retorts, of those which the Junta ordered to be made for their former examinations, and all the Quicksilver flasks it has in the *negociacion* of Tasco. Señor Castillero obligated himself, on his part, to repay said advance in Quicksilver at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration (of war) made by the United States of the North, when he was going to receive the draft on Mazatlan, the Minisiry issued the order of September 19th of this year, directing the suspension of all payments of the branch of Quicksilver, except the support of the College, and the expenses of the office." * *

[Page 146.]

* * * "This is not the occasion to present together all the labors of the Junta to correspond to the high confidence with which the Government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in the office of this Ministry. For the present it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the Quicksilver mines in the principal Departments of the Republic are being worked, both by companies and also by individuals; that in the Department of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that in Upper California, in the Presidio of Santa Rosa, there has been discovered by Señor Don Andres Castillero a great mine, the *leys* of which are truly surprising, since the result of the assays made in the College of Mining gives, as the common fruits, over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped, resting on a good foundation, that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

"This grand national enterprise the Junta has not been able fully to carry out, because it has been deprived of one of its funds of one per cent. of the circulation of money, without substituting any other, and because of the remainder it could only dispose of one-third part, since the Government, in the deficiency of the treasury, has used the rest. This evil was increased to the lamentable extremity of leaving it (the Junta) without any, by the order of the 10th of May last, which directed the suspension of all the payments which were made by the public treasury. The sad results of such determinations the Junta will not stop to detail; they are manifest from what has already been here shown." * * * * *

## TRANSLATION OF EXHIBIT BASSOCO No. 4, O. H.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

MOST EXCELLENT SIR—In compliance with your Excellency's superior order of the 3d inst., directing that this Junta give you an account of the affairs confided to its care since the time of its report in the year 1845, and of their present condition, with the object of having them in view when making up the Report, (Memoria) which you are to present to the General Congress of the Nation, as soon as it shall be installed, the Junta has the honor to submit to your Excellency a simple historical relation of the management, and present condition, of the most important affairs with which it has been occupied for the last two years, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties; but, although it entertains the most sincere desire to duly perform so important a charge, the short period of eight days, which your Excellency fixes, would render it almost impossible to do so, as fully and properly as it should be done, but for the work done by its Secretary's office in the early part of this year, to be presented to the government, and of which it now avails itself, in view of the vital importance, not to say necessity, of enabling the next Congress, through the respectable medium of your Excellency, to inform itself at once of the result of the laws made for the encouragement and regulation of the important branch of Mining, and to dictate measures calculated to make effective the protection required, at this day more than ever, by the mining industry, perhaps the most national, of Mexico, and undoubtedly the copious and inexhaustible source of its public wealth. The Junta, thankful for the invitation of your Excellency, although it is deprived of some data and documents which it could procure if it were allowed more time, hastens to comply with your wishes, reserving to itself the privilege of amplyfying, on a more suitable occasion, some points which for the present are only indicated, confident that the shortness of the time will excuse the faults which abound in its report, as well as the omission of other points which it may have overlooked, or to which it may not have attached the importance to which they were entitled, or it may not have fully developed, to say nothing of the faults of method, style, and compilement, which are inevitable in all compositions prepared without the necessary meditation and correction.

## THE OFFICE.

The Junta for the Encouragement and Administration of Mining, installed on the 24th December, 1842, to comply with the provisions of Article tenth of the decree by which it was organized, transmitted to the proper Ministry, in November, 1843, a project of by-laws which it had formed for the more economical and faithful administration of the funds confided to it; but the government, knowing that it could not perform its important business without the necessary help for its performance, decreed on the 30th December, the organization (planta) of its employees, and returned the project in July '44, that it might be formed anew, conformably with the subsequent arrangements.

In January of the same year, the Junta solicited the approval of the 29th article of the proposed regulation, providing that separate accounts should be kept for each fund, charging the dotal fund with the amounts which were being paid for salaries in the former establishment, and the quicksilver fund with those which were being increased, and remitted to it the respective proposals for filling the situations, those of two "oficiales," two clerks for the secretary's office, an "archivero" (keeper of archives), an auditor, two "oficiales," and an auditor's clerk, having been accepted, and finally that of treasurer, all of whom went into office on the 10th February, 4th and 7th March; and on the 8th March the Junta established provisional rules for the office, designating to each of the employees his respective duties.

On the 19th May, 1845, the Supreme Government appointed Messrs. Benigno Bustamente, Licentiate D. José Maria Lacunza, and Don Luis Varela, to make a report to the government, upon the decrees creating the new organization of the College of Mining, authorizing the commission to shape the seminary and the office of the Junta. The report they sent the Supreme Government was passed to the Junta, and is waiting its examination.

The first clerk of the Secretary's office, Don Manuel Garcia del Valle, having died, the Supreme Government approved the promotion of the second, the place of the first remaining vacant.

On the 23d of September of the present year, the Junta granted leave of absence to its Secretary, Don José Maria Castera, to whom the Supreme Government was pleased to confide a commission, the first official having assumed the discharge of his duties, according to said decree of 30th December, 1842.

## DEPARTMENT OF ENCOURAGEMENT.

### *Mining Tribunals of First Instance.*

### Department of Mexico.

Although the Departmental Junta, on the 18th January, 1843, provided that there should be established 18 Mineral Tribunals in its districts, the Mining Junta represented that, instead of being beneficial, it would be prejudicial to create twelve of them in addition to those which existed formerly, in consequence of which, there were to remain only those of Zimapan, Pachuca, Tasco, Zacualpan, Sultepic and Temascaltepec, places in which existed Territorial Deputations, and two new ones, one at the Cardonal, and the other at Tepantillan. It made this representation on the 26th of the same January, but without observing that at the Cardonal there also existed a Deputation.

The Most Excellent Assembly, on the 5th July, 1844, in view of the representation of the Junta, resolved that there should be Tribunals at Sultepec, Zacualpan, Tasco, Zimapan and Pachuca; that the government, consulting with the Junta for the direction of the branch, designate the district of each one, with a declaration of the minerals embraced in it; and that those of Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan and the Oro, should be established as soon as there should be a sufficient number of miners to serve them with the conditions provided for by the ordinance, for which purpose the government would recommend to the prefectures, to furnish annually the necessary notices, giving information to the same Assembly when any of them should combine the proper elements.

The Junta had nothing to remark on the first part of this decree (acuerdo), because it had already expressed its acquiescence in the creation of the five tribunals referred to; but it could not refrain from observing, that the second was contrary to what is provided by the circular of the 6th September of the same year, respecting that their Excellencies, the Señores Governors, advise the Supreme Government as to the places where Mining Tribunals ought to be established, giving reasons for such advice, with the concurrence of the Assemblies, *with the understanding that as soon as they shall be established, they themselves designate the districts of their respective jurisdiction, specifying the names of the metals and mining districts they may embrace;* and the third rested on very sound reasons of justice and convenience; there remaining pending, however, the difficulty, that of the five tribunals unconditionally installed, there were already established those of Ajuchitlan, Cardonal, Temascaltepec and Mineral del Oro, as well as those which had no restriction whatever, except that of Pachuca, in which district the Territorial Deputation is preserved in accordance with the Supreme Circular of the 14th January, 1843, which provided that the said corporations should continue until the tribunals should be established. The Junta so stated to the Departmental Government, on the 24th July 1844, so that it might be pleased to declare whether they all continued or some were abolished.

The Most Excellent Assembly, on the 10th October, thought proper to amend their former decree (acuerdo) complying with the said supreme resolution of the 6th May, with the understanding that the mining districts not embraced within the limits the tribunals shall designate, shall in all their affairs belong to the nearest district, according to the spirit of the ordinance, and providing that if in fact those of Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan and the Oro are established, they should not continue in existence. In conformity with what the Junta advised on the 18th October, the Supreme Government, on the 30th of the same, was pleased to approve what was lately determined by the Most Excellent Assembly.

On the 29th October of the year 1845, the Supreme Government was informed that the Tribunals of Sultepec, Tasco, Zimapan, Pachuca and Temascaltepec had been legally established.

In consequence of a petition made by the miners of Tepantitlan, Coronilla, Timotla and others, that in the first of said towns there be established a territorial deputation, the Junta on the 31st December, 1842, approved the petition, stating its ideas as to how and under what terms the 28th article of the organic law should be complied with; and, having considered its reasons, the Government issued its decree of the 11th February, 1843. Under date of 20th June, 1845, the Departmental Government was informed that, according to Article 3d of the Assembly of 9th July, 1844, it be pleased to notify the respective prefecture to remit the notice of the number of miners that there may be in Tepantitlan, with the requisites of the ordinance, so as to see if a mining tribunal could be established at that place, granting, as it had already been decreed by the same Assembly, and approved by the Government, that it be installed so soon as this indispensable condition could be complied with.

ZACATECAS.—Its Departmental Government advised the establishment of six Mining Tribunals of first instance at the Capital, Fresnillo, Sombrerete, Mazapil, Pinos and Nieves, and that in the remaining places Commissioners be appointed, as in the time of the Colonial Government, for the sole purpose of receiving denouncements and giving possession. It further proposed that, to cover the extraordinary expenses on the amount of the tariff duties, there be applied to them the grain that for each mark of silver of the standard of 11 dineros is appropriated and paid, according to the decree of one of the Legislatures of the Departmental, to the fund of public instruction.

The Junta, on the 17th August, 1843, gave its opinion in favor of the approval of the Tribunals designated, and of the nomination of delegates, but not of the means indicated to assist the distribution, because they were not in accordance with the 4th Article of the law of the 11th February of the same year, and that its adoption would confer privileges on the miners of said department, to the detriment of uniformity, and even of justice, for the decree threw the burden of costs only on those interested in suits, and not on all the miners of the respective demarcation; that, this being equitable, it was not equitable that the miners of Zacatecas should bear greater imposts than those of the rest of the Republic; and that as mining should be exempt from all duties, and have conceded to it all franchises imaginable, instead of the grain spoken of being appropriated to any object whatever, it should be totally extinguished.

SAN LUIS POTOSI.—With the concurrence of the Departmental Junta and Supreme Government, the Superior of the same department advised, on the 11th September, 1843, that Mining Tribunals be established at the Capital, Catorce, Charcas, Guadalacazar and Ojo Caliente; that at the places where territorial deputations existed these should proceed immediately to elect the individuals who were to constitute the said Tribunals, according to the provisions of the law of the 2d December and the second title of the ordinances of the branch; and that in the places where, from any cause, the Deputations may not have been established, the respective political authorities will dictate the measures conducive to the installation of the Tribunals, which has subsequently been done in all of them.

JALISCO.—Its Government, with the concurrence of the Departmental Junta, designated the places of Bolaños, Hostotipaquillo, Etzatlan, Marcota and Sayula, in which the Tribunals were established.

SINALOA.—The Departmental Junta and its Government designated the village of this name, Mazatlan, Culiacan, Cosalà and Fuerte, soliciting power for the Tribunals to appoint Commissioners in the towns of their districts, who, subordinate to the former, should be acquainted with the simple and most urgent matters of examinations, denouncements and possessions, which, from their remoteness, the Tribunals could not attend to, to the prejudice of the respective parties interested. The Mining Junta, on the 4th April, 1843, petitioned accordingly, and solicited that, on making these designations, the reasons for making the reports be stated. The Supreme Government so decreed on the 6th day of July, 1843, the first four of the said Tribunals having been subsequently established.

CHIHUAHUA.—In accordance with the communications of the Ministry of Justice of the 14th November, '45, to the Junta, the establishment of the Tribunals in that city, that of Hidalgo, Guadalupe y Calvo and Jesus Maria was approved, but no notice has yet been received of the installation of those of Guadalupe y Calvo and Chihuahua.

COAHUILA.—By communication from the Ministry of Justice of the 14th November ulto, it appears that the Departmental Government decreed, and the Supreme Government approved, the establishment of Tribunals at El Saltillo, Valle de Santa Rosa and Monclava. The second was installed on the first January of the present year, it not being known whether the other two have been organized or not.

MICHOACAN.—On the 11th September the Tribunal of Halpuyahua was installed, by order of the Departmental Junta of the 24th April of the same year, and the old Deputation of Auganguco advanced and secured its establishment as a Tribunal of first instance, in virtue of the decree of the Most Exc't Assembly of the 26th February, 1844.

GUANAJUATO.—Although the Junta is without official information of the installation of the Tribunal in that Capital, it knows that it does not exist, for its correspondence in other matters and the approval which the Government has given to the election of its functionaries show that.

AGUAS CALIENTES.—The Superior Government of that Department, with the concurrence of the Junta, on the 27th September, 1843, designated the partido of *Asientos* as the only proper place for the establishment of a Mining Tribunal, which was approved by the Supreme Government on the 12th March, 1844, it being at once installed.

OAJACA.—The establishment of only one Tribunal in that city was advised. It was installed on the 24th February, 1843, and was approved on the 11th March of the same year.

DURANGO.—Since the 4th August of said year it was proposed to establish in its Capital a Mining Tribunal, and it was approved on the 14th November, 1845, its installation being yet unknown.

SONORA.—The Territorial Deputation, under date of 3d December, 1844, advised the Junta of the manner and form in which it ought to hold the election of the three *Consultados* at the beginning of the year 1845, according to the decree of the 2d December, 1842; but as the Government of that Department, with the concurrence of the Most Exc't Assembly, was to propose to the Supreme Government the places where Mining Tribunals should be established, and that it had not done so until the 13th August of last year, owing to the failure of said corporation to meet, the Junta, on the 19th April, ordered that no change be made until the designation provided for by law should be made.

There have been forty-one Mining Tribunals approved in this order: Six in each of the Departments of Mexico and Zacatecas; five in those of Jalisco, San Luis Obispo and Sinaloa; four in that of Chihuahua; three in that of Coahuila; two in that of Michoacan, and one in those of Aguas Calientes, Durango, Guanajuato, Oajaca and Sonora, all of which are installed, with the exception of that of the Capital of Chihuaha, and Guadalupe y Calvo, the Capital of Coahuila y Monclova, that of Hermosillo, in Sonora, and that of Fuerte, in Sinaloa.

They have all chosen new Presidents and members, according to the law which created them; the returns of said elections have been received and forwarded to the Supreme Government by the Junta; they have received the proper approval, excepting a very few which, for being contrary to law, were ordered to be held anew, or that the defects should be cured.

When the Junta was occupied with the project presented by the visiting commission for the better regulation of these Tribunals, the decree which re-established the Federal System in the Republic came to arrest its labors, for, as it ignores the existence of special Tribunals, the resolution of their permanence or abolition depends upon Congress. The General Government, by decree of September last, ordered, in its 6th Article, that for the present they should subsist with regard to the District and Territories. But it is to be observed that there are no Mining Tribunals established in the District and Territories, nor even in New Mexico and California, the only territories which were formerly Territorial Deputations. Probably the Legislatures will determine this point provisionally with respect to their States, while the General Congress is occupied with the initiative, which the Supreme Government gives assurance in the same article it is going to address to it. But, in the meantime, the State of Mexico, on the 1st October last, has declared in force the decree of 2d December, '42, which organized the Administration of Justice in the affairs of mining; but with the variation that it shall be peculiar to that Government to determine the points which the decree reserved for the determination of the Supreme Executive, in consequence, ordering the suspension of all works initiated by the Mining Tribunals, in obedience to the order which required them to form their tariff of fees, until the State Legislature shall determine what it thinks proper as to the suppression, continuation, or reform of said Tribunals.

### MINING LEGISLATION.

On the 24th July, 1843, the Government was applied to, manifesting to it that the divers orders dictated for the branch of mining considerably changed the organization of the body in the directive, administrative, and even in the legal part that now governs it, and which ought to be preserved; that the ancient ordinances, with their modifications since 1783, contain a multitude of articles unsuitable to this new form, others repealed by subsequent resolutions, some, the modifications of which required the experience of years, and several fallen into disuse; and that, as complication and confusion would be the natural consequence of maintaining the mining code in its present state, causing the most serious injuries to the organic system lately given to the same branch, it was of opinion that the code in question should be again remodeled. On the 9th August the Junta was authorized to have the work done, it being at liberty to defray the necessary expenses out of the fund destined to the encouragement of quicksilver mines, with the concurrence of its *Consultores*, and the proper Supreme approval being first had; and on the 22d of the same the Junta appointed Señor Licentiate D. Mariano Otero to perform so interesting a work.

On the same day of the month of November there was passed to the professional Board—Junta Facultativa—of the College in a report, an exposition of D. José Maria Garcia del Valle, upon the urgent necessity there was, in his opinion, for the formation of special ordinances for the working of the fossil carbon minerals; but said report is still pending.

### POWDER.

The permanent Minor Junta of the Zacatecas Mexican company, by reason of the regulation of the 18th October, 1842, published on the 26th, requiring powder to be distributed to the miners at fourteen dollars and a half real per arroba, (25 lbs.) represented, on the 18th December of the same year, the serious injuries that would be occasioned to the branch by the said regulations, stating that, previous thereto, the enterprise at Zacatecas sold it at eight and nine dollars, and requesting a reduction of the price to the first of these two last sums.

On the 3d January, 1843, the agent of the negotiations of veta grande, and on the 28th of the same month the English company at the Monte Mining District, made the same solicitation.

The Assembly of said Department, on the 23d of the same month, remitted to the Junta, with a dispatch, a copy of the initiative it made of a new company on the 22d, which, among other things, contains the following proposition:

"It grants to it the right of manufacturing powder, and its commerce shall be free from all duties in the Mining Districts."

Under date of 10th February, the Junta addressed to the Supreme Government the exposition which is circulating in print, showing the necessity of having various exemptions granted to mining, including the reduction of the price of the said article.

The Supreme Government, on the 17th, called for a report from the Director of the Factory in the said Department, as to the costs of each arroba (25 lbs.), and the price at which it was distributed to the miners, and although said Director did report favorably on the 1st March, he did so without answering the questions which had been put to him.

The Mining Tribunal of Guanajuato, on the 23d February, 1844, occupied itself with the urgency there was for revoking a measure which was so injurious to the Republic, and especially to the said Department, in which smuggled powder was sold at from three and a half to four dollars.

The Assembly of Durango, on the 19th March, of the same year, reproduced literally, in relation to this subject, the initiative of that of Zacatecas, that of Jalisco also concurring on the 6th of the same month.

Upon recurring to the dispatch of this interesting business, the Junta on the 11th of said February, and 24th March, reasserted what had been previously stated by it, and the former establishment.

The Chamber of Deputies finally subscribed to the resolution of that of Senators, which fixed the value of two and a half reals per pound on powder for consumption in the mines, and it was published in a decree the 31st April, 1844, providing moreover, for the regulation of the Factories existing in Mexico and Zacatecas, and for the establishment of those of Guanajuato, Chihuaha, New Leon and Sinaloa, with the understanding that, in case of scarcity of funds, the Government should lease all of them, upon fixed bases, to individuals or corporations.

In consequence of a statement by the Junta that, on account of the want of powder which was felt in the last of said Departments, there should be established in it the corresponding Factory, the Ministry of Hacienda stated to that of Justice, on the 18th March, 1845, as it informed the Junta on the 19th of the same, that said Department was not provided with one, because it was found difficult to find any persons willing to transport the said article to so great a distance, and because the Zacatecas Factory, from which it was to be sent, had no more than was necessary for the adjacent Department; that with regard to the erection of a Factory, though the convocation was made at the proper time, no proposal of any kind was made, and that the Junta being so much interested in the remedy for such an evil, and in its default the respective Mining Tribunal could make the necessary propositions, without having to notify the Direction General of monopoly revenues (Rentas Escantadas), to convoke bidders, and to take care in the meantime to supply said Department with that article.

The Junta on the 1st April decreed, that the Companies and the Judges of First Instance then existing, be asked to state if their respective mining districts were provided with the necessary powder and power, required for the working of the mines, and on the following day the appropriate circular was dispatched to the thirty Mining Tribunals, the installation of which was known.

Of the Tribunals, those of Pachuca, Tasco, Zimapan, Oajaco, Bolaños, Catorce, Chazcas, Zacatecas, Fresnillo, Pinos, Sombrerete, and the Deputation of Santa Rosa, answered in the affirmative; that of Tlalpujahua could not answer for want of data, not knowing to whom to apply for them, seeing that its demarcation was not approved; that of Guanajuato did answer, and giving assurance that, if the Capital and its vicinity were supplied, it was due to the precautions taken by the smugglers to carry the powder to the mines, and sell it at four dollars and four reals, when that of the Monopoly (Estanco) of inferior quality was sold at eight dollars; that of Auganguco declared that such being the circumstance which caused the preference for the smuggled powder, it was indispensable to contract for that of a similar or finer grain, so that it could be used in small cartridges to prevent its being wasted in filling the drills, for otherwise the priming would explode, the charge would be lost, and the time all spent, especially when drills were opened in rocks from which water springs; that of Mascota said: that the deficiency has sometimes caused the suspension of the work, that some miners went so far as Guadalajara, and not finding any, manufactured some, but insufficient in quantity for one negotiation; that of Hostotipaquillo declared that, although its centre and immediate vicinity was supplied, the scarcity was great in the mines of Ixtlan, Ahuacatlan, Jala, San Pedro de las Lagunillas, Compostela, Santiago, Ixcuintla and Acaponeta; that of Mazapil showed that it relied upon nine hundred pounds, or its equivalent, for three months' consumption; that of Morelos, that in the principal administration only fourteen boxes existed, those of Tamasula, Rosales and Lower California being unsupplied; and those of San Luis Potosi and Culiacan, that at both places there was absolutely none, of so indispensable an article.

Of the thirteen companies from which reports were requested, those of Mineral del Monte, Plateros, and Zacatecano-Mejicano, answered affirmatively; but that of Rayas said, that sometimes powder was scarce in its district; that of Veta Grande, that although until the 18th April, it was supplied, the burning of the Factory of Zacatecas on the 10th of the same, made it necessary that this article should be free in that Department during the rehabilitation of said office, or until the Government could rely upon having a sufficiency for consumption; that the Restorer of the Mineral del Oro, asserts that it could rely only on nine quintals, bought in this Capital, and seven boxes remitted by the revenue of the Administration of Ixtlahuaca; that of Guadalupe y Calvo, that the Monopoly (estanco) had no powder at all, and that generally there was a great scarcity felt; and that of Zorillo, that although sometimes it had been supplied, at others it had to take powder to the mining district of Guanasovi, subjecting itself to the burden and dangers attendant upon transportation, in order not to be compelled to suspend the working of its mines.

The Junta, on receiving said communications, dictated all measures which appeared to it proper, and which were within its province, so that there should be no deficiency of said article in the mining places, particularly since the destruction of the Factory of Zacatecas; and it had the pleasure of seeing all its decrees, as far as possible, complied with, by the respective authorities.

The renting of the Factory in Chihuaha could not be effected, because the Señor Montel, to whom it had been rented, perished in the burning of that of Zacatecas; because there was no probability that his family would continue in the enterprise; and because the miners of the Department would not venture, nor were they able to take charge of the Factory, which neither was the Mexican negotiation of Guadalupe y Calvo, nor the South American of the Zorillo which, on the 17th June, was of opinion that in said Department and in that of Durango, powder should be made, for the Monopoly (estanco) having none, and private persons not being allowed to make it, was the same as to prohibit the working of the mines; but the Direction, on the 18th July, asserted that by virtue of the measures taken, there need now be no apprehension of a deficiency of that article, and that with respect to the establishment of the Factory, new bidders would be called for, with the concurrence of the Supreme Government.

The official note from that of Zacatecas of the 20th May, 1845, which was published in No. 131 of the "Observer," of 12th August, among others, furnishes this important data: "That it is injurious to the revenue to supply these Departments from that Capital. In the Factory of Santa Fé, the cost of blasting-powder is two reals and three-eighths per pound, and as its legal price to the miners is that of two reals and a-half, the difference of the eighth does not compensate for expense of packing, the freight and salaries in its distribution. The difficulty of properly supplying this, and the rest of the Departments of the interior, is another of the embarrassments to be taken into consideration by the Supreme Government, that it may be pleased to decide upon the representation I have made, that the making of powder be continued in this Capital."

Although all the data that was expected from the Tribunals has not come to hand, that which has been received, in the opinion of the Junta, suffices to prove:—

First: That the mining districts were not always duly supplied with gunpowder, nor was it easy to have them so supplied while the Monopoly (estanco) existed, even if it were only for difficulties of timely transportation.

Second: That neither has it generally been of good quality, causing therefore expenses to the miners, as excessive as they were useless.

Third: That supplying the States with powder from Mexico at two reals and a half per pound, or the difference of the eighth in its cost at the Factory of Santa Fé, did not compensate for the expenses of its conveyance, the public treasury being burdened with excess over and above its value, and if to avoid it the price is increased, mining would have to bear a new burden.

Fourth: That experience has shown the almost impossibility of establishing the Factories designated in the decree of 30th April, 1844.

Fifth: That it has also shown that private persons can dispose of this article at a lower price than the Factories.

And finally: That the beneficent decree of the 3d September last, on declaring free the manufacture of gunpowder of all kinds, has given satisfactory evidence of the convictions of the

Supreme Government in this important matter, and especially of the conviction that the burdens consequent to the Monopoly bore too heavily upon miners who did not supply themselves from the smugglers. The Junta has had the pleasing satisfaction of seeing at last its most fervent desires seconded, and the pleasure of giving, in the name of the mining body, the most expressive thanks to the Administration which now governs the Republic.

## IRON.

Under date of 30th of September, 1843, the Junta passed for a report to the Professional Board [Junta facultativa] of the College, a petition in which Don Juan Gandara, and afterwards Don Antonio Hurtado, asked various privileges to explore and extract the iron in the mines of Tuxpan, of the Department of Michoacan, remarking to it that on making its report it should insert in it its judgment as to whether the "pertenencias" of the mines, in said mining district, should be extended, and if so, to designate the respective dimensions, but in such a manner that the measure might be adopted as a general rule.

The said Professional Board [Junta facultativa] on the 23d November of the same year, and this of "Encouragement" in March and November, 1843, were opposed to the greater part of these offers, considering them altogether too high, and deeming the articles of the ordenanza relative thereto, insufficient to satisfy the desires of the parties interested.

D. .H Blumme, on the 14th September, 1845, gave notice to the Junta that there had been formed an enterprise at the Sierra de Capula, in the vicinity of Sayula, which had for its object the extraction of iron, and whose works would very soon commence. On announcing the importance of the negotiation, and the necessity of consuming increased quantities of charcoal, he solicited that it be declared by general law that the woods and forests in the vicinity of the foundries be liable to be denounced by, and granted in fee to, the owners of the Iron Mines, the owners being first indemnified for their value by official appraisement, or by paying the aggregate amount of the rents to become due, if there were any, and under the express condition of cultivating the woods or forests.

In the opinion of the Junta the neglect heretofore of the planting of groves, and preservation of woods, furnishes sufficient motive for calling the attention of the Legislature to this interesting point in our rural laws.

This concession might serve as a trial of the good effects which the acquisition, by denouncement, of the woods in the vicinity of the Iron Mines, will produce. The Junta felt the force of the objection that a great part of the woods are "propios" of the municipalities whose inhabitants enjoy the use of the wood and charcoal without complying with the laws of the time of Charles the Third, which provided that no tree be cut down without planting two slips in its stead, but thinks it would be easy to remove the difficulty by leaving the same imposts to the proprietors of the hill or wood, as a kind of annuity, the proper judicial contract being first made in which it would be well finally to stipulate that the miners should not have the right to sell said articles for domestic use.

The party interested further desired that Iron Mines situate on private property might be worked by their owners, without the necessity of denouncement, provided they did so according to the ordenanza, and the tariffs be repealed which impose duties on that act, and on the act of possession, because, being excessive, they now impede the encouragement of the branch. These two ideas, which it seems should be reduced to one only, that of not exacting duties for denouncements nor for possessions of Iron Mines, for as the first could not be effected without the owner giving notice to the authorities that he was commencing to work the mine, instead of being useful, they would prevent all persons from exploring the land, denouncing it, and consequently working it without delay; and further, the freedom from duties of denouncements and possession which is claimed, being for the present impracticable to its full extent, although what is excessive might be remitted, because the Mining Tribunals not being endowed, it is necessary to allow their secretaries and officers some fees, as well as to the persons constituting Tribunals, who have no salaries, and who, for going to give possessions at places more or less distant, entitle themselves to some recompense.

Considering finally, that if the ordenanza prescribes the mode of working mining veins and "mantos," in form, its rules cannot apply to irregular veins (criaderos) of mineral with pockets and hollows, he proposed that there be added to said ordenanzas "that all mines to which the rules of the ordenanzas were inapplicable should be worked according to the general rules of the art."

As in our country these general rules are not designated, the decrees which might be dictated in the terms indicated would be useless, from its own vagueness, in the opinion of the Junta, which wishing to be certain, asked above all for a report from the Professional Board [Junta facultativa] of the College, which gave an opinion in conformity with those indicated.

## EXCISE.

Under date of 17th February, 1843, and in consequence of the exposition of the Junta of the 10th, the Government demanded of the Director of Revenues to report to it upon the proceeds of said branch in the mining districts, but specifying the part belonging exclusively to the consumption in the mines, so as to be able to calculate the real losses which the public revenue would sustain, in case of exempting the miners from said tax.

On the 14th July there was presented to the Junta for its consideration, an Espediente ordered by the Direction of Excise and direct taxes, in which, with the view of more fully complying with the decree of the 24th May of the same year, it proposed that a circular be issued detailing the articles which, according to the understanding of that office, were excepted; and on the 13th of said July such measure was opposed, as appears in an exposition which was printed in some newspapers, and afterwards in the first appendix to the last report of the Ministry of Justice and Public Instruction.

The Señor D. José Cirilo Gomez Anaya, representing the owner of the mine of Barranco in Bolaños, solicited in September the exemption from all duties of the silver that might be extracted from said mine, as well as of the goods which might be used in working it and extracting the ore. It was considered in support of this pretension, that after being abandoned for a century and a half, the mine was being worked by an English company since the year 1826: that there having been only a few fishermen in the mining district, its population increased to seven thousand inhabitants, notwithstanding the unhealthiness of the climate that reduced it to three thousand as soon as the maintainers of the mine deserted it, because they had expended uselessly over seven millions of dollars; that a year having passed since the enterprise in London sent its order to stop the works, the Director notwithstanding continued them on his own account, and although he had extracted a great deal of silver, he had lost up to that time, twenty thousand dollars. The Junta recommended the petition to the government, insisting on the necessity of declaring the absolute exemption from taxes of goods used for mining purposes. It also proposed that of the three per cent. to Bolaños, but that this donation should cease whenever the negotiation should make any profits, for which purpose the Junta would undertake to have it stopped whenever it were persuaded that the cause of the great loss had ceased.

The initiative which the Assembly of Zacatecas made on the

22d January 1844, contains among others this proposition: "All goods of whatever denomination used for mining purposes, in the extraction and working of metals, are exempted from excise duties and all other imposts." On the 6th February, the said initiative was remitted, and recommended to the Supreme Government, which initiative the Assembly of Guanajuato reproduced on the 6th March, adding only, that the servants and operatives of the mines be exempted from military duty.

On the same day the Administrator of Zimapan enquired of the principal Administrator of Revenues in the Department, whether or not the charcoal and firewood which might be consumed at the "haciendas" of the foundries of that mining district should pay the excise duty, because they were not embraced in the exceptions made by decree of 23d August, 1827, nor in those made by that of 11th July, 1843, and that as they are produced in the mining district itself, they could not be introduced with a guide or pass. The Administration considering that if the decree of 23d August did not refer to the said articles, it was because at that time they were subject to impost in the State of Mexico; if it had not been so the decree would have included them in the articles exempted, as being essential for the working of the mines; he decided in favor of the exemption the same as the Director, provided the legislative body should declare it. The Junta stated to the Government, that so far from diminishing, the burdens upon mining were constantly increasing, with notable detriment to the public wealth.

Under date of 15th of said March, the Assembly of Durango seconded the initiative of Zacatecas. Owing to D. Agustine Meinecke, citizen of Columbia, and resident in Atotonilco el Chico, having established a new mode of extracting metals, by which not only those of good ley are saved, but also those which formerly could not be saved, and are called *de quemason*, as he showed by various certificates, he confined himself to asking, instead of an exclusive privilege that would monopolize the discovery, that the laws which exempt the products and goods necessary to work the mines and refine its metals, be complied with, and that the goods destined for such use at his "hacienda" should not be taxed, and that the sums deposited, and the duties unjustly collected from him, be returned to him. The Junta forwarded the said petition to the Government, with recommendation.

On doing so it bore in mind, that the royal order of the 29th January 1785, published on the 11th April of the same year, provided that no taxes should be collected upon *gretas*, lead, *cendrada*, and other alloys that proceed from metals, *saltierra* and *majistral*, with which quicksilver is purified, even if they should not be introduced for account of the miners; provided, that those who may purchase these goods do so for their own consumption, and not to trade in them; that that of the 12th November 1794, not only confirmed these exemptions, but extended them to all the mining districts of New Spain (N. E.); that that of the 6th December, 1796, rectifying the former, granted freedom from duties to goods and merchandise that might be consumed in the mining towns, provided the purchasers used them solely in the working of mines, and extracting their metals, and rejecting what the Direction of Revenues proposed, as to requiring oaths to be made that this was the object of bringing the goods there; and that said laws and divers others also exempted from payment of duties, charcoal, fire-wood, timber, stones, earthen-ware, shingles, iron, steel, hides, tallow, cordage, indian corn, and fruits, for a like object; although these regulations may not have been fully complied with, as shown by the circular of the 2d September, 1785, in which it was necessary to notify the Administrators of the Revenues, to state who the persons were, from whom they might have collected duties contrary to the provisions of those laws, so that the amount thereof might be returned to them immediately.

The Junta also had under consideration, that the decree of July 11th, published in December, 1843, declared that all the exemptions from taxation granted to mining, should remain in force, provided the goods were taken "*into the mines*," which words, from the statement of the former regulations, and by the practice followed in the greater part of the Republic, should have been understood to relate to the mining districts, for as the exemptions were granted without distinction to the working of mines, and to the extracting of metals, some of those regulations expressly stating so, have left room for several Administrators to wish to restrict this privilege to the mines only, without considering that the concession is nominally made to a few goods, useless for the mines, such as quicksilver, *el majistral*, and everything else that is used in smelting and extracting of metals. This is shown by the fact, that the owner of the Hacienda of San Pascual, in the Mining District of Chico, has been obliged to pay for the introduction of *greta*, and to deposit some amounts for duties on goods, under the pretext, sometimes, that they were not of those that are taken into the mines, and at others, that they were not directed to a miner; when the privilege not only embraces these but also the measurers and smelters (beneficiadores), whose numbers include the party in interest; for, if he has no mine, he maintains many directly or indirectly, therefore being entitled to enjoy the advantages conferred, not on persons, but on the products of mining.

Although it is just that the Revenue should take the precautions legally marked out, to prevent that, in fraud of an exceptional provision, those same goods should be freed from duties in their general consumption, but such precaution never should paralyze the beneficent object which the laws proposed to themselves, when they freed from duties the complete extraction of silver, seeing that they return it to the Public Treasury in the most profitable manner at the assay offices, and other offices destined for that purpose.

It is apparent, therefore, that the very old endeavor of some Custom House officials to render nugatory the regulations, which in that respect favor the branch of mining, is incessantly renewed, causing new and serious injuries, notwithstanding the efforts made by sound reason to oppose it.

In conclusion, the initiatives designated by some of the Departmental Assemblies relative to this important subject, were completely carried out by the decree of the 10th October last, which ordained the total extinction of excise duties; but, as it is abolished by that of the 9th instant, the Junta is under the necessity to ask on behalf of the branch, with the encouragement of which it is charged, that at least the excise duty may be extinguished in all the mining districts of the Republic.

## QUICKSILVER.

The first appendix of the last report of the Minister of Justice and Public Instruction, contains what the Junta briefly stated on the 24th February, 1844, with regard to the measures adopted by the Provisional Government in favor of the branch, the results which they had produced up to the said date, and those which, in its judgment, should be taken, so that the laudable purposes for which the former were adopted might not become illusory.

"The 19th Century," newspaper, numbers 1361 and 1362, of the 21st and 22d August, 1845, inserted a communication, taken from the *Diario de la Marina of Havana*, of the 3d June, previous, in which are indicated the franchises which, in the opinion of the author of the article, should be engrafted on the tariff of the island of Cuba, so as to obtain the passage through its depot of a portion of the quicksilver destined for Mexico, which are now carried by the British steamers, whereby, he was persuaded, considerable advantages would be obtained for the shipping and commerce of that nation, which, by virtue of its influence and various other circumstances, might, in course of time, the better promote its own interest, and those of the Republic, by means of proper treaties.

In the opinion of the author, sending the quicksilver to said Island, until it is required for the consuumption of our country, and keeping Spanish capital in that District, with the guaranties of its Government, might induce its inhabitants to take part in the business, using their own names to sustain and facilitate it, the risks and disbursements being therefore divided, because those who might be unwilling to run new risks would sell their quicksilver at Havana; the latter, no doubt, would enable the Mexicans to purchase it in Spain with the guaranties of some European bankers.

The project, then, proposes to destroy the monopoly of quicksilver, opening for that purpose a market for its purchase from first hands, and, at the worst, with a slight increase in its value, to be divided between the individuals or corporations that might be engaged in the enterprise.

But, considering that the Government might require some advances upon the duties, perhaps equivalent to those exacted in the last contract, he considers it prudent that the Republic, at an early day, should take part in the business, so that an arrangement might be made between the Bank of Isabella the Second, or other national establishment, and the Government at Madrid, similar to that made by the Mon Ministry with the Bank of San Fernando.

The article takes for granted that the capital could be raised by such bank itself, by some European houses, by means of subscriptions, and by the Mexicans through this Junta contributing; and that there should be given to the shareholders the right to leave to the bank itself, the administration and sale of quicksilver, and consigning these to it under the proper guaranties.

The author of the article also believes, that directly from Mexico an offer might be made to the Spanish Government of a loan of a considerable sum for a certain number of years, upon the condition that it would bind itself to renounce other contracts furnishing the article at a fixed price.

Such are, substantially, the fundamental bases of one of the projects formed to get Spain to sell her quicksilver upon such terms as would obtain immense advantage from the reciprocal commerce which hitherto has been carried on exclusively by England, and the Junta, on giving your Excellency this idea of the person at Havana, has for its only object to remind you of the very urgent necessity there is for the adoption of this or some other project to supply more constantly the great deficiency which Mexican quicksilver leaves in the supply of the mines, especially when the contract made with the house of

Rothschild will terminate next year, and the Sovereign Congress could empower the Junta, as it did on the 17th February, 1843, by its decree of that day.

In No. 11 of the newspaper *Esperanza*, of Tampico de Tamaulipas, of 22nd March of last year, the editors copied a letter from San Luis Potosi, which announced the discovery of quicksilver deposits in Guadalacazar which promised to yield more than three quintals daily. The Junta, on the 20th of the same month, sent a dispatch to the respective Government, asking from it detailed information of the discovery, with the view of encouraging the working and extraction of the metal.

On the 2d April it answered that it had asked for the proper report, and as soon as it was obtained it would remit it to the Junta, confirming the announcement, notwithstanding that the distilling apparatuses were of clay, it said that in the last few days there had been several batches of even twenty flasks brought in, and that some monthly remittances had been contracted for at Guanajuato. As for the improvement of the apparatuses themselves, the enlargement of Guadalacazar should be obtained, as all the *ley* of the metal which is now lost should be saved, as the stability of the products should be procured, and as the establishment of economy should be had in all kinds of expenses, the Government of the Department desired that, as soon as possible, a scientific examination should be made, and the Junta, on the 16th April, although it was aware of the advantages that would result from sending a competent person, who would contribute to the better working of the mines of Guadalacazar, and especially to the more economical and abundant distillation of the quicksilver, answered that it could not do so then for want of funds.

The newspaper referred to, in its 16th number, of the 16th April, again referred to the progress being made at Guadalacazar, stating that in four days there were extracted four quintals, there having been arrobas which yielded seventeen ounces, notwithstanding the great evaporation which was the necessary result of the want of intelligence that was shown in extracting the metal; that there were four mines being worked and sixty denounced; and that when the spirit of enterprise was awakened it had produced many purchasers of ore.

Promising to remit thereafter more precise data, the Departmental Government, on the 10th May, sent a copy of the report given by the prefecture of San Luis on the 5th of the same month. From it, it appears, according to the investigations made in the mine of San Antonio, that besides the almost superficial veins, *mantos* and *rebozaderos*, which were being worked, a second *manto* had been found at the depth of thirty varas, the metals of which were of a superior ley, for they yielded from four to five pounds to the load; their proceeds might be considerably increased by perfecting the extracting apparatus, which now consist almost wholly of vessels with earthen tubes, and metal pipes; that the idea that explorable ground occupied an area of five square leagues more or less was confirmed, that it is situated to the north of Guadalupe, and is all surrounded with an abundance of timber; that according to what had been stated by the respective Mining Tribunal, there had been discovered in its jurisdiction, up to the 26th April, eighty-two mines; that no other works had been undertaken than those most necessary to burn in clay, which is the method most commonly adopted; that of all the mines only four were productive; that from the San Antonio mine, which is the most productive, fifty loads were being taken out daily, with a ley of 2, 3 and 4 pounds, not knowing exactly the proceeds of the others; that with the bad method of extracting they did not get the full benefit of their "ley": that in the vicinity there was some supply of wood and water, and that the other mines registered, were worked on an uncertainty, the greater part giving samples of the *panino*, in which cinnabar grows.

The Ministry of Justice, under date of 7th June, transcribed to the Junta a dispatch from the Government of San Luis, of 31st May, accompanying a copy of another from the Departmental Assembly, which contains the following proposition:

"Through the Government of the Department, and with the knowledge of the Supreme Government of the Republic, to urge the Junta for Encouragement of Mining, of Mexico, to locate a fund for the redemption of quicksilver in the mining district of Guadalcazar, for the present to be $20,000, and to construct with its own funds the most necessary and useful burning apparatuses, with which the quicksilver of that mining district may be extracted from the ore by paying the costs of the apparatuses, and a small advance to pay for putting them up."

The Junta answered the Supreme Government on the 18th of the same month, acknowledging the propriety of the examination, and of establishing the apparatuses, complaining at the same time of the want of funds, and showing the necessity there was for expediting the payments, which had been stopped, of the funds destined by law to the encouragement of the branch of quicksilvers.

The Director-General of Industry, on the 14th of said month, enclosed an exposition by the Industrial Junta of San Luis, dated the 7th of the same, in which—and on urging this of Encouragement to protect Guadalcazar efficaciously, with the view of preventing its failure, which would soon occur without such indispensable assistance, while, with it, it could secure to itself brilliant results—it solicited also a scientific examination, improved extracting apparatuses, and the erection of an office for the redemption of quicksilver (rescate); but the Junta regretted having to inform it of its want of funds, adding that, having asked the Supreme Government for funds on the 19th of the same, the Superior Government of San Luis designate the person or persons who, in that mining district, should be charged with the custody of the money to be used for the redemption, as well as for the purchase and sale of quicksilver, the commissioner giving sufficient security for its disposition to that end.

The same Government, on the 9th July, stated in reply, that the few competent persons that were in the said mining district were occupied with their own private business; therefore considering it more prudent to elect a person at San Luis who, personally or by means of an agent for whom he would be responsible, should discharge the commission.

The Junta, on the 20th August of last year, stated to the Government of San Luis, that, notwithstanding the scarcity of funds, it would at once place at San Luis four thousand dollars, establish the office for the redemption of liquid quicksilver in said mining district, without any other restriction than that said sum should be preserved without loss; for which purpose it might frame and remit the corresponding regulation, embracing in it measures calculated to protect the dealers in quicksilver and the miners who buy it, providing for all expenses of administration and the indemnity of the person to be charged with it, under the respective guaranties, and to designate the individual who should have the commission, be he of San Luis or Guadalcazar. Said Government reported on the 27th August, that it was already engaged in the establishment of the Agency.

Subsequently, the Tribunal of Guadalcazar, on the 30th October of last year, declared that the cinnabar mines registered amounted to one hundred and twenty-five, those denounced to thirty-three; and that that uncommonly prolific mine gave cause for the taking up of many more than those theretofore established; for, following the ancient openings, which seem to have been worked from time immemorial by the natives, although there is no evidence of it in the archives of the Tribunal, the excavations are spread over about six leagues around the silver mining district, being a league wide at its nearest point; from which it was inferred, that a great deposit would be found there, especially when it is seen that some of the mines worked in ancient times showed, by their heaps of earth, a depth of over one hundred varas, and that, notwithstanding the various examinations and denouncements made, the mines taken possession of and giving abundant profits, although of small "ley," amount to twenty-five, the rest being under investigation, which is very superficial for want of capitalists who will dedicate themselves to the business, one hundred and odd quintals of quicksilver being taken out monthly, notwithstanding the smallness and insufficiency of the apparatus.

The Junta answered, on the 12th November, that the Tribunal should report whether there were any companies formed, or about to form, that needed assistance, and, if so, to declare which were the mines in which they were to engage, the amount which the shares might come to, and the bases on which each negotiation was to rest, so that the Junta, with these data, might come to a determination; however, up to date, it has received no answer, either from that Government or from the Tribunal, nor has it called for any, hoping that, from day to day, the funds designated by law for this branch would be placed in circulation, which unfortunately has not yet been done.

The Most Excellent Señor Governor of San Luis, on the 19th July and 4th December of last year, 18th April, 9th and 13th May of the present year, remitted to the Junta the documents which show the extraction of national quicksilver in Guadalcazar, for the purpose of having the parties in interest paid the premium of five dollars per quintal, granted by the fifth article of the Supreme Decree of the 24th May, 1843, to those who should extract quicksilver from the mines of the Republic. From said documents, an exact account has been obtained of the quicksilver extracted in Guadalcazar, from February, 1844, to May of the present year, when the term fixed for paying said premium expired, the result of which is as follows:

| | | | | |
|---|---|---|---|---|
| From the mine of San Antonio, nine hundred and fifty quintals, one arroba, two pounds. | 950 | 1 | 2 | 00 |
| From that of San Agustin, seventy-six quintals, three arrobas, two pounds, thirteen ounces. . . . . . . . . . . . . . | 76 | 3 | 2 | 13 |
| From Santa Lucia, one hundred quintals. . | 100 | 0 | 0 | 00 |
| From Trinidad and San Andres, seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces. . . . . . . . . | 78 | 3 | 15 | 1½ |
| Total . . . . . . . . . . . | 1205 | 3 | 19 | 14½ |

The Junta has offered one of the companies of Guadalcazar, to remit to that mining district one of the distilling apparatuses ordered from London, which it has not been able to receive until now, on account of the blockade.

Certain sums are still due for premiums upon national quicksilver extracted at Guadalcazar, and also for that due upon one hundred and thirty-six quintals from New Almaden at the Durazno, which have not been paid on account of the suspension of payments out of the quicksilver fund.

Although the Junta has not received, these last few months, any official information of the state of those mines, still it sends to your Excellency a copy of the exposition inserted in the *Republican* of the 12th inst., in which a resident of that vicinity shows the new importance it is acquiring every day, and consequently the urgent necessity for its encouragement, saying that it already supplies, not only the mining district of San Luis Potosi, but also makes important remittances to Zacatecas, its quicksilver being sold fifteen dollars less than the present price of foreign quicksilver.

The Most Excellent Señor Don Demetrio Montes de Oca published a comprehensive statement of the terms upon which a company might be formed for the working of the mines of San Juan de la Chica, with a view to getting shareholders for that purpose.

The expediente relating to the working of the mine of Rincon de Centeno, of 1808, furnishes these data: "San Juan de la Chica has a tunnel of one hundred and fifty varas deep, with a diameter of twenty varas, with several pits, the deepest of which was thirty varas in depth; but that in none of them were there metals, but in the tunnel there were, and from there perpendicularly to the surface. Its matrix is against the lower side in the first two and a half yards of width, an ashy, saponaceous substance, the cinnabar piercing through it at different points; and higher up it is an immense green sod, with saponaceous veins, and some of rich cinnabar; and it was abandoned for its unprofitableness, having a furnace of two vessels, as stated by Don Casimiro Chovell." The Office, on giving these informations, transcribed a paragraph, in which Baron Humboldt recommends the said mine, referring to the information given of it by the last commissioners, Don Ignacio Alcorez and Don Benito Herrera, and concluded, opining that the Junta should employ as much as ten thousand dollars, for the purpose, not of working, but of exploring and investigating whether the mine was or was not good enough to justify the investment of the necessary funds in the working of it.

It considered with regard to this, that by the taking a share in the enterprise, with the knowledge of the Government, the Junta would be enabled with a much less sum than that of ten thousand dollars, to examine the quality and circumstances of the mine, encourage a private negotiation, stimulate the formation of others, and bring about in the only and most effective mode then possible, the working of the quicksilver mines; for personal interest, and the constant attendance of the parties interested, would produce obvious advantages by the effectiveness of the works, and economy of expenses. The Junta on the 20th September of last year, proposed to Señor Montes de Oca some reforms to his bases, which being accepted, it asked from the Supreme Government on the 28th January of the present year, the power to take a share in said company, which the Government agreed to on the following day. The first dividend of one thousand dollars being paid in August last, the like has not been done with respect to the second as yet, for want of funds, although last month it proposed to the Ministry an expedient to meet this difficulty, but it has not as yet been approved.

The Ministry of Justice, on the 8th July, passed to the Junta for its report, an exposition of Don José Antonio Rodrigues Fuentes, Curate of Chistla, in which he describes the furnaces which he judges to be of those lately perfected at Almaden.

In the opinion of the Professional Board (Junta facultativa) of the College, it should not be published, because, since Vareles wrote, it is probable that there have been some improvements made in the furnaces referred to, and because they are not fit for the best and most economical extraction (*beneficio*), for the many subliming pots or clay tubes that are used in these large apparatuses, occasion considerable loss, which only the richness and abundance of those mines can bear. It judged also, that the best ones are those that are made with iron retorts, which can be varied in their dimensions according to the importance of the enterprise: that by establishing furnaces after the fashion of those of the Palatinate in Europe, the encouragement of the working of the precious metals, the smelting of iron now much advanced in the Republic, and the extraction of quicksilver, would be obtained at the same time; considering moreover that the mines of the country cannot, owing to their poverty, purchase apparatuses of Ydria and of Almaden, each little negotiation could furnish the number of vessels sufficient for the quantity of well selected minerals that each of their mines might produce. Finally it recommended an article of the "Museo Omeficario" translation of Don Joaquin Velasques de Leon, with the principal methods used in extracting Mercury, and the use of which should be recommended, and which are used with the best results in Germany; and under date of 31st October last, the Mining Tribunals and Departmental Governments were notified; meanwhile an apparatus was ordered, which being presented as a model, might serve for the construction of others in the Republic.

The Government of Jalisco on the 4th July, 1845, asked that the $20,125 10½ g. that was in charge of the Junta of Encouragement, belonging to the fund created by decree of the suppressed departmental Junta, of the 2d October, 1841, and which that of the Assembly of the 15th June, 1844, appropriated to the construction of the new jail of Guadalupe, which funds had been otherwise appropriated, be returned to it, and placed at its disposal, for the purpose of devoting them to the purpose for which they were appropriated.

The Junta of the 17th of said month of July, answered correctly, that the said Assembly had no power to use the said treasure, until the legislative power should repeal the decree of the 14th of said July in the year 1843; that the five thousand and twelve dollars and twenty-two cents, which had been completed up to the end of June in its treasury, had been equally so. On the 25th February last, the Ministry inserted to the Junta, a copy of the decision of the council, which reserves the resolution of the matter for the sovereign Congress. Meanwhile the Supreme Government, on the 8th June last, took said twenty thousand dollars in the form of a loan, to supply the exigencies of the public treasury.

On the 20th June of the past year, the Junta, in consequence of a new claim of the miners of Tepantitlan, Coronilla and Timotla, offered to undertake to establish an office, for the redemption and working of quicksilver in the south of this Department, as soon as it could count upon funds to defray the necessary expenses, with the understanding that the person who might be charged with the Direction might amplify the exploration of cinnabar veins, whenever the Government resolved that the time allowed for the examination of mines having expired, the expense of other explorations at those points could be paid.

The Ministry of Justice, on the 14th November of the same year, announced that it could not do it without the *previous approbation of the Supreme Government.*

The Junta on the 21st of April, sent to the Professional Board (Junta facultativa) of the College, some specimens of cinnabar which Don Tomas Ramon del Moral presented in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he has discovered at the Mission of Santa Clara, known by the old Indians, who got out of it vermilion to paint their bodies. The assay having been made by the Professor of Chemistry, it resulted that the ores in common produced the extraordinary ley of thirty-five and a half per cent., which was communicated to the Government on the 5th May, representing to it that Señor Castillero had been asked what assistance he required of the Junta.

This Señor presented his petition in due form, and it having been very attentively examined by the Junta, he made his propositions, to which this (Junta) agreed, to wit: that there should then be delivered to him five hundred dollars in money, eight iron retorts, of those which the Junta ordered to be made for the examinations previously made; and all the quicksilver flasks it has in the negotiation of Tasco, Señor Castillero obligated himself, on his part, to repay said advance in quicksilver, at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration of blockade made by the United States of the North, when he was about to receive the draft on Mazatlan, the Ministry issued the order of September 19th, of this year, directing the suspension of all payments of the branch of quicksilver, except those for the support of the College and the expenses of the office.

On concluding the narrative of the events that have taken place, with respect to the quicksilver branch in the last year, and the part which is passed of the present year, the Junta could not do less than to present to your Excellency, the following considerations: The decree of the 25th September, 1843, assures in its explanatory part, that it was dictated for the purpose of making the extraction of metals effective, that the Government proposed to free mining, by the authority which it conceded to its Junta of Encouragement by the other decree of the 5th July, issued with the object of enabling it to habilitate and encourage the working of quicksilver mines. The first three articles only serve to regulate the better fulfillment of the first part of article 8th of the said decree of the 5th July, the fourth had for its only object to designate the time within which the examinations and organization for working should be made, which time has not been sufficient, as experience proves; part of the fifth, and the four following are confined to making some regulations for the arrangement of the working of mines (avios), without making any change in the law, except that of changing to six per cent. the five that had been exacted for interest, by the law of the 5th July. The resolutions communicated in said articles, should therefore be considered only as regulations which the the Government can amend, revoke, or modify at its pleasure, in the exercise of its constitutional powers.

The other part of the fifth article, and the tenth, has a different principle, because by them was appropriated to mining, for mining works (avios), the one per cent. duties levied upon coin which might circulate from one Department to another, and it was fixed at one hundred and thirty thousand dollars, a sum which was deemed to belong to mining, out of the fund created by the law of the 2d December.

But these bases have been notably altered. The one per cent. does not now exist, because the decree which established it was repealed on the 22d February, 1845.

On account of the one hundred and thirty thousand dollars which has not been received in full, each year, nor at the times provided by article 12, the Custom Houses of Vera Cruz and Tampico of Tamaulipas have sent some amounts, of what they call the three per cent. on imports, in obedience to a private regulation made by the Ministry of Hacienda.

And article 11, relating to the appointment of commissioners to collect the duty on the circulation of coin, was virtually repealed by the extinction of said duty, article 13th remaining in force, which ordered an appropriation of fifteen thousand dollars to the College, which is paid with exactness, as also the increase of the endowment to $24,000, to which sum the subsequent Supreme Decree of the 29th December, 1844, increased it. Suffice it to say, that in all the present year the receipts of the quicksilver fund have been a little over eighteen thousand dollars.

By the natural consequence of the absolute default of the payments, and the considerable reduction of others, the Junta has not been, and is not yet able to explore certain mines, establish offices for the redemption of liquid quicksilver, afford to the speculators divers kinds of assistance, procure said article from Europe, nor aspire to the contract for that of Almaden, for although it is true, that the said decree of the 25th September, on restricting the powers of the Junta *in the working (avios) of mines*, gave it a new fund, which has subsequently been extinguished, and it assumed that the new impost fixed on foreign linens and cotton goods for the Juntas of Mining and Industry, would amount to one hundred and thirty thousand dollars; it is also true that these resources have been reduced in such a manner, that it is not possible to accomplish all the laudable objects, which the original law proposed to itself.

With such view, it becomes indispensable to declare, that the Junta has used all the powers given it by said decree of the 5th July, to provide for the payment of the sums which the government has taken from the funds of the Junta, and which at this date amount to over four hundred thousand dollars, to assign a fund to the Junta equivalent to the one per cent. of which it was deprived, and to forward directly in future and at the proper time, from the Custom Houses of Vera Cruz and Tampico de Tamaulipas, the original legal appropriation.

### SALT.

The disadvantages of the monopoly of some salt mines have been earnestly debated in the newspapers. Aside from the right which the present contractors may have acquired, and the indemnity which they should receive on being deprived of the property acquired, the Junta acknowledge the absolute necessity there is of destroying the monopoly of that article, for the benefit of mining, declaring the working of it free wherever it is not so.

### STATISTICS.

The Junta, convinced of the importance of the acquisition of official data as to the consumption of goods necessary for the extraction and working of metals, has repeatedly asked for them, not only from the local authorities, but also from the Mining Companies, and although some of them have remitted them with an exactness and frankness which will do them honor, as the others have not done so yet, the information acquired is insufficient, to be able to give at least an idea, to serve as a basis for any calculation whatever.

## ADMINISTRATIVE DEPARTMENT.

### *Collection of the Endowment Fund.*

The Junta wishing to improve the system it had established, to transport to this capital the funds which it collects in the different mining districts, entered into communication for that purpose with some houses of known solvency, therefore in December, 1843, and in January following, Messrs. Manning & Mackintosh, Serment P. Port & Co., Don Anselmo Zuvutuza and Don Tomas de la Torre & Co., made their respective sealed proposals; but as the discount and the time were united in them, it was necessary to assume an interest of seven per cent. per month on the money, to ascertain the average upon a given kind so as to compare the results.

The arithmetical operation gave the discount at the rate of 4,53—5,29—5,30 and 6,44. The first proposal was therefore preferable, but the Junta considering that one of the others embraced a proposal for the contract of exchange at par, and with a credit of six months, by which, delaying for the present, and without serious injury the payment of interest to the creditors, it would save nearly ten thousand dollars annually, according to a calculation made with reference to the products of the year 1842, it offered the business upon this basis to the house of Messrs. Manning & Mackintosh, on the 20th of said January, which accepted it on the 27th, upon the condition, among others, that it would receive the products in the places where the "Real de Mineria" is collected, the agents of the Junta immediately giving drafts against the house, payable at par six months after sight, which would be paid when due, and if the Junta should need any amount before the time of payment, the firm would furnish it, but at a discount of seven-eighths on the dollar.

To make the collection uniform, and have it made with more security and greater economy, to restrain failures and avoid the difficulty of not finding at all the places responsible persons, owing to the paucity of population, or the smallness of the amount to be collected, the Junta contracted, by an instrument in writing (escritura) of date 21st May 1844, with said house, it making itself responsible for all the collections, upon the condition that, appointing the agents for whom it would be responsible, they should collect in each mining district all the proceeds of the said tax, and remit it to the Junta, according to agreement of exchange heretofore mentioned: that every four months they should remit the certified amounts of their collections, and that the contracting house should allow itself four per cent. for commission and all other expenses.

The Junta by this means has obtained its object, for deficits have ceased, the collection is more uniform, one-fifth of the disbursements for salaries has been saved, and the exchange although upon time, made without the discounts which were formerly made.

## PRODUCTION.

Document No. 1, sent herewith, is a general statement, showing where the real per mark, on silver of the ley of 11 dineros which is paid by the introducers, has been collected during the ten years which elapsed from 1835 to 1844, to ascertain the total amount paid at each place, and also the total amount of the average of proceeds of the tithe in all the Republic, and in the several places where the collection has been made, showing also the number of marks to which the products amount and their value.

Besides the idea which it gives of the relative importance of mining, its examination shows that, the real collected amounts to 1,988,899 dollars 2 rls, 5-6 of a grain, which amount results from 15,911,194 marks 3 oz. 5-8 of a drachm, amounting in value to 131,267,354 dollars 2 r. 10 2-10 of a grain, the average of the real being 198,889 dollars 7 r. 5-36 of a grain, that of the bullion marks 1,591,119 3 oz. 4 eighths 3-52 of a drachm, and that of the value at 8¼, 13,126,735 dollars 3 r. 5-81 of a grain.

But comparing the first and second period of five years, there results a difference in the collections in favor of the latter of 113,130 dollars 2 r. 6-10 of a grain, or what is the same, 905,042 marks 3 eighths ½ of a drachm, amounting in value to 7,466,596 dollars 7 r. 3-1 of a grain, making the average of the collection 22,626 dollars 4-92 of a drachm or, 181,008 marks 3 oz. 2 eighths 1-44 of a drachm, which is worth 1,493,319 dollars 3 r. 0-62 of a grain; the average of the first period of five years shows a production of 1,500,615 marks 1 oz 7-8 2-8 of a drachm, worth 12,380,075 dollars 5 r. 11 grains, and the 210,202 dollars 7 r. 82 of a grain, of the second shows 1,681,623 marks 5 oz. 1 eighth 4-24 of a drachm, worth 13,873,395 dollars 11-62 of a grain.

In view then of the basis of the tithe, the yield is about equivalent in Zacatecas to 33 2-32 per cent., in Guanajuato to 21 12-32, in San Luis Potosi to 7 22-32, in Pachuca to 6 24-32, in Guadalajara to 5 4-32, in Mexico to 4 26-32, in Durango to 4 18-32, in Guadalupe y Calvo to 3 24-32, in Chihuahua and Jesus Maria to 4 18-32, in Rosario, Cosala and Mazatlan to 2 26-33, in Sombrerete to 2 22-32, in the Parral to 1 6-32, in Zimapan to 28-32, in Alamos to 27-32, in Hermosillo to 26-32, in Oajaca to 2-32, and in Tasco to 1-32; but it is to be observed that, for the purpose of pursuing a general principle, the corresponding differences, whether favorable or unfavorable, of less than 1-32, have not been estimated, neither have those which arise from the difference of time during which some of the collections were made in the decade, neither has the clandestine exportation of silver, the production of gold, nor the consumption of said metals in the arts been considered, because the Junta has been unprovided with data necessary for the purpose.

### ACCOUNTS.

Already the Supreme Government, on the 12th July, 1844, by a decree of its council declared that, by virtue of the law of 30th September, 1841, it is the duty of the office of Auditor of Ways and Means, to settle the pending accounts of the suppressed Mining Tribunal.

They comprise from the 21st December, 1823, to 8th January, 1827, the day on which the establishment which succeeded commenced operations, although it was created by decree of the 20th May, 1826.

The general accounts of the latter to the end of August, 1833, were presented to the Government on the 26th August, 1838, to be remitted by it to the said Auditor's office, which office was then designated for the corresponding settlement; those of the last third of 1833, directly, on the 4th of the same month and year, 1838; those of 1834 to 1838, on the 20th December, 1839; that of this year, on the 7th May, 1840; that of 1840, on the 30th March, 1841; that of 1841 on the 20th February, 1842; and that of 1842 to the Tribunal of Revision of Accounts, on the 22d March, 1844, but with division of the responsibilities, for the Establishment ceased on the 25th December, and the present Junta began its labors on the 26th; that of 1843 being rendered on the 29th March, 1844; that of 1844 on the 19th May, 1845, and that of 1845 on the 23d of last month.

There still remain a few private accounts to be presented, their liquidation being pending in consequence of the great distance at which are the responsible persons, or from some other obstacle as yet insuperable to the Junta, which impedes for the present, their final settlement.

Divers and gradual improvements have been made in the form and mode of verification of the accounts, from one very imperfect, to another notable for its clearness.

The obstacles consequent upon the bad system which had been adopted, united to the scant resources upon which the office could rely for its business, complicated the accounting very much, and delayed the result of its important purpose.

Without closing as yet the accounts of 1827 to 1833, and pending the last third of said year upon the contestation about repairs deducted by the office of Auditor of Means, and which it is not possible to pay without great delay, the revision and final adjustment of the subsequent one must necessarily remain suspended.

To remedy the evil, the Establishment indicated on the 28th April, 1841, that, reserving the right of continuing the labors relative to the conclusion of those accounts, those of a different personal responsibility should be examined and finished, leaving no connection between them, except what naturally exist between the first item debited in the former, and that last credited in the latter, the sole means, without which, the disorder will still be transcendent, and fatal in the future.

The accounts in the Junta are, as has been stated, presented to the Tribunal of Revision, but will remain as an indefinite deposit, and the Junta embraces the opportunity of beseeching from the Supreme Government the prompt settlement of those appertaining to it.

Annexed is a statement, marked No. 2, of the debits and credits of the collecting agents of the real per mark on silver in the Republic, in the same ten years, and not for the whole time, owing to the lack of various data, and the confusion observable in that which has been furnished, and another, numbered three, which shows the receipts and disbursements, and amount in hand of funds had in the Establishment, and in the present Junta at the Capital of Mexico, and by the Dotal fund, from the 8th January, 1827, when the Provisional Junta of Mining ceased, to the 31st December, 1845, because being an extract from the annual statements, it will serve as a public account, which reveals the course pursued in the management of these funds by the different individuals charged with their administration. There is also annexed, numbered 4, an extract of the values during the same time.

### CREDITS.

The claims of the Mining Tribunal against the Government, without including some unliquidated items, according to the statement presented by the Provisional Junta of the branch, on said 8th of January, 1827, amounted to 1,090,124 dollars, 2 reals, 1 grain.

This ancient debt, to which are to be added various sums which the States disposed of formerly in the time of the confederation, and the amounts of interest which make up some items, has not yet been acknowledged, notwithstanding the efforts that have been made for that purpose, to this day. Nor has the subsequent debt been liquidated, except in the part relative to the capitals, for the time embraced in the decade from 1835 to 1844.

If the offices charged with the liquidation of the public account, would terminate that of the claims of mining against the National Treasury, these being acknowledged, it could distribute them among its creditors in payment of interest or principal, greatly reducing its debt, and increasing the circulating medium in the country with a paper that would have a value which at present it has not, or otherwise make some arrangement with the Treasury equally useful to the debtor and creditor.

The Junta, in the mean time, will continue strenuously engaged in the examination and liquidation of all the items that constitute its claim against the public treasury, so as to ascertain its total amount, under the belief that the amount of its claim against individuals is for the most part lost, and the rest relatively of little importance.

The principal due, bearing interest at 4½, 5 and 6 per cent., as it appears from a statement made by the said Provisional Junta, amounted on the 7th January, 1827 to 3,624,165 dollars 2 reals, and the interest thereon without including a few payments that were to be made at the dates to which said statement was confined, to 2,233,654 dollars 6 reals 1 grain, so that the debt, at that date, was 5,857,820 dollars 1 grain, even without considering the pending payment. See statement No. 5.

The Junta owed, at the end of 1845, according to the liquidation made by the office of its Auditor, without including the interest of doubtful payments amounting to 9,333 dollars 2 reals and 8 grains, nor that of 200 dollars, the balance of principal which had been paid, for principal sums 2,589,018 dollars 2 reals and 2 grains, and for interest 2,370,474 dollars 1 real and 8 grains, making in all 4.959,492 dollars 3 reals and 10 grains. From a comparison then, of said sums, it appears that the debt for the principal sums during the whole time which elapsed from the 8th January, 1827, to the 31st December, 1845, has diminished 1,039,146 dollars 7 reals and 10 grains; that for interest has only increased 136,819 dollars 3 reals and 7 grains, a reduction of 898,327 dollars 4 reals and 3 grains, having been obtained on the gross amount of the debt.

Supposing that no payment whatever had been made, of interest due to the end of 1845, it would have amounted to 3,397,336 dollars 1 real 6 grains, and the total debt to 9,255,156 dollars 1 real 7 grains, the outlay for redemptions, payments of interest, &c., including 60,274 dollars 3 reals and 7 grains, in orders on the Maritime Custom Houses, divided among the creditors in the year 1834, and which do not figure in the statements, has amounted to 1,952,632 dollars and 11½ grains, at this date the true debt would be 7,302,523 dollars 1 real 7½ grains, and as in fact it does not exceed 4,957,492 dollars 3 reals and 10 grains, the difference in favor of the funds in consequence of the payments made, amounts to 2,343,030 dollars 5 reals and 9½ grains, which is proved also by the consideration, that without them, the debt would have increased 1,444,703 dollars 1 real and 6½ grains, the amount of its diminution makes up the same difference.

This reasoning clearly shows the necessity there is for, and the immense advantages which can be obtained by, legalizing and fixing secure bases for the periodical payment of principal.

With regard to the payment of principal and interest made during said decade, the proper statement is annexed, numbered 6.

### QUICKSILVER FUND.

The whole amount of the collection of the duty of one per cent. on the circulation of coin, made at the principal administrations of revenues and their dependencies, the times at which they have made them, the salaries to the persons charged with the collections, the net proceeds which resulted in favor of the funds, the exhibit of the sums disposed of by the Supreme Government, that of the losses suffered by failures and robberies, that of the amounts which were remitted to the Treasury of the Junta, and that of the assets which remained in the administrations,—all comprising from the 25th September, 1843, until the collection of this impost ceased, by virtue of the law of 22d February, 1845,—are the objects to which Statement No. 7 relates; and in order to show the proceeds of said impost and its investment, as well as that of the part received of the $80,000 or $90,000 per annum appropriated to the Junta in the Custom Houses of Vera Cruz and of Santa Anna de Tamaulipas, a statement is annexed marked No. 8.

From its examination it appears that, although the balance, up to the end of 1845, amounts to 508,825 dollars, 2 reals, 6⅞ grains, the true amount of receipts which both funds must have produced, is 481,239 dollars, 2 reals, 2⅞ grains; but as, of this amount, the Supreme Government owed 324,327 dollars, 6 reals, 8½ grains, less than one-third part of the proceeds only have been available; for scarcely was there left disposable 156,911 dollars, 3 reals, 6⅜ grains, which, with 1,907 dollars, 4 reals, 7½ grains for premiums had on exchange of bills, 1,513 dollars, 1 real due by Messrs. Manning & Mackintosh, and 36 dollars, 1 real, 5½ grains due by the Direction of Industry, make in all the sum of 160,368 dollars, 2 reals, 7⅜ grains; of which 136,646 dollars, 5 reals, ⅜ grain were used, 565 dollars, 1 real, 4 grains were lost, and there remained 23,156 dollars, 4 reals, 3 grains on hand.

It appears, in like manner, that the said Custom Houses have scarcely remitted a little over the fourth part (27½ per cent.) of what the law assigned them; that the exhibit of the collection of the one per cent. is still incomplete for want of various data, and because the balances of said collections held by some administrations could not be collected from them; and that, as the proceeds amount to 483,146 dollars, 6 reals, 10⅜ grains, and the expenses of administration and collection to 30,596 dollars, 4 reals, 5⅜ grains, the result is, that those proceeds have only suffered the slight reduction of 6⅜ per cent., which is very moderate if compared with what others bear in their collection.

The Statement No. 9 comprises the receipts and disbursements, and amount on hand, of this branch, to the 19th inst.

To restore to the general quicksilver fund the amounts invested for other purposes than those appointed by law, the Supreme Government ordained, on the 4th July, 1844, that the Maritime Custom Houses of the South should deliver to the person appointed for that purpose by the Junta, the half of the proceeds of the average duty. It was consequently intrusted to the firm of Messrs. Tomas de la Torre Jecker & Co., they accepting the proposals made by the Government on the 7th August, as to completing in this capital, at a discount of three per cent., the sums their correspondents should receive in the said ports.

The proper orders to that effect were issued, but the measure has been eluded under so many different aspects, that the most efficacious endeavors of the Junta have only served to convince it of the inutility of other new orders, unless they are couched in terms so clear and energetic as to avoid all kinds of abuses and interpretations. Thus it is, that all that has been collected this year has been 1,495 dollars, 5 reals, 6 grains, which being deducted from the Government debt, the latter at this date amounts to the sum of 417,702 dollars.

JUNTA OF ENCOURAGEMENT AND
ADMINISTRATION OF MINING.

### CONCLUSION.

On closing the present report, the Junta embraces this opportunity, in the discharge of its duties, to call the attention of Your Excellency to a grand affair, vital and of abundant prosperous results to the important body of miners, and consequently to all the Republic. As the reasons which support it rest on principles, data, and results which it has examined with the greatest attention, in the several reports that it has had the honor to address to the Government heretofore, it will again present them, and even permit itself to use the same words with which it expressed its ideas; for it does not aspire to originality upon a subject already exhausted, and as to which nothing new can be added, everything being already stated, and in the best possible manner.

By a great misfortune, which humanity will ever lament, the clouds of error often for a long time darken the truth, until the happy moment arrives when they are dissolved, it appears with such brilliancy that no one fails to perceive it as it really is; then Rulers, far from ignoring it, adopt it as a principle, and those who constitute nations avail themselves of a benefit which before it was not given them to enjoy. The sixteenth century passed, the seventeenth expired, and part of the eighteenth was necessary, for the Spanish Cabinet to open its eyes, and better reconcile the interests of its Exchequer with those of its subjects. It came to understand that, in proportion to the franchises it granted to mining, whether exempting it from half the fifths or from the two fourth parts of the value of quicksilver, so the coinage went on increasing, at such a rate that, not amounting to over five millions of dollars per annum in the early part of the eighteenth century, in the first years of the present, it has reached the exorbitant sum of twenty-seven millions.

It observed also with amazement, that in the same ascending scale were the proceeds of all the other revenues; the entire proceeds of them all, in the year 1712, amounted to three millions sixty-four thousand four hundred and ten dollars; in the year one thousand seven hundred and sixty-four, to six millions; in the year 1767, to twelve millions; in the year 1792, to nineteen millions; and in the year 1810, memorable epoch of the glorious cry of independence, raised at Dolores by the immortal Hidalgo, to twenty millions, four hundred and sixty-two thousand, three hundred and seven dollars, five reals. So true is it, that among us, all has depended upon the influence of mining; upon this first motor of the prosperity of the nation; upon this principal agent, to whose action the increase of our agriculture, industry and commerce, are subordinate; upon this only source of our wealth. If other nations support themselves, prosper and become great, whether with the fruits of their agriculture, with the products of their various arts offered to commerce, from the first materials to the most refined works of good taste; it is beyond doubt, that the Mexican Republic has not, by a deplorable fatality, any other source of wealth than the working of its mines. Mining then is our only active pursuit, the rest are passive. To the foreign market we hardly offer any other products than our gold and silver, and all our mints are not sufficient to pay for the goods we annually consume, and which are imported into the Republic. Without the working of our rich metals we would still be Spanish Colonists, and if this source of prosperity should become dry, our independence would be lost forever. Such, so great and transcendent have been, and will continue to be for a great many years among us, the works undertaken in the working of our mines. The lengthy period of more than three hundred years' experience and reason, place in the class of practical truths the following: *the working and yield of the mines will increase, in proportion as the imposts and the value of materials used in mining diminish.* The Spanish Government became convinced of it, consequently it adopted as a principle, *to grant to miners as* *many privileges as it could, and never in the least to burden them;* and gathering with abundance the precious fruits of its enlightened proceeding, with so many additional millions that entered its Treasury, it came to say, in the royal order of the 15th February, 1778, *that it wished to contribute to the relief and encouragement of the miners, even at the costs of its royal treasury;* in that of the 17th July, 1779, *that it should be unequivocally believed, that whatever aids are given to the miners, are so many positive additions to the royal treasury;* and in that of the 1st February, 1780, *that the Mining Tribunal should take care, that this branch should not experience any check, in the understanding that it considered it the first motor of wealth, and foremost in the cares of its government.* Such were the maxims which were adopted by a government, very zealous for the increase of its revenue, the instant it became convinced that the same increased in proportion as it granted favors, exemptions and franchises to the important branch of mining. The Junta has heretofore caused to be observed, and it is proper to repeat, that the reductions made in the prices of quicksilver amounted to three reals per pound; and as a little less than a pound is what is used to extract each mark of silver of full ley, the yields were abundant, because many ordinary proceeds were made payable, which without this concession would not have been worked. *Our mines are distinguished from those of Europe, rather by the abundance of minerals that are found in the bowels of the earth, than by their intrinsic riches.* Deign your Excellency to fix your attention here. While the progress of science does not substitute another mode of working silver ores, for that discovered in 1557 by Bartholomew Medina, a miner of Pachuca, quicksilver is absolutely necessary, and this ingredient being monopolized, since the year 1835 by the house of N. Rothschild in London, the miners find themselves compelled to take it at the exorbitant price of 146 dollars per quintal in this city, and even at a higher price at some distant point. The metals of poor ley, which are the most abundant, cannot be worked, and millions of marks exist in our immense heaps of earth, lost to the miners and to all the Republic. The excessive price at which the quicksilver is sold, from the cause which has been stated, and the miners not being able, even so, to get all they require for their work, is a fatal event, the greatest of evils, and of infinite lamentable transcendency to mining, for it is known that what constitutes its wealth, is the prodigious abundance of minerals of very poor ley, or what is the same, *we are possessors of a wonderful quantity of earth, containing a small quantity of silver, the extraction of which therefore becomes very difficult, and occasions increased expenses.* The exorbitant price which quicksilver maintains, has destroyed the equilibrium which should exist between the expenses and products, so that having increased the former, the only metals which were worked, were those whose ley will defray them, and leave some profit to the undertakers (empresarios). And the others of slight yield, which are the most abundant as has been said, are abandoned, to the detriment of mining and consequently of all the Republic. If, by the reduction of the price of quicksilver to the value of 41 dollars, 2 reals 11 grains per quintal, the coinage reached the enormous sum of 27,000,000, for a contrary reason it increased much more than one-half, from the moment quicksilver could not be had except at so high a price. This is the principle cause that influences the decadence of mining. To meet an evil that is the greatest of plagues to the Republic, for it affects all the branches of public prosperity; to make her independent of mercantile calculations, which European merchants form for the purpose of securing to themselves riches by monopolizing quicksilver, and finally to save the Republic two millions per annum, which are exported in cash to procure this necessary ingredient; on the 2d December, 1842, was passed that saving law, which did so much credit to the Provisional Administration, because no one has been indifferent to it, for its beneficial results are felt by all. There was created then a fund, destined exclusively to the acquisition of quicksilver, to give it to the workers of metals at cost, and in consequence of this decree, there were others made empowering the Junta either to contract for the quicksilver of Almaden, to work and protect the mines of this metal which should be found in the Republic, or to appoint commissioners over all its vast extent, to explore and examine the quicksilver mines. With such decisive and enlightened protection, the Junta commenced its labors, cheered by the consideration that the gifts which in other nations the wise hand of the Supreme Maker chose to limit, have been all liberally granted by it to us, in this happy country, where from one end to the other, it has shown its power; the multitude of informations, from heaps of expedientes, which are found in the Archives of the Junta about investigations made since the time of the Spanish Government, to discover cinnabar mines; and finally, the profound scientific knowledge, and most respectable authority, of the celebrated Humboldt. This illustrious traveler, in the work which has immortalized him, expresses himself in these terms: "The inhabitants of New Spain, have for centuries obtained the mercury necessary for amalgamation, partly from Peru, and partly from Europe, whence it has resulted, that they have accustomed themselves to look upon their country as entirely destitute of this metal; still upon looking over the investigations that were made during the Government of Charles IV., it must be admitted, that few countries present so many indications of cinnabar as the table lands of the Cordilleras, from 19° to the 22° of latitude north. In the Intendencias of Guanajuato and Mexico, they are found almost in every place where wells are opened, between S. Juan de la Chica and the village of San Felipe; near the rincon de Centeno, in the vicinity of Celaya, and from the Durazno and Sierra Nevada to San Luis de la Pas, and especially near Chapin, Real de Pozos, San Rafael de los lobos y la Soledad.

Sulphate of Mercury has also been discovered at Ajuchitlan, and at the Zapote, near Chiranganguco in the Intendencia of Valladolid; at the Frejones, near Tasco, in the District near the Doctor mines, and in the valley of Tenoztittau, south of Gazave, on the road from Mexico to Pachuca. The works undertaken for the purpose of exploring these different mines, have been so often interrupted, and have been conducted with such little zeal, and generally with such little skill, that it would be very imprudent to take for granted, which it often has, that it is not worth while to undertake to work the quicksilver mines of New Spain. On the contrary, according to the important information derived from the works of Don Casimiro Chovel (a pupil of the College of Mining), it seems that the veins of San Juan de la Chica, as well as those of the rincon del Centeno, and of the Gigante, are well worthy of attracting the attention of Mexican miners. Can it be expected, that superficial works, the working of mines which are in their commencement, should leave from the first years, profits to the shareholders? America in its present state is tributary to Europe with regard to Mercury. * * * * * * * * * It is probable that this dependence will not be of long duration, if the bonds which bind the colonies to the Metropolis should be interrupted for a long time, and if the civilization of the human species, in its progressive movements from East to West, should fix itself in America. With population, the enterprising and searching spirit would increase, and the more the country becomes inhabited, so much the more will the natural riches which are contained in those mountains become known. If no mine of equal richness to that of Huancavelica should be discovered, there will be a good many put in operation at the same time, the united products of which will render unprofitable the importation of the Mercury of Spain and of Caruiola. These changes will be made with the greater rapidity, as the Mexican and Peruvian mines shall see themselves pressed for want of the metal necessary for amalgamation. * * * * The period is not far off, when the colonies, more united to each other, will also attend more to their common interests. * * * * Perhaps Mexico and Peru, instead of receiving this metal from Europe, will, in time, be able to furnish it to the old world. * * * * * And it is even to be hoped that, in proportion as the inhabitants of the new world learn to avail themselves of the natural richness of their country, the progress of chemical science will conduce to the adoption of modes of amalgamation, in which less mercury will be lost. It is by diminishing on one side the consumption of this metal, and on the other increasing the products of indigenous mining, that the American miners will become well able to dispense with the Mercury from Spain and China."

The Junta very justly promised itself, that, our natural riches being better known, the spirit of enterprise would lead us to explore all the quicksilver mines in our country, so as not to be tributary to foreign countries for this ingredient, which costs us such large sums; its high price, moreover, absorbing the greater part of the abundant products of our gold and silver mines. It persuaded itself, and still entertains the same hopes, that those presentiments of Baron Humboldt would be realized in our days, enjoying the happy result of finding ourselves not only provided with all the quicksilver we want, but that the multitude of our mines would enable us to make it an article of exportation, offering it to the foreign markets.

This is not the occasion to present together all the labors of the Junta to correspond to the high confidence with which the Government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in that Ministry. For the present, it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the quicksilver mines in the principal Departments of the Republic are being worked, both by companies and by individuals; that, in that of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that, in that of Upper California, in the Presidio of Santa Rosa, there has been discovered by Señor Andres Castillero a great mine, the leys of which are truly surprising, since it results from the assays made in the College of Mining that the common fruits show a ley of over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped on good grounds that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

This grand national enterprise the Junta has not been able to carry out, because it was deprived of one of its funds, of one per cent. of the circulation of money, without substituting any other, and because of the remaining fund it could only dispose of one-third part, since the Government, in the distress of its Treasury, has used the rest. The evil was increased to the lamentable extremity of leaving it (the Junta) without any, by the order of the 10th May last, which directed the suspension of all the payments which were made by the public Treasury. The sad results of such determinations the Junta will not stop to detail; they are manifest from what has already been here shown.

The more distressing the circumstances in which the national Treasury finds itself, so much the more is it the duty of the Government to take care of, protect, and preserve that sole fountain of resources, which it will find only in mining. There is a deficiency of coin in circulation, our commerce is inactive, our agriculture is bankrupt, and our nascent and precarious industry on the point of disappearing. The Government now, more than ever, needs money to repel that unjust aggression, made on us by a perfidious neighboring nation, which, boasting of its civilization, shamelessly reproduces a barbarism that was proscribed even in times of the greatest ignorance; and that money our mines only will furnish, but in the inverse ratio of the cost of quicksilver. An abundant supply of this ingredient being obtained, and at very reasonable prices, all our gold and silver mines will show themselves in a state of prosperity; and even from our immense abandoned heaps of earth will be extracted those precious metals which, converted into coin, creating new revenues, will furnish us, not only with that money which we so much need to maintain the national honor, but also whatever else is necessary to arrive at the degree of prosperity, the enjoyments of which are guarantied to us by a mild climate, such varied and exquisite fruits, eight millions of inhabitants, and those surpassing qualities with which Nature has been pleased to distinguish them.

To obtain such great ends, in view of the powerful reasons which the Junta has had the honor of laying before Your Excellency, it will conclude by sketching the measures which it thinks most requisite, and which it hopes Your Excellency will be pleased to support before the Sovereign National Congress.

1st. That there be left to the Junta the free use of all the powers granted to it by the Decree of the 5th July; that also, there be left to it, free, the fund which for this purpose was created by the law of the 2d December, 1842; that there be appropriated to it, as equivalent to the one per cent. on coin in circulation which was abolished, one per cent. of the three per cent. collected by the Treasury on the value of gold and silver extracted in the mines of the Republic; and that the positive payment of the sums which have been used by the Government out of these funds, for different purposes, be provided for.

2d. That for the opportune acquisition, at a reduced price, of the European quicksilver, so indispensable to cover the deficiency still left by that of the country, for the use of the mines and mechanic arts, the Supreme Decree of the 17th February, 1843, be declared in force.

3d. That there be granted the franchises conducive to an increase of enterprises for the extraction and fusing of Mexican iron.

4th. That the Sovereign Congress be asked to attend to the remodeling of the Mining Ordinances, making in them the improvements required, for the exploration of iron and coal mines, as well as for the cultivation and preservation of the forests and groves of the Republic.

5th. That the tax on goods, in all the gold, silver, and quicksilver mining districts of the Republic, be abolished.

6th. That in like manner, the working of salt mines be declared free wherever it is not so now.

7th. That ten per cent. of the gross proceeds of the collections of the dotal fund be appropriated for the redemption of capitals and interests, which redemption will be made every four months, from the best bidder. There will also be applied to this redemption the part of the claims against the national Treasury, as soon as they are acknowledged.

The Junta has the honor to present to Your Excellency its highest consideration, most distinguished esteem, and most profound respect.

GOD AND LIBERTY!

MEXICO, November 17th, 1846.

VICENTE SEGURA, PRES'T.

The Secretary being occupied—

ISIDRO R. GONDRA, 1ST CLERK.

## TRANSLATION OF EXHIBIT BASSOCO No. 5.

### BOOK THIRD OF MINUTES [ACTAS].

*From 2d April*, 1846, *to 30th June*, 1847.

The disbursing Cashier, keeper of the Sealed Paper, certified that to-day, at page 18 of the journal of debits, the following entry has been made:

Debit eight dollars, seven reals, which was completed by Don Manuel Rodriguez, for value of one hundred and forty-two seals, fifth class, of the biennial term of 1846 and 1847, which he pays for the same number of leaves of a book belonging to the Junta for Encouragement of Mining. No. 108. 8. 7. 0.
Martinez del Campo=Manuel Rodriguez.

Mexico, nineteenth June, eighteen hundred and forty-seven.
With my intervention.
Juan N. Camacho.
[Rubric.]
JOSE MARTINEZ DEL CAMPO.
[Rubric.]

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*Session of* 23*d April*, 1846.

Present, the Señores Segura, Flores and Bassoco. After the approval of the minutes of the Session of the 20th inst. report was made of the following communications:

*First.*—From the Ministry of Justice of date 17th instant, authorizing the Board to submit to arbitration the question of the claim for eight thousand dollars against Don Joaquin Llaguno as surety for Don Manuel Gonzales.=Let instructions be drawn up for Don Eduardo Penny.

*Second.*—From the same of date 20th, replying that there has been transmitted to the Ministry of Finance copy of the communication in which it is requested that Executive Orders be given to the Custom houses of Mazatlan and Guaymas, for the delivery of the half of the duties of average (averia) appropriated for the payment of the debt of the government to the Junta=To its Espediente.

*Third.*—From His Excellency the Governor of San Luis Potosi, accompanying Certificates of there having been extracted from the mines of Guadalcazar five hundred and eighty-six quintals of quicksilver, for the purpose of claiming the premium of five dollars per quintal granted by law, representing that the parties interested request the prompt payment of the same, with the object of procuring an apparatus for distilling.—Let the bureau of Encouragement (fomento) report.

*Fourth.*—From the Mining Tribunal of Zimapan, complaining of the Judge (Juez de Letras) of that District.—Let the same be communicated with recommendation to the Governor of the Department.

Two from the Direction General of Industry dated 21st and 22d inst., acknowledging the receipt of the last drafts for the three per cent. of importation duty, with the difference of one cent.—The first to its Espediente, and the second remitted to the Comptroller's Office.

Another from the Collector of Customs at Hermosillo, representing why he has not been able to send the accounts of the one per cent. which are asked of him.—To its Espediente.

Another from the Architect Don Antonio Villard, presenting a list of the works which in his opinion should be done on the College for its repair and preservation, amounting to two hundred and fifty dollars.—Let the Treasurer report in view of the works proposed.

There was read a report from the Comptroller's Office relative to an account of the Collector in Guadalajara, advising that the Assayer and Administrator be reprimanded for certifying to the same without having examined it. The Junta resolved in conformity, and also that in addressing the principal assayer the said certificate be remitted to him, and he be requested to return it, that it may be sent back to the Collector to make out anew, and that like communication be addressed to the Direction of the Revenue, in respect to the administrator.

Another report from the Comptroller's Office, making distribution of the drafts for the three per cent. lately received from Tampico, amounting to three hundred and eleven dollars, sixty-four cents.

Notice was given of an opinion of the Bureau of Fomento, relative to the Tribunal of Mazapil not having elected a President. The Bureau is of opinion that the question be asked,—How can there be no miners who can read and write, when in February of the present year twenty-three voted by secret ballot by means of tickets?—The board ordered in conformity.

The Secretary said, that in the Espedientes relating to Tasco, it is shown to be true that Don José Zamora has not received the sixteen dollars per week which the Junta allowed him as administrator, ever since on the 30th ult. he offered not to claim said allowance, in the case that after a settlement of the accounts of the whole year there should have been no profit to the Junta, and also represented that the proper Bureau of the

Comptroller's Office had reported on the 14th of March to agree that the profit of four thousand dollars which said Zamora deducted, has been deducted exactly. The Junta resolved, that said sum may be credited to him from August to the end of December of the past year.

The Professor of the College, Don T. Ramon del Moral, having sent in some specimens of cinnabar from the presidio of Santa Clara, in Californias, it was resolved, that they be transmitted to the Director, with copies of the letters of Señor Castillero, who sends them, that the proper assays of them may be made.

Report was made of a list presented by the bureau of Administration of unfinished business, and it was resolved—

*First.* That Don Enrique Mackintosh be required to collect the installments due by the assayer Don Mariano Cataño.

*Second.* That Señor Don Diego José Perez Fernandez be reminded of the sums and answers which he promised to give since the 1st of March, and that the Official letter to this effect be delivered to him in person.

And *Third.* That there be duplicated to Señor Don Miguel Moro the Official letter, in which he was asked if he was disposed to pay the interest of the eight thousand dollars which he owes on his estate of San Sebastian.

[Three Rubrics.]

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*Month of May,* 1846.—*Session of* 2*d.*

Present, Señores Bassoco and Flores. After the approval of the minutes of the previous day there was read a communication from Don Manuel Mariano Cortazar, dated 22nd ult., together with the Inventory of the articles which he received belonging to the Mine of Atargea. The Junta resolved that, pending the report of the bureau of Fomento, reply be made to him that Sor. Echevarria shall be seen, and that either through him, or by way of Queretaro, money shall be remitted to him by the mail of Wednesday.

The Señor Licenciate Don Diego Perez Fernandez appeared, and after having agreed to the observations made by the Comptroller's Office, he represented that having to proceed to Yxtlahuaca, where he had been appointed Judge (Juez de Letras), he would give in his proposals for the payment of what he owes, for which purpose he would come on Monday to finish the settlement of the account.

[Three Rubrics.]

### *Session of 4th May*, 1846.

Present, Señores Segura, Flores and Bassoco. The previous minutes having been read and approved, report was made of the following communications:

*First.* From the Tribunal of Pachucha, of date 30th ultimo, representing the scarcity of powder in that Mining District.—Resolved, that said communication be transcribed to the Government.

*Second.* From the District of Nieves, of date 25th ulto. in reply to Circular No. 3.—Let the bureau of Fomento report.

*Third.* From that of Bolaños, communicating the new appointment of its President in conformity with the orders of the Government.—Same resolution.

*Fourth.* From the administrator of Morelia, Don José Maria Cortes, apologizing for not having forwarded the accounts of the three per cent.—Let the Comptroller's Office report.

*Fifth.* From Colonel Don Miguel Mosio, representing that although he acknowledges against his Estate of San Sebastian eight thousand dollars owing to Señor Fagoaga, the persons to whom they should be paid have not yet been designated.—Let this communication be transmitted to Señor Fagoaga.

*Sixth.* From Don Eugenio Bermejillo, dated 24th in Morelia, accepting the commission given to him of collecting in that city from Don José Maria Cortes, who had promised him that in 15 days he would render his accounts.

*Seventh.* From His Excellency the Director of the College, inserting the report of the professional Junta (Junta facultativa) of the same, regarding the result of the assay which it made of the specimens of cinnabar remitted by Don Andres Castillero from Californias.—Resolved, that it be transcribed to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for National Quicksilver extracted in Guadalcazar.

The Maritime Custom House of Tampico transmitted the index of drafts for the three per cent, amounting to four hundred and seventy-nine dollars, eighty-seven cents.—Let the notes be taken up from the Treasury.

There was read a communication from Don Julian de los Reyes, dated 22d ulto., saying that he had been informed that his previous draft for two thousand nine hundred and thirty dollars had been paid, and that he had drawn another for two thousand dollars, which, with two amounting to two thousand five hundred drawn by Don Vicente de Bustos, it is understood that no others will be presented than those corresponding to Quicksilver, which may be collected in April, and till the 24th May, when the privilege ceases.—Resolution suspended till hearing the opinion of the bureau of encouragement.

Four communications from Don José Zamora, dated the 2d inst., the first accompanying the tally reports (memorias) number 17, the statements and cash balance sheet No. 4, corresponding to last month.—Let receipt be acknowledged, and notice given to the Comptroller's Office. In the second, he informs that he requires two hundred and fifty dollars for the tally (raya) of the present week.—Understood.—And in the two last he communicates having drawn the drafts Nos. 18 and 19, which were ordered paid.

Information was given of a report from the Comptroller's Office, designating the drafts which belong to the Direction General of Industry, of the last remittance from Vera Cruz, which owes a balance of eight cents.—Resolution in conformity.

Two reports from the bureau of Fomento, in the first of which is recommended that the approval of the Supreme Government be obtained to the act of election of its president, and it was so resolved; and the other, relative to the communication of His Excellency the Governor of San Luis Potosi, transmitting the certificates which prove that the miners of Guadalcàzar have extracted nine hundred quintals of Quicksilver.—The bureau was of opinion that payment should be made of the corresponding premium at the rate of five dollars per quintal, being four thousand five hundred dollars, and that the two thousand dollars which belong to Don Basilio Martinez, being indorsed in favor of Don Julian de los Reyes, the draft which he this day gives advice of having drawn for said amount may be paid.—The Junta resolved in conformity, and said draft was ordered to be paid.

[Three Rubrics.]

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## *Session of 6th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and the minutes of the 4th having been approved, it was resolved to send an Official letter to his Excellency the Minister of Justice, representing that although the Junta does not believe that it is included in the circular of the 5th inst. which orders the suspension of payment of salaries, nevertheless it desires to be informed whether it should suspend those which it is required to make for the discharge of the administration confided to it by the law passed for the Encouragement of Mines of Quicksilver.

It was likewise resolved to take note of the propositions made by the Señor Licentiate Don Diego José Perez Fernandez, to the effect that he will pay monthly, out of his salary as Judge (Juez de Letras) of the District of Yxtlahuaca, the sum of fifty dollars, till he completes the payment of his debt, which, being adjusted, has resulted to amount to one thousand four hundred dollars; the first payment to be made on the 1st July.

Señor Don Andres Castillero appeared and made a verbal report regarding the discovery, denouncement and actual condition of the Quicksilver Mine situated in the Mining District (Mineral) of Santa Clara, in Upper California, inviting the Junta to take shares in the Company which he has formed for working it, with other measures which he requests may be obtained from the Supreme Government for the furtherance of the enterprise. The Junta resolved that Sor. Castillero should present his indications in writing, that the Junta, taking them into consideration, may resolve what may be expedient.

Señor Bassoco was commissioned to correspond with Señor Don Pedro Echevarria, regarding the situating in his Hacienda of Ajuchitlan the three hundred dollars monthly which should be remitted for the support of the Mines of Atargea.

[Three Rubrics.]

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*Session of 7th May*, 1846.

Present the Señores Segura, Flores and Bassoco; and after the approval of the preceding minutes, report was made of the following communications:

*First.* From the Tribunal of Asientos, in reply to the Circular No. 3=Let the bureau of Fomento report.

*Second.* From the agent in Guadalajara, remitting a draft for five thousand two hundred and eighty-one dollars, four rials, three grains, the proceeds of the Mining fund (Mineria) for the month of April=That the draft be accepted, the proper entries made, and receipt be acknowledged.

*Third.* From the agent in Pachuca, of date 5th inst., with another draft for nine hundred and seventy-six dollars, proceeds of said month.=Resolution same as above.

*Fourth.* From the agent in Guadalajara, acknowledging receipt of the communication in which he was informed what was the responsibility of the agents.

*Fifth.* From Messrs Manning and Mackintosh, informing that Don Enrique A. Mackintosh having withdrawn from the collection of the Mining dues in Guadalupe y Calvo, Don Tomas A. Mackintosh remains in his place.=Understood.

*Sixth.* From the Director of the Company of the Mineral del Monte, inquiring about the laws regulating the ownership of mines by foreigners.—Resolved, that the communication be transmitted to the advisers (consultores) of the Junta for their report.

The Junta confirmed the understanding of its resolution to pay to Señor Zamora ten dollars per week only until the end of the last week of the last year.

Finally, the account of the rents of rooms belonging to the College, collected during the last month, was presented, and ordered to be passed to the Comptroller's Office.

[Three Rubrics.]

## *Session of 9th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the previous day, report was made of the following Official communications:

*First.* From the Ministry of Justice, of the 7th inst., acknowledging receipt of the statement of receipts and disbursements which had been transmitted to it.

*Second.* From the same, informing that the notice of the scarcity of powder given by the tribunal of Pachuca, had been transmitted to the Ministry of Finance (Hacienda).—Let it be passed to said Tribunal.

*Third.* From the Commissioner at Guanajuato, of date 4th inst., transmitting the answer given by the Administrator of Revenue regarding a certificate which had been asked of him.—Let it be transmitted to the Comptroller's Office.

*Fourth.* From the Direction General of Industry, acknowledging receipt of the last drafts, and informing that the settlement of account is correct.

There was read a report from the Comptroller's Office, relative to the reply which should be made to the excuses alleged by the Administrator of the Revenue at Morelia, Don José Maria Cortes, for not forwarding his accounts, still pending, and the proceeds of the one per cent. which should be on hand in his office.—The Junta resolved in conformity, considering that recourse be had to the Inspectors of said Custom-House, and that Señor Cortes be so informed.

The Treasury reported, that having made application to the General Treasury, by order of the Minister, there had not been delivered to it the last drafts received from Vera Cruz, for four hundred and sixty-nine dollars, eighty-seven cents, nor the one for two thousand and odd dollars from San Blas, for the half of the duty of the average.—Let the notices be annexed to their respective Espedientes, and information of the first be given to the Direction of Industry.

There were read two reports from the Bureau of Fomento—the first relating to the communication from the Tribunal of Nieves, of 25th ult., in reply to the Circular No. 3 recommending to call for the decree to which it refers, and that information be given of the number of deputies (Suplentes) in said tribunal.—The Junta resolved in conformity. Tne second informing that, there having been a new election this year for the Tribunal of Santa Rosa, it is not necessary to have another election for any of its members.—The Junta resolved in conformity.

[Three Rubrics.]

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## *Session of* 11*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 9th, report was made of two communications from His Excellency the Minister of Finance, dated 6th and 8th inst.—the first asking information relative to the moneys paid into the treasury, and the second, relative to the receipts of the same for account of the branches appropriated to the Quicksilver fund.—Resolved that information be given regarding both matters, observing to the Ministry that said communications having been received together on the 9th, at 2 o'clock, P. M., the Junta is engaged in replying in detail to the various matters contained in them.

*Third.* From His Excellency the Governor of Chihuahua, replying that he had called for the information requested of him.—To its Espediente.

*Fourth.* From the Mining Tribunal of Hidalgo, transmitting the report of the proceedings at its installation.—To the Government, if there is no illegality.

*Fifth.* From that of Temascaltepec, transmitting the Certificate of Election of a Deputy.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner at Zacatecas, dated 2d May, remitting a draft for six thousand two hundred and twenty-four dollars, four and a half reals, proceeds of the Mining fund (Mineria) for the last month, and a receipt for twenty-five dollars for the student Ayala.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* From the Commissioner at Zimapan, remitting another for one hundred and thirty-six dollars, two reals, five grains, proceeds of the month of April.—Resolved as above, and also that the draft be collected.

*Eighth.* From the Commissioner at Guadalajara, of date 5th inst., advising having placed in the house of Messrs. Manning

& Mackintosh one hundred and sixty dollars, for account of partial payments made by Señor Garay.=Resolved, that the amount be collected, and that the bureau report regarding payments still pending.

*Ninth.* From Señor Demetrio Montes de Oca, communicating that he has spoken with Don Pedro Anda respecting the inspection of the mine of Clavellinas, and that he will report the result.=To its Espediente.

*Tenth.* Three from Don José Zamora, dated the 9th inst.,—the first transmitting the tally accounts No. 18 (Memorias) of the negotiation of Tasco.=Acknowledge receipt, and transcribe to the Comptroller's Office.=The second, informing that in the present week will be commenced the new work, and that for the tally-roll (raya) he will require three hundred dollars.=Understood.=In the third, he communicates having drawn draft No. 20 for two hundred and sixty dollars.=Let the same be paid.

[Three Rubrics.]

## *Session of* 13*th May*, 1846.

Present, the Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the 11th, report was made of two Official communications from the Ministry of Justice, dated 9th inst., informing of the approval by the Supreme authority of the Certificates of Election of President of the Tribunal of Zacualpan and a Deputy for that of Asientos.=Resolved, that they be transcribed to the respective tribunals.

There was read a communication from Don M. Mariano Cortazar, of date 5th inst., transmitting the tally accounts (Memorias) Nos. 3 and 4 of the mine of Atargea, informing having extracted twenty-three loads of ore, and that he had not received the draft corresponding to the present month.=The Junta resolved, that there be procured a draft for three hundred dollars on Queretaro, drawn in favor of Señor Cortazar, in which resolution Sor. Flores reserved his vote, for the reason that, the Government had been consulted as to whether payments should be made by the branch of Quicksilver, and that in the mean time no payment should be made. It was also resolved, that Señor Cortazar be notified that he must specify in all his accounts the number of loads extracted every week, and that he report the assay made of the quality of the ore whenever there exists any reason to believe that it may have varied.

Lastly: notice was given of a report made by the bureau of Administration, having relation to the monthly payments made by Señor Garay to the Commissioner in Guadalajara, representing that the payments have been made in full up to the month of January of the present year, and that the sum of one hundred and sixty dollars, which Señor Blume has received, should be collected, without other discount than the current exchange, and the same be credited to Señor Garay.=The Junta resolved in conformity.

[Three Rubrics.]

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### *Session of* 14*th May*, 1846.

Present, Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the previous session, report was made of the following communications:

*First.* From the Ministry of Justice, of date 9th, acknowledging receipt of the Official letter in which was communicated to it the discovery of the mine of Quicksilver in Californias.

*Second.* From his Excellency the Governor of San Luis, dated 9th inst., transmitting certificates showing that there have been extracted from the mines of Trinidad and San Andres seventy-eight quintals of Quicksilver.=Let the bureau of Fomento report.

*Third.* Another from the same, and of the same date, transmitting three certificates showing the extraction of fifty-three quintals of Quicksilver from the mine of San Antonio in Gualcazar, and it was sent to said Bureau for report.

*Fourth.* From the Tribunal of Sombrerete, dated 5th inst., inserting the resolution of the E. Assembly of Zacatecas that said tribunal do not obey the Supreme order communicated by the Junta relative to the Election of Substitutes (Suplentes.)=Resolved, that it be transcribed to the Ministry, informing it that only in this Department has there been any such resistance.

*Fifth.* From the Tribunal of Jesus Maria, with notice of its installation, and in reply to the Circular No. 3.=Let the bureau of Fomento report.

*Sixth.* From the Commissioner for Collections in San Luis Potosi, remitting a draft for three hundred and fifty-one dollars, fifteen cents, for proceeds of the Mining Fund (Mineria) in the month of April.=That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* Three communications dated 28th April, from the Commissioner in Chihuahua, remitting a draft for seven hundred and seventy dollars, three rials, for proceeds of that city and of Jesus Maria in the month of March—an account which had been asked by the Comptroller's Office.=That the draft be accepted, the proper entries made, receipt acknowledged, and the amount transmitted to the proper Office.

*Eighth.* From Don Manuel Garcia del Valle, with his resignation of the post of First Copying Clerk in this Office.—Resolved, that it be transmitted to the Supreme Government, recommending that it be accepted.

*Ninth.* From Don Ignacio Rosso, soliciting the appointment to the vacant place of Second Copying Clerk of the same.—Reserved.

Notice was given of a report from the Comptroller's Office, respecting the communication of the Commissioner in Guanajuato, dated 4th inst., relative to the remitting of documents in the Espediente of Señor Robles. The Junta resolved in conformity with everything proposed, with exception of the last indication made in regard to applying to the Treasurer and Administrator of Guanajuato for duplicate of the certificate of payment made by Señor Robles of sixty dollars for the fourth quarter of the loan for the payment of the debt of the United States.

[Three Rubrics.]

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### *Session of* 18*th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the Minutes of the session of the 16th, report was made of the following communications:

*First.* From His Excellency the Governor of Jalisco, of date 28th ulto., returning with information the tariff of fees of the Tribunal of Bolaños.—And the Junta, being in conformity with said information, resolved that the same be transmitted with approval to the Supreme Government.

*Second.* From the Governor of San Luis Potosi, accompanying a petition of Don Andres Barroeta, that there be paid to him the premium corresponding to fifteen quintals, one arroba, fifteen pounds, six ounces of quicksilver extracted from the new Almaden and pedernal (flint) in the Durazno.—Let the Bureau of Fomento report.

*Third.* From the Company for restoring (or establishing) El Oro, complaining of the scarcity of powder.—Let it be transcribed to the Supreme Government with recommendation.

*Fourth.* From the Commissioner at Zacatecas, of date 12th inst., acknowledging receipt of the documents remitted to him for the collection of the debt of Señor Llaguno.—To its Espediente.

*Fifth.* From the Commissioner at Guadalupe y Calvo, informing having forwarded the accounts asked of him.—Let the bureau of administration report.

*Sixth.* From the Second Civil Judge, requesting information regarding the amount to the credit of the Minor Elguea in the dotal fund.—Let the Comptroller's Office report.

*Seventh.* From Don Miguel Quinones, of date 16th inst., requesting that order be given to Señor Zamora to supply him with the amount required to pay the Tribunal of Tasco the costs of the certified copy of the proceedings which the party will show.—Let such order be given.

*Eighth.* From Don José Zamora, five communications dated 16th, transmitting in the first the tally accounts (memorias) number 19.—Acknowledge receipt, and sent to Comptroller's Office. In the second, he notifies that he requires three hundred dollars for the tally (raya).—Understood. In the third, he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece, as they are valued at two reckoned as iron.—Let this difference be represented to Señor Castillero, and to the Government when his propositions are approved—and transmitting in the two last advice of having drawn the Bill number 21 for the sum of two hundred dollars, and number 22 for one hundred and forty.—Let them be paid.

A petition of Don Tomas Ramon del Moral was read relative to fixing the amount of compensation which he is to receive for the month during which he acted as substitute in the direction of the College, and the opinion which the Bureau of Fomento gave upon the petition pending before the Government being read.—The Junta resolved, that this be transcribed to the Ministry, with a copy of said opinion and of the articles of the law relating to substitutions of the members of the Junta and its officers.

Notice was given of the five following reports of the Bureau of Encouragement (Fomento):

*First.* Relative to the ordering to be paid three hundred and ninety-four dollars, four rials, two and a half grains, to Don Andres Barroeta, for premium on seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces of quicksilver which he shows he has extracted from the mines of La Trinidad and San Andres in Guadalcazar.—The Junta resolved, that the settlement of this matter be suspended till the resolution of the Government.

*Second.* Relating to the payment of two hundred and sixty-five dollars for premium on fifty-three quintals of quicksilver extracted by Don Demetrio Toscano from the mine of San Antonio in Guadalcazar; and the order in this case was the same as in the former.

*Third.* Relative to asking from the Supreme Government the ratification of the election of a deputy (suplente) made by the Tribunal of Temascaltepec.—The Junta resolved in conformity.

*Fourth.* Recommending the approval of the election of President, and his substitute, made by the Tribunal of Bolaños, and that the Supreme Government give notice to the members who served the last year to continue in the Office the present year.—The Junta resolved in conformity.—And expressing its opinion in the last, that the Tribunal of Jesus Maria in Chihuahua be called upon to forward the certificate of its installation, that it may elect another substitute if it only has elected two; that the fund be designated to it from which according to law it is to defray its expenses, and that there be remitted to it the documents and information which it has solicited.—The Junta resolved in conformity, with the exception of the transmission of a copy of the mining ordinances.

[Three Rubrics.]

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## *Session of* 22d *May,* 1846.

Present, Señores Segura and Bassoco; and after the approval of the minutes of the session of the 18th, report was made of the following communications:

*First.* Five from the Ministry of Justice, dated 16th, 19th and 20th inst., informing in the first having accepted the resignation of Don Manuel G. del Valle, as first Copying Clerk of this Office.—The Junta ordered it to be transcribed to the party interested. In the second, transmitting for report an Official letter from His Excellency the Governor of Chihuahua, soliciting that there be sent to him the mining ordinances, and that the allowance made to the Secretary and Officers of the Tribunal of Jesus Maria be approved.—Resolved, that the bureau of Encouragement report.

In the third, informing that the certificate of the installation of the Tribunal of Hidalgo del Parrel has been approved. In the fourth, that of the substitute of the Tribunal of Temascaltepec; and in the last, informing of having transcribed to the Ministry of Finance the petition of the Company for restoring the mining district of El Oro relative to the scarcity of powder.

*Second.* From the Tribunal of Ojo Caliente, transmitting the certificate of election of a substitute.—Let the Bureau of Encouragement report.

*Third.* From the Tribunal of Guanajuato, in reply to the report of the Comptroller's Office relative to the account of Clavellinas.—That said Office report.

*Fourth.* From the President of the Tribunal of Mazapil, deted 5th inst., resigning his office.—Let the same be communicated to the Government with recommendation.

*Fifth.* From the Mercantile Junta of Encouragement of this Capital, transmitting five copies of the balance of last year.—Answer, with many thanks.

*Sixth.* From His Excellency Don Demetrio Montesdeoca, informing that Don Pedro Anda, having the necessary qualifications, and being of unimpeachable integrity, offers to inspect the mine of Clavellinas for a gratuity of two hundred dollars. —That he proceed to make the inspection, and that Señor Montesdeoca draw upon the Junta for said sum.

*Seventh.* From the Inspection General of Offices in the Department of Michoacan, relative to its having demanded the accounts of the suspended Collector of the Custom House, and that it will cause them to be adjusted without delay.—To its Espediente.

*Eighth.* From the Commissioner at Guadalajara, remitting a draft for eight hundred and thirty-seven dollars, one rial, three and a half grains, proceeds of the mining dues for the month of April.—Let the draft be accepted, the proper entries be made, the receipt acknowledged, and order be given to collect the one hundred and sixty dollars of Señor Garay.

*Ninth.* Another of the same, date 15th, informing having received one hundred and sixty dollars from Señor Garay for account of the month from February to May.

*Tenth.* From the Commissioner at Durango, remitting a draft for the sum of one thousand and thirty-eight dollars, seven and a half grains, proceeds of the mining dues of the month of April, and the detailed account of the previous year.—Let the draft be accepted, the proper entries made, the documents transmitted to the Comptroller's Office, and receipt acknowledged.

*Eleventh.* From the Commissioner at Culiacan, dated 1st May, remitting a draft for six hundred and five dollars, two rials, proceeds of Cosala in March.—That the draft be accepted, the proper entries made and receipt be acknowledged.

*Twelfth.* Another from the same, and of the same date, remitting a draft for one hundred and three dollars, seven rials and six-eighths, proceeds from the 20th to the 30th ultimo of the new Assay Office of Culiacan, and the accounts lately called for.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Thirteenth.* From Don Manuel Mariano Cortazar, dated 17th inst. at Queretaro, acknowledging receipt of the three hundred dollars which were remitted to him lately, and requesting that he be furnished with the sum necessary to take possession of the mine of Providencia.—Resolved, that on account of the late order for the suspension of payments, the Junta will hardly be able to remit the three hundred dollars monthly, according to promise, to maintain the mine, and that the bureau report concerning the accounts transmitted.

*Lastly.* There were read two petitions for the post of Second Copying Clerk in the Office, presented by Don Joaquin Urrutia and Don José Garcia de Arana.—Resolved, that they be kept in reserve.

[Three Rubrics.]

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### *Session of* 25*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 22nd, report was made of the following communications:

*First.* From the Commissioner for Collections at Guanajuato, dated 22nd inst., with a statement of the silver assayed in the first four months of the present year, the weight of the bars, and the general account of dues.—Resolved, that they be transmitted to the Comptroller's Office.

*Second.* From the Commissioner at Zacatecas, dated 13th, remitting the general account for Zacatecas and Sombrerete, and the same resolution was passed.

*Third.* From the same, dated 18th, remitting a draft for one hundred and seven dollars, two rials and five-eighths, for dues collected in Sombrerete in April.—Let the draft be accepted, the proper entries be made, and receipt acknowledged.

*Fourth.* From the Collector of the Maritime Custom-House at San Blas, informing having given a draft in favor of the Junta for the sum of seventy-five dollars, eighty-six cents, for the half of the duties of the average.—Resolved, that the Treasurer apply for the same at the General Treasury.

*Fifth.* Four communications from Don José Zamora, dated 23d, informing in the first that he requires twelve stampers (almadanetas).—Let them be purchased.—In the second, transmitting the tally account (memorias) No. 20.—Acknowledge receipt, and transmit to the Comptroller's Office.—And the other two, advising having drawn bill No. 23 for one hundred dollars, and No. 24 for two hundred dollars.—Let them be paid.

*Sixth.* An Official letter from His Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government; and informing that he had sent to the Ministry of Government the petition for two square leagues of land (Sitio de ganado mayor) as a colonist, upon his mining property.=The Junta resolved, that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara; to which Señor Castillero agreed: and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Razon del Moral all the quicksilver flasks in good condition in the storehouses there, at the rate of two dollars each.

[Two Rubrics.]

## *Session of* 26*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after approving the minutes of the session of the 25th, there was read a report of the Comptroller's Office, informing that the instrument, the date of which Señor Macedo wishes to know, was executed before the Notary Don Fernando Tamayo, on the 20th April, 1807.=The Junta ordered that the same be communicated to the Court.

There were read other three reports from the Bureau of Administration; the first relative to the note of 28th ult. of Don Enrique Mackintosh, opining that it is necessary to wait for the account of the weights of bars which has been asked of him.

*Second.* That there be duplicated to Señor Olascuaga, surety for the payment to be made by Señor Lebrija, a resolution relative to the fifty dollars of the month of September next, which he has not remitted; and finally, that Señor Don Diego Moreno be reminded to remit the proceeds of the pearls of Señor Garay which were given to him to sell, or that he return them by some person in whom he can confide.=The Junta resolved in conformity.

[Three Rubrics.[

## *Session of* 27*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the session of the 26th, there was read an Official letter of His Excellency the Governor of Michoacan, informing that he had ordered the suspended Administrator of the Revenue to present his pending accounts, and pay over the amount due by him, and that he will communicate the result. =To its Espediente.

There were read three reports of the Bureau of Encouragement—the first recommending that the Supreme Government's approval of the election of a substitute of the Tribunal of Ojo Caliente be requested in conformity with the last circular on the subject; and the Junta resolved accordingly.

*Second.* Relating to the recommendation of the Government in regard to a communication from His Excellency the Governor of Chihuahua, requesting copies of the ordinances, and that the thirty dollars per month to the Secretary of the Tribunal of Jesus Maria be approved. The bureau is of opinion that the Government be informed, that as the Junta has no copies of the ordinances, they may be purchased at Zacatecas, where they are sold at twenty rials; and respecting the salary, it be stated that the decree which established said salary has been abrogated, and that fees stated in the tariff only are allowed.—The Junta resolved accordingly.

*Third.* Relative to the last communication from Don Manuel Mariano Cortazar, with the Inventory of the Mine of Atargea. The bureau is of opinion that it be transmitted to the Comptroller's Office for its report; and the Junta so resolved.

**[Two Rubrics.]**

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*Session of the* 28*th May*, 1846.

Present, Señores Segura and Rosas; and after approval of the minutes of the 27th, report was made of the four following communications:

*First.* From the Ministry of Justice, dated yesterday, transcribing the communication of the Ministry of Finance of same date, in which it represents that intimation having been received of the blockade of the ports of Vera Cruz and Tampico, it is not to be expected that the remittances of drafts from these Custom Houses will be continued; for which reason the Government directs that the Junta reserve its existing funds for its own expenses and those of the College, suspending for the present all payments for the extraction of Quicksilver.—The Junta resolved that the Bureau of Encouragement report.

*Second.* From the Commissioner at San Luis Potosi, with the account and note of the weight of the bars of silver assayed during the past month.—To the Comptroller's Office.

*Third.* From Don Eugenio Bermejillo, informing that he had obtained from His Excellency the Governor of Michoacan, the order that the suspended Administrator of the revenue there present his accounts within two weeks, after which time a clerk will be employed to make them out at his expense.—To its Espediente.

*Fourth.* From the Messrs. Manning and Mackintosh, dated

27th, representing that the signature of Señor Garcia Granados is only that of an attorney of Señor Stahlknecht.—To its Espediente.

[Two Rubrics.]

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## *Session of* 29*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 28th, report was made of a communication from His Excellency Don Francisco Fagoaga, in reply to the last official letter addressed to him, relative to the incumbrance of eight thousand dollars on the estate of San Sebastian.—The Junta resolved, that it shall be reserved, adding it to the Espediente until Señor Rosas shall have acquired some information in the matter.

There was read a report of the bureau of Encouragement upon the communication of the Government, relative to the suspension of payments from the Quicksilver fund. The bureau reports: *First.* That said communication be transcribed to His Excellency the Governor of San Luis Potosi, with reference to the payment of the premiums for quicksilver which it had resolved should be paid; two thousand dollars to Don Timoteo Toscano, two hundred and sixty-five to Don Demetrio Toscano, and four hundred and seventy-one dollars, four rials, eight and a half grains to Don Andres Barroeta, for premiums on National Quicksilver which they have extracted, at the rate of five dollars per quintal; and that if the first sum has not been paid to Don Timoteo Toscano, it was for the reason that he did not make application at the proper time, and the others for the reason that the demand of payment of them was received after the order was communicated for the suspension of payments.

*Second.* That the same order be communicated to Don Manuel Mariano Cortazar, representing to him that if he can do so, he should continue to extract quicksilver to some extent, so as to keep up the working of the mine.

*Third.* That it be transcribed also to His Excellency Don Demetrio Montesdeoca, with the object that he will please order a suspension of the sale of the mine of Clavellinas, but that if by virtue of former resolutions, he should have been at any expense, it shall be refunded to him immediately.

In consequence of the Supreme Government having accepted the resignation which Don Manuel Garcia del Valle made of the post of first copying clerk, in the Secretary's Office, the Junta has resolved, that it be represented to the proper ministry that, according to law, the second copying clerk, Don Manuel Couto, should be promoted to the office; that if the Government so accords, he may be put in possession.

It was also resolved, in conformity with the report of the Comptroller's Office, that twenty-five dollars be paid to the Notary Calapiz for proceedings in the instrument of agreement which had been made with Don Andres Castillero to assist his quicksilver enterprise in the mine of Santa Clara, in Upper California, embraced in the official order for the suspension of all payments for this branch.

[Two Rubries.]

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*Session of* 30*th May*, 1846.

Present, Señores Segura, Flores and Rozas; and after the minutes of the 29th, report was made of a communication from the Ministry of Finance, dated 28th inst., in which information is asked relative to whether the two thousand one hundred and twenty-five dollars, ten and a half grains, belonging to the fund of the new prison at Guadalajara are disposable; and the Junta resolved that it be answered immediately, with a short review of the origin of this fund belonging to the quicksilver fund, and that it be indicated, that this business being pending in the Council, the Junta informally deposited said sum in a respectable commercial house, with the condition that it should be refunded in Guadalajara, in the same class of coin in which it was paid, one month after notice being given of its repayment, offering to amplify this information should the Ministry consider it necessary.

The Secretary's Office represented that Señor Don Tomas Ramon del Moral laid before the retiring Junta the petition which he presented, relative to the allowance of salary or gratuity for the time in which he acted as substitute in the direction of the College last year.

Señor Don Joaquin Velasquez, in the name of His Excellency the Director of the College, represented, that requiring in London the sum of one thousand dollars, and understanding that the Junta had some money in the house of Messrs. Baring Brothers, he requested to order that credit should be given to said house for the sum of seventy-two pounds seven shillings and six pence, sterling, for account of some articles ordered from those gentlemen for the College, and that it draw a bill of exchange in favor of said Señor Velasquez for the sum of one hundred and eleven pounds nine shillings and seven pence sterling, in full of one thousand dollars, at the current exchange of forty-four and one-eighth pence.=The Junta resolved that the order be given, and that said bill of exchange be drawn to account of the two bills of exchange for five hundred pounds each drawn against said house by Messrs. Manning and Mackintosh on the 30th November of the past year.

[One Rubric.]

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*Session of 21st September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the session of the 18th, report was made of the following communications:

*First.* From the Ministry of Relations, dated 19th, transcribing the Official letter of the Ministry of Finance, in which, according to the indications of the Junta, it informs that the Supreme Government has ordered that the assets on hand belonging to the quicksilver fund continue to be used as had been ordered in the advancement of the College, and asking as a loan from the dotal fund the sum of twenty-five thousand dollars.

Señor Bassoco and Flores were of opinion that it ought to be represented to the Government, that while the Junta acknowledges the urgent necessity that all should contribute to the national defense as far as possible, nevertheless, considering the origin and actual condition of the dotal fund, the Junta does not consider itself invested with sufficient authority from its constituents to employ it in any other object than those which are designated by law; and after an attentive discussion it was so resolved, notwithstanding the remarks made by Señor Segura, who reserved his vote, and gave in a protest which he desired should appear in the minutes, and which he said he should transmit to the Ministry, together with the reply which it was resolved should be sent.

The Junta resolved, in regard to the first, that said protest be inserted in the minutes, and with respect to the second, that Señor Segura, as a member of the Junta, might transmit the communications which he thought proper, but that the Junta could not authorize he might make protests against the resolutions of the majority. Consequently, the protest treated of is the following:=The undersigned, though with regret, is under the necessity of protesting that his opinion differs from that of his worthy colleagues. His opinion is, that in the present penury and afflicting condition of the public treasury, the Supreme Government ought to be furnished with the loan of twenty-five thousand dollars, solicited for the dotal fund, the property of the miners; that there being not this amount on hand, there be remitted to the Treasury what there is, and the balance to complete said loan from the first moneys the Junta can dispose of; that he considers it unnecessary, before obeying the order of the Supreme Government, to make to it those very proper observations which operate in favor of the same fund, and of the interests of the Government itself, because, in the wisdom of the Government, the reasons have been weighed, and the balance inclined towards the public weal, when, by the most unjust war, is endangered the most precious of our possessions —the National Independence—have caused it to dictate an order which should be promptly obeyed, with the reservation of manifesting, after having obeyed it, what may be proper. This is his vote, which he desires may be registered in the minutes of the day, and also that the distribution, which is being made, be suspended, so that the money may be dedicated to the loan solicited; and that should such distribution be carried out, it will be understood that he also reserves his vote in said resolution.

Report was then made of an Official communication from the Tribunal of Guanajuato, in which is inserted the petition of Don Ignacio Porter, as one of the persons interested in the sale of the mine of Toro, praying that he be paid three hundred and fifty dollars balance due to him.—The Junta resolved that the Bureau of Encouragement report.

Another from Don Fernando Pohls, dated 18th, with a draft for four thousand nine hundred and fifty dollars, seven rials, one grain, for proceeds of mining dues in the month of August. —Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

From the Commissioner of Pachuca, dated 19th, remitting draft for one thousand five hundred and fifty-nine dollars, one rial, for nett proceeds of mining dues in the past month.—Same resolution as the foregoing.

Finally, another of date 16th inst. from the Commissioner at San Luis, transmitting the account and statement of the weight of bars for the last quarter.—Resolved, to pass it to the Comptroller's Office.

It was resolved, that there should be recorded in the minutes, as the opinion of Señores Flores and Bassoco, the Official letter which was directed to the Supreme Government, which is as follows:

This Junta received yesterday, Sunday the 20th, the Official communication which your Excellency is pleased to address to it of date 19th inst., transcribing that of His Excellency the Minister of Finance of the same date, in which the Junta is informed that His Excellency the General-in-Chief, in exercise of the Supreme Executive power, had thought proper to decree, in view of the Official note of date the 12th, that there be given to the fund established for the Encouragement of Quicksilver Mines the destination to which it is directed in favor of public instruction, but that the great penury of the Treasury being so notorious and pressing, the Supreme Government requires, that from the dotal fund a loan be made to it of twenty-five thousand dollars, in the understanding that the payment of the same shall be decreed as soon as possible.

For nothing in the world would the Junta have it thought, for one moment, that it is indifferent to the urgent necessity that all those who appreciate the Mexican Nationality should hasten to assist in its defense in the manner in which each is able, but it also believes that it would betray the confidence which the miners and creditors of the dotal fund placed in its agents, and that it would even make itself unworthy of the respect of the Supreme Government itself, should it not make the remarks which it proceeds to make.

The dotal fund consists of the payment of one rial per mark of eleven pennyweights, and by legal authority this contribution was levied by the mining body on itself for its establishment; and as property belonging exclusively to said body, according to the provisions of the decree, it has administered it through its representatives with entire separation from the public revenues of the State. Under these guaranties, it has solicited and obtained from various persons loans of large sums of money on irregular deposit, with mortgage of the same fund, and these owing at these dates, on capitals or principal sums, upwards of eighteen years of interest. This is what constitutes the debt of the body, and it thus results that the attorney of the creditors is one of the members of the Junta.

This very slight explanation, in our own opinion, is sufficient to prove that the dotal fund is private property, and in this position to be dealt with and taxed like others, without there appearing any reason why it should be subject to any other exactions; and the Government, consequent to these principles, even although it has been comprehended in some contributions, has not exacted any sum from it since 1842, notwithstanding that during the same period it has taken various sums, making in all a large amount, from the Quicksilver fund, which from its nature is national and public property.

Notwithstanding the incolumity of the dotal fund during this time, and the endeavors by which the Junta has procured the improvement of its administration, having established amendments of much importance, the exactions from its funds on former occasions were of such transcendency and pernicious influence that it has not been able to recover from the discouragement and prostration to which it was reduced by them.

The mortgage is valid, the administration upright and very economical, but, nevertheless, the value of the credits fell excessively, and this evil has been entirely owing to the cause we have pointed out.

This consideration is what moves the Junta to propose to your Excellency, that the persons and corporations who have capital invested in the funds, may be taxed with other contributions or exactions rather than on their investments here; it being plain, that besides a withdrawal of a portion of these, they would have to experience in future the fatal result of a still greater decline in the value of their credits than that already suffered. The attorneys of the mines and creditors have certainly no other authority over the dotal fund in virtue of the laws for the establishment of this body, than to administer the same, and apply it to the objects which those laws designate; and none of the parties will consider that their agents have fulfilled their duty, did they not present these observations to an enlightened administration like the present. The Junta therefore reiterates, that only the desire of thoroughly fulfilling its duty compels it to express its sentiments in the manner set forth; in other respects, as private individuals, they have contributed, and are disposed to do in the present critical circumstances, whatever the condition of their affairs will allow them. The Junta protests to your Excellency the security of its distinguished consideration and respect.

[Three Rubrics.]

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*Session of 5th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after having read and approved the minutes of the preceding day, report was made of an Official communication from the Ministry of Relations, dated 3d, desiring that in the term of eight days there be transmitted to it an exact account of the proceedings of the Junta since 1845, with the suggestions which may be thought proper.=The Junta resolved, that having in view the annotations of the report made by Señor Castero, said account be transmitted to the Ministry, adding the posterior occurrences up to the present month.

[Two Rubrics.]

*Session of 9th November*, 1846.

Present Señores Segura, Flores, and Bassoco; and after approval of the minutes of the 5th, report was made of the five following communications from the administrator of Tasco; with the first he transmits the tally accounts, (Memorias,) No. 43, and a ticket for the reduction of ores on shares, (or toll).=Let the receipt be acknowledged, and transmit to the comptrollers office. In the second, informs that he will remit the bars to Cuernavaca on Tuesday of the present week.=Understood. In the third, that the last five hundred loads of ore of La Trinidad had been reduced; that the working had been increased by two working parties, and that he required five hundred dollars for the present week.=Understood.=In the two last he informs that he has drawn two bills, Nos. 72 and 73, one for four hundred dollars and the other for one hundred dollars.

Beginning was made of the reading of the report, (Memoria,) to be presented to the Government, and the two chapters relating to the Office and to Mining Tribunals were approved; and it was resolved that an official letter be addressed to Señor Otero, inquiring of him the condition of his work upon Mining legislation.

There was read an Official communication from the Collector of the Maritime Custom-House of Vera Cruz, dated 2d, in which he informs that he has not been able to procure from the drawer of the bill No. 884, which was protested, another in its place, and that consequently he had given notice of this affair on the 10th September, and would give further notice of the result.=Notify the Comptroller's Office, and to its Espediente.

Another from Don José Joaquin de Rosas, dated the 5th, informing that he has notified his Clerk, Don Antonio Gutierrez, of Cuernavaca, to receive the bars to be sent to him from Tasco, and that he will give notice of the cost of the six arrobas of powder which he sent to the same negotiation.

Another from Don Cayetano Buitron, dated the 5th, remitting one thousand three hundred and sixty-two dollars, nine grains, the proceeds of Mining dues for the last month.=Acknowledge receipt, and transmit to the Comptroller's Office, that the proper entries may be made.

Another from Don José Zamora, dated the 2d, ordering that by the muleteer, José Apolonio, there be remitted to him the ten quintals of Quicksilver, and the same quantity of Sulphate, which he has asked.=Order that they be delivered.

From Don Manuel Mariano Cortazar, dated at Rio Blanco the 25th ulto., transmitting the last tally account (memoria) of the mine of Atargea.=To the Comptroller's Office, and notify ing that Señor Rule is prepared to execute the bond for the value of the effects delivered to Cortazar at said mine, and claiming the charge made for the watchman of the mine in nine weeks, requesting that there may be remitted by draft the entire sum of ninety-eight dollars, six rials, amount of the memoria.—The Junta resolved, that Señor Rule be informed, that if he is to be in Mexico shortly, he can execute the bond there, but if he has to delay his coming he may execute it before the authorities of that mining district, or appoint an attorney. That an Official communication be addressed to Señor Segura to deliver the former Official letter, and obtain the answer of Señor Rule. That Señor Cortazar be notified to appoint his attorney to sign the instrument; that the Junta cannot, according to the agreement, allow the watchman to be paid for nine weeks, but only for three, and that it being difficult to procure a draft, there be paid to him the amount of the memorias less the thirty-six dollars of such charge, to the commissioner whom he may send when he comes to sign.

[Two Rubrics.]

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*Session of 13th November*, 1846.

Present Señores Segura, Flores and Bassoco; and after aving approved the minutes of the 11th, it was resolved, that there should be paid at once the balance of the three thirds of the contributions from houses for the part belonging to the College.

[Two Rubrics.]

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*Session of 16th November*, 1846.

Present Señor Segura, Flores and Bassoco; and after having approved the minutes of the 13th, report was made of the following communications:

*First.* From the Commissioner at Guanajuato, remitting a draft of five thousand six hundred and thirty-nine dollars, seven rials, proceeds of Mining dues for the month of October.

*Second.* From the Commissioner of Zacatecas, remitting another draft of four thousand one hundred and forty-five dollars, two rials and nine grains for the dues of said month.

*Third.* From the Commissioner of Durango, with another for one thousand three hundred and forty-nine dollars, forty-four cents, corresponding to the same period.

*Fourth.* From the Commissioner of Zimapan, dated 1st November, with another draft for three hundred and seventy-three dollars, corresponding to the previous month.—That said drafts be accepted, the proper entries made, and the receipt of the same be acknowledged.

*Fifth.* From the Commissioner at Zacatecas, remitting another draft for one hundred and twenty-three dollars, six rials, three grains, proceeds of October in Sombrerete.

And last: another transmitting the balance sheet and detailed account of the sums collected for Mining dues in that city in the second third of the present year.=Acknowledge receipt, and transmit to the Comptroller's Office.

The reading of the report, which was continued on the previous days, having been finished, the same was approved; and it was resolved to direct also to the Supreme Government an Official communication requesting that the Ministry of Finance transmit the respective orders to the effect, that so soon as the blockade is raised, the Custom-Houses of Vera Cruz and Tampico remit directly the corresponding drafts in favor of the Junta, giving authority to the Junta to negotiate a loan for the purpose of defraying the expenses of the College and the most urgent expenses of the branch of quicksilver; resolving, finally, that the President convey said communication to the Minister, that it may be promptly dispatched.

[Two Rubrics.]

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### *Session of* 5*th December*, 1846.

Present Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the two following communications:

From the Ministry of Relations, dated yesterday: in the first, acknowledging receipt of the information sent to it for insertion in the report, and authorizing the Junta to procure, on the most favorable terms possible, the sum required to defray the expenses of the College, and the salaries assigned to the Quicksilver fund, with mortgage of this fund, in the understanding that the proper orders have been issued; that immediately so soon as the blockade of Vera Cruz is raised, there shall be remitted directly to the Junta drafts for the three per cent. of importation duties to the amount of eighty thousand dollars per annum; adding, also, that in the case said loan is not promptly obtained, the Junta furnish the amounts required from the Dotal fund, to be repaid by the Quicksilver fund, out of which it shall be reimbursed so soon as any money is received from the Custom-Houses or the proposed loan is contracted.

Señores Flores and Bassoco represented that the destination of the Dotal fund being predetermined, the Junta has no authority to apply it to other purposes, nor as a loan.

Señor Segura said, that the Government having power to dictate this measure, he was of opinion that the order should be obeyed, that said loan should be diligently sought for without delay, taking care that the proper orders can be obtained for the remittance from the port of Tampico of the drafts for fifty thousand dollars per annum, so soon as it is liberated from the Anglo-American invasion. Consequently, the majority of the Junta resolved, that an answer be given to the Government in the terms indicated by Señores Flores and Bassoco; and Señor Segura requested that his vote be recorded in the minutes, adding, that he would explain the reasons on which it was founded, and that he would transmit the same to the Government.

The second Official communication confines itself to exciting the zeal of the Junta to use every effort for the purpose of obtaining for itself the loan of the two millions of dollars for the purchase of Spanish quicksilver, for which it was empowered by the decree of the 17th February, 1843; and it was resolved that this matter be considered on Monday next.

[Three Rubrics]

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OFFICE OF THE SECRETARY OF THE
ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this Capital, and in charge of the Archives of the same Office, in virtue of the decree of the 28th June, 1852, do certify, that there exists and forms part of the Archives of this Office, a bound book, which consists of 142 leaves that are numbered, on the first side only, from 1 to 142 inclusive, and are full of the Minutes of the sessions of the Junta for the Encouragement and Administration of Mining, from 2d April, 1846, to 30th June, 1847, entitled "Book Third of the Minutes from 2d April, 1846, to 30th June, 1847."

I certify moreover, that the Minutes of the Session of the month of April, 1846, begin on the front of the 2d leaf, and end on the reverse of the 17th; that the Minutes of the month of May, 1846, begin on the front of the 18th leaf, and end on the front of the 31st, at the top; that the Minutes of the month of September, 1846, begin on the reverse of leaf 60, and end on the reverse leaf, 68, at the top; that the Minutes of the month of November, 1846, begin on the reverse of leaf 76, and end on the reverse of leaf 82; that the Minutes of the month of December, 1846, begin on the front of leaf 83 at the top, and end on the front of leaf 90.

I also certify that the preceding and annexed page, marked by me number 1, with red ink, is a true and exact traced copy of the superscription (caratula) on said book; that the preceding and annexed page marked by me with red ink "2," is a true copy of the front of the first leaf of the said book; that the preceding and annexed pages marked by me with red ink, from 3 to 44, inclusive, are a true and exact copy, or traced copy on transparent paper, of the Minutes of said Junta, as they appear in said book, of the session of the 23d April, 1846; of all the sessions of the month of May; of the session of the 21st September; of the sessions of the 5th, 9th, 13th and 16th November, and of the 5th December, of the said year 1846.

I certify in like manner, that on the leaves hereto annexed and marked by me with red ink, from 1 to 44, inclusive, as aforesaid, the numbers are truly copied or traced as they appear in said book on the leaves which contain the Minutes of the aforesaid sessions.

I finally certify, that on leaves 1 and 142, of said book, there is a seal of the Sealed Paper Office, which does not appear on the traced copy of the first page, because the seal is stamped upon the pages without the use of ink or color of any kind.

In testimony whereof, I give the present at the City of Mexico, this 30th March, 1859.

MANUEL COUTO,
Secretary.

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I, Vicente Segura, Administrator of the Mining Fund, do certify, that Don Manuel Couto, whose name appears on the foregoing certificate, is Secretary of this Administration, and in charge of the Archives of said office of Mineria, to the Archives of which belongs the said book, which is entitled, "Book Third of Minutes from 2d April, 1846 to 30th June, 1847;" that said Couto is in the exercise of the office of Secretary at the date of his certificate, that his signature is true and deserving of full faith and credit.

In testimony whereof, I give the present under my signature and the seal of this office, at the City of Mexico on the 30th March, 1859.

[SEAL.] VICENTE SEGURA.
[Rubric.]

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The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, certifies, that Don Vicente Segura and Don Manuel Couto are, the former Administrator, and the latter Secretary of the same Administration, of the Mining Fund, which is under the inspection of this Ministry. He likewise attests that the Archives of said office are in charge of the Secretary; and, finally, that the signatures appearing at the end of the two foregoing certificates are those used by those gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of the foregoing, I give the present, signed by me, and sealed with the seal of the Ministry, at the city of Mexico, on the thirty-first of March, eighteen hundred and fifty-nine.—In parenthesis, -eight—wrong.

[SEAL.] P. ALMAZAN.
[One Rubric.]

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José Miguel Arroyo, honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify, that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, of said Republic, and the foregoing signature is his, which he uses in documents authenticated by him.

[SEAL.] J. MIGUEL ARROYO.
[One Rubric.]

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## TRANSLATION OF EXHIBIT BASSOCO No. 7.

OFFICE OF THE SECRETARY OF THE MINING JUNTA. } 1846

No. 168.

Don Andres Castillero solicits aid for the Encouragement of the Quicksilver Mine which he has discovered at the Mission of Santa Clara, in Upper California.

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BUREAU OF FOMENTO QUICKSILVER:

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the Junta some specimens of Cinnabar from the Mission of Santa Clara, in Californias, which Don Andres Castillero sends, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise, it has the honor of transmitting to your Excellency said specimens, with the view that the proper assays of the Cinnabar be made in the laboratory of that College, being pleased to let the Junta know the result as soon as possible.

And with this motive the Junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God, &c. April 21, 1846.

To His Excellency, General Don José M. Tornel, Director of the National College of Mining.

[One Rubric.]

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California for a purpose of the public service, tells me, in letters written from the Mission of Santa Clara on the nineteenth and twenty-second of February, of this year, what follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some pieces of those which have been taken from the top of the vein; a little Quicksilver also goes, of that which we took out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from abroad. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the Bay of San Francisco, so that the steamers, sending out their boats, may load all that they require: this discovery was made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

This is a copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

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Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of Quicksilver: I have discovered a most abundant deposit. With this I send to His Excellency, the President, some pieces of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touch-hole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your obedient servant, &c. &c.,
ANDRES CASTILLERO.
[Rubric.]

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Direction of the National College of Mining.

Received the 3d day of this present May.
V. Segura.
[Rubric.]

May 4th, 846.
Let it be transmitted to the Government, manifesting that the communication was only received yesterday.

Sōr Don Tomas Ramon del Moral, President of the Junta of Encouragement of the National College of Mining, in an official communication of the 24th ultimo, said to me what follows:

"Excellent Sir:—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of Cinnabar discovered in California by Señor Don Andres Castillero, and another of Coal in the Bay of San Francisco, has the honor to inform your Excellency, that the specimens sent by said Castillero were already deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mixture of the different specimens having been taken to make the assay, for there are some so rich that they are pure Cinnabar. The Junta believes that Señor Castillero has, by such an important discovery, made himself worthy of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the effect that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country. And with this motive I repeat to your Excellency the considerations of my esteem and respect."

And I have the honor to transmit it to your honors as the result of your dispatch on the matter.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.

To the President and Members of the
Junta for the Encouragement of Mining, of the National College of Mining.

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Excellent Sir:—Professor Don Tomas Ramon del Moral, having presented to this Junta some specimens of Cinnabar from the Mission of Santa Clara, in Upper California, which Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; it immediately sent said specimens to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says to it what follows:

" Excellent Sir, &c., &c., to, on the matter."

The Junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets at its commencement with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity, which it has been in until now, of foreign quicksilver. With this motive the Junta avails itself of the opportunity to inform your Excellency that, as on the 24th of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved to date that they have taken out 1575 quintals from December, 1844, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this mineral was a hundred quintals per month.

The Junta, with this motive, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God, &c. May 5th, 1846.

To His Excellency the Minister of Justice.

No. 573.

Communicates information of the discovery of a deposit of Cinnabar in the Presidio of Santa Clara, in Upper California, the assays of which have produced the highest ley ever seen, and with this motive communicates the result of the quantity of Quicksilver extracted until the end of March in Guadalcazar.

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MINISTRY OF JUSTICE
AND PUBLIC INSTRUCTION.

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, His Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the Mission of Santa Clara, of Lower California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that College, and that Señor Castillero has already been asked by that Junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency in like manner learns that which the Junta reports relative to the quantity of Quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculation which had been made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurances of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.
[Rubric.]

His Excellency, Don Vicente Segura,
President of the Junta for the Encouragement of Mining.

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JUNTA FOR THE ENCOURAGEMENT AND
ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

Most Excellent Sir:—As this Junta had the honor to inform your Excellency on the 5th instant in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith to your Excellency, regarding the assistance which he needs for the new discovery of the quicksilver mine at the Mission of Santa Clara, in the Department of Californias. The Junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that Department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The Junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, on the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars, which can be employed in the construction of retorts, cylinders, and other small apparatuses of distillation for said mine.

Although the law authorizing the Junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it is indubitable that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the Junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to accomplish his journey to that Department, and what his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of the Junta, a more than sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of "avio" for the encouragement of said mine. It remains, then, to state to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him "pertenencias," to the extent of three thousand varas, which are equivalent to fifteen "pertenencias," according to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, to whom there is granted in the first article of the sixth title, *three "pertenencias," either continuous or interrupted; and if he shall have discovered other veins, one ("pertenencia") in each of them.* He has also in his favor the circumstance that he works it in company, to which there is granted that without prejudice to the right which they may have by the title of discoverer, when they are such, they may denounce four new "pertenencias," even though they are contiguous and in the same direction; but what is most worthy of consideration is, that Californias, being a frontier Department, and frequently threatened by the emigrants from the United

States of the North, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a Department so extensive, a greater number of "pertenencias," which view is corroborated by the reason found at the end of the eighth title, article 1st, which says, "Considering that the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in the new vein, or without neighbors, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or any other metal, I grant to every miner without distinction of the discoverers, (who have their reward already assigned to them,) two hundred Castilian varas, called 'varas de medir,' measured on a level." Lastly, in the first article, eleventh title, it expresses itself in these terms: "And because the capital of a single individual not being sufficient for great undertakings, while that of all the partners may be, I will and command that such companies be encouraged, promoted and protected by all suitable measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them according to the judgment and discretion of the Royal Tribunal of Mining, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores, (beneficio,) the Junta not having the necesary information on the matter, of which the Supreme Government has abundance, His Excellency, the President, will decide as he may think proper. In this view, on sending up to your Excellency the petition of Señor Castillero, this Junta has no hesitation in recommending it very efficaciously, on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the Republic. The Junta has the honor, on this occasion, to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

His Excellency, the Minister of
Justice and Public Instruction. }

I, Andres Castillero, resident and miner in the Department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the Mission of Santa Clara a mine of Quicksilver, of *leys* certainly so rich, that the like were never seen before, not only in the Republic, but perhaps in the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while, there have been specimens of the best kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefiting exclusively Mexicans, by realizing the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit, and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but the undertaking does not require that kind of assistance, which would result in advantage to foreigners, when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that Department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the Junta, an "avio," or any other agreement, if I had time to be able to furnish the data and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements; I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

*First.* The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

*Second.* On my part, I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The Junta will order that there be placed at my disposition, before my departure from the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negociacion* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negociacion*, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the Junta at cost price, and the flasks which I may select at two dollars apiece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as a part payment of the sum corresponding to one or more "barras."

*Sixth.* While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.* The Junta shall represent to the Supreme Government the necessity of its approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms in which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of enabling me to use the wood for my burnings.

*Ninth.* For the compliance of this contract, I pledge the mine itself, and all its appurtenances.

The subscriber submits this petition to the deliberation of the Junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God, &c. May 12th, 1846.

ANDRES CASTILLERO.

This is a copy. MEXICO, May 12th, 1846.

YSIDRO R. GONDRA.

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MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR:—Having reported to His Excellency, the President *ad interim*, Your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California: His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to have him issue the proper orders respecting what is contained in the 8th proposition, relative to the grant of lands in that Department.

I repeat to Your Excellency the assurance of my esteem.

God and Liberty! MEXICO, 20th May, 1846.

BECERRA.

[Rubric.]

To His Excellency, D. Vicente Segura,
President of the Junta for the Encouragement of Mining.

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OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the archives of the same office, in virtue of the Decree of 28th June, 1852, do certify: That the foregoing twenty-four pages, numbered by me from one to twenty-four, inclusive, of transparent paper, are a true and exact copy or traced copy of an expediente which exists and forms a part of the archives of this office, entitled "Secretary's Office of the Mining Junta, 1846. Number 168. Don Andres Castillero solicits aid for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California. Bureau of Encouragement. Quicksilver."

In testimony whereof, I give the present, under my hand, this 10th March, 1859.

[SEAL.] MANUEL COUTO, Secretary.

I, Vicente Segura, Administrator of the Mining Fund, do certify: That Don Manuel Couto, whose name appears in the foregoing certificate, is Secretary of this Administration, and in charge of the archives of said office of Mineria, to which archives belongs the aforesaid expediente; that said Couto is in the exercise of the office of Secretary at the date of his certificate; that his signature thereto is true, and deserving of full faith and credit.

In testimony whereof, I give this present, under my hand and the seal of this office, in the city of Mexico, the 10th March, 1859.

[Seal.] VICENTE SEGURA.

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[Seal.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, do Certify: that Don Vicente Segura and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, which is under the inspection of this Ministry: He likewise attests that the archives of said office are in the charge of the Secretary, and finally, that the signatures appearing to the two foregoing certificates are those used by those gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of which, I give this present, signed by me, and sealed with the seal of the Ministry in the city of Mexico, on the 11th March, 1859.

[Seal.] P. ALMAZAN.

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No. 51.

[Seal.] José Miguel Arroyo, honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of said Republic, and the foregoing signature is his own, which he uses in documents authenticated by him.

Mexico, March 12th, 1859.

[Seal.] J. MIGUEL ARROYO.

[Dues 4 dollars.]

No. 107. CONSULATE OF THE U. S. OF AMERICA,

Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J. folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

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## TRANSLATION OF EXHIBIT BASSOCO, No. 8.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION. Year 1846.

The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered at the Mission of Santa Clara, in Upper California, a deposit of cinnabar, of excellent quality, and accompanies the petition of said person, in which he solicits supplies (avio) for the working of said mine.

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JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 573.

Communicates the discovery of a deposit of Cinnabar, made at the Presidio of Santa Clara,

Most Excellent Sir:—Professor Don Tomas Ramon del Moral having presented to this Junta some specimens of Cinnabar from the Mission of Santa Clara, in Lower California, which Don in Lower California, the assays of which have yielded the highest ley known, and with this motive communicates the result of the quantity of quicksilver extracted until the end of March in Guadalcazar.

May 9th, 1846.

Noted with satisfaction the discovery, and of having asked already of Señor Castillero the kind of resources he requires.

Noted, also, the statement given of the Quicksilver extracted by the miners of Guadalcazar.

Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says what follows: "Señor Don Tomas del Moral, President of the Junta Facultativa of the National College of Mining, in an official communication of the 24th ult., says to me what follows:

'Most Excellent Sir,—The Junta Facultativa having examined the documents which your Excellency sent to it on the 21st of the present month, relative to a deposit of Cinnabar discovered in California by Señor Don Andres Castillero, and to another of Coal on the Bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Señor Castillero, were already deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mean of the different specimens having been taken to make the assay, for there are some so rich that they are pure Cinnabar. The Junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the end that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country.'

"And with this motive I repeat to your Excellency the considerations of my esteem and respect. And I have the honor to transmit it to your Excellencies, as the result of your dispatch on the matter."

The Junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets at the beginning with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity in which it has been until now, of foreign quicksilver.

With this motive, the Junta avails itself of the opportunity to inform your Excellency that, as on the twenty-fourth of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved that they have taken out one thousand five hundred and seventy-five quintals, from December, eighteen hundred and forty-four, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this Mining District was one hundred quintals per month. The Junta, on this occasion, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God and Liberty. Mexico, May 5, 1846.

VICENTE SEGURA,
President.
[Rubric.]

The Secretary being occupied,
YSIDRO R. GONDRA, First Clerk.
[Rubric.]

To His Excellency, the Minister of Justice.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the Mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little Quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the Bay of San Francisco, so that the steamers, sending out their boats, may load all that they require: this discovery was made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

Copy. Mexico, April 13, 1846.

J. J. De HERRERA.

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Señor Director of the College of Mining, Don Ramon del Moral.

Mission of Santa Clara,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining; and intent upon finding a mine of Quicksilver, I have discovered a most abundant deposit. With this I send to His Excellency, the President, some ores of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touch-hole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your obedient servant, &c. &c.,
ANDRES CASTILLERO.

Copies. Mexico, 5th May, 1846.

Ysidro R. Gondra, Chief Clerk.
[Rubric.]

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Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, His Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the Mission of Santa Clara, of Lower California, Señor Don Andres Castillero has discovered a deposit of Cinnabar, of excellent quality, according to the assays made in that College, and that Señor Castillero has been asked by that Junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the Junta reports relative to the quantity of Quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurance of my consideration and esteem.

God, &c., Mexico, May 9, 1846.

His Excellency, Don Vicente Segura, President
of the Junta for the Encouragement of Mining.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

May 20, 1846.

Granted in the terms which are proposed; and with respect to the land let the corresponding order issue to the Minister of Relations, for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition.

[Rubric.]

Most Excellent Sir:—As this Junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith regarding the assistance which he needs for the new discovery of the quicksilver mine at the Mission of Santa Clara, in the Department of Californias. The Junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that Department, and the just desire which His Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The Junta is consequenly of opinion that there should be immediately furnished to Senor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatuses of distillation for said mine.

Although the law authorizing the Junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it is indubitable that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the Junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to accomplish his journey to that Department, and what his so doing may contribute, under present circumstances towards the preservation of the national territory, is, in the opinion of the Junta, a more than sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of "avio" for the encouragement of said mine. It remains, then, to state to your Excellency that, although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him "pertenencias" according to the second article of the eighth title, yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, to whom there is granted in the first article of the sixth title, *three "pertenencias," either continuous or interrupted; and if he shall have discovered other veins, one ("pertenencia") in each of them.* He has also in his favor the circumstance that he works it in company, to which there is granted that, without prejudice to the right which they may have by the title of discoverer, when they are such, they may denounce four new "pertenencias," even though they are contiguous and in the same direction; but what is most worthy of consideration is, that Californias, being a frontier Department, and frequently threatened by the emigrants from the United States of the North, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a Department so extensive, a greater number of "pertenencias," which view is corroborated by the reason found at the end of the eighth title, article 1st, which says: "Considering the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in the new vein, or without neighbors, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or other metal, I grant to every miner without distinction of the discoverers (who have their award already assigned to them,) two hundred Castilian varas, called 'varas de medir,' measured on a level." Lastly, in the first article, eleventh title, it expresses itself in these terms: "And because the capital of a single individual not being sufficient for great undertakings, while that of all the partners may be, I will and command that such companies be encouraged, promoted and protected by all suitable measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them according to the judgment and discretion of the Royal Tribunal of Mining, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores (beneficio), the Junta not having the necessary information on the matter, of which the Supreme Government has abundance, His Excellency, the President, will decide as he may think proper. In this view, on sending up to your Excellency the petition of Señor Castillero, this Junta has no hesitation in recommending it very efficaciously on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the Republic. The Junta has the honor, on this occasion, to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

VICENTE SEGURA,
President.
[Rubric.]

His Excellency, the Minister of
Justice and Public Instruction.

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I, Andres Castillero, resident and miner in the Department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the Mission of Santa Clara a mine of Quicksilver, of *leys* certainly so rich, that the like were never seen before, not only in the Republic, but perhaps in the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while the have been specimens of the bent kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefitting exclusively Mexicans, by realizing the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth.

It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but the undertaking does not require that kind of assistance, which would result in advantage to foreigners, when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that Department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the Junta, an "avio," or any other agreement, if I had time to be able to furnish the data and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements; I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

*First.* The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

STAMP THIRD.
FOUR REALS.
For the years eighteen hundred and forty-six, and eighteen hundred and forty-seven.

*Second.* On my part, I bind myself to place in said port within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The Junta will order that there be placed at my disposition, before my departure from the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negotiacion* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negotiacion*, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the Junta at cost price, and the flasks which I may select at two dollars apiece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as a part payment of the sum corresponding to one or more "barras."

*Sixth.* While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

*Seventh.* The Junta shall represent to the Supreme Government the necessity of its approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms in which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object to enabling me to use the wood for my burnings.

*Ninth.* For the compliance of this contract, I pledge the mine itself, and all its appurtenances.

The subscriber submits this petition to the deliberation of the Junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God and Liberty. Mexico, May 12th, 1846.

ANDRES CASTILLERO.
[Rubric.]

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Most Excellent Sir:—Having reported to His Excellency, the President *ad interim*, Your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication has been made to the Minister of Exterior Relations and Government, to issue the proper orders respecting what is contained in the 8th proposition, relative to the grant of lands in that Department.

I repeat to Your Excellency, &c.

God, &c. Mexico, 20th May, 1846.

BECERRA.
[Rubric.]

To His Excellency, D. Vicente Segura,
President of the Junta for the Encouragement of Mining.

Excellent Sir:—I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what I copy:

"Excellent Sir:—Having, etc., etc."

And I have the honor to insert it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that there be granted to him, as a colonist, two square leagues upon the lands of his mining possession, your Excellency will be pleased to issue the orders referred to.

I repeat, etc., etc.

Date *ut supra*.

To his Excellency, the Minister of
Exterior Relations and Government.

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José Miguel Arroyo, Honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That in the Archives of this Ministry, there exists an expediente relating to the discovery of a mine of Quicksilver by Don Andres Castillero, at the Mission of Santa Clara, in Upper California, entitled "Ministry of Justice and Public Instruction. Year 1846. The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered, at the Mission of Santa Clara, in Upper California, a deposit of Cinnabar, of excellent quality, and transmits the petition of this gentleman, in which he solicits avio (supplies,) for working said mine." I further certify that the foregoing and annexed twenty-four pages, numbered by me with red ink, from number one to twenty-four, inclusive, on transparent paper, are a true and exact copy or tracing of said expediente, composed of official communications, copies, office minutes, or rough draughts, notes, and decrees, which are what constitute said expediente.

[SEAL.] In testimony whereof, I give these presents, under my hand and the official seal of this Ministry, this tenth day of January, one thousand eight hundred and fifty-nine.

J. MIGUEL ARROYO.

[Dues four dollars.]

No. 4. CONSULATE OF THE U. S. OF AMERICA,
Mexico, January 17th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 38. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and
Fees, $2. year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

## TRANSLATION OF EXHIBIT BASSOCO, NO. 9.

MINISTRY OF EXTERIOR RELATIONS, } Year 1846.
GOVERNMENT AND POLICE. } Indifferent.

No. 67.

The Governor of Californias on the discovery of a mine of Quicksilver in that department, and sends a sample of said ingredient. Concession of two square leagues to Señor Castillero, contiguous to the Quicksilver Mine.

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[SEAL.]

April 6, 1846.
Received and noted with satisfaction and with respect to the other matters contained in the letter, let him inform attentively what he may think fit.
[Rubric.]

Most Excellent Sir:—By the accompanying letter of Señor Don Andres Castillero, which I respectfully transmit to your Excellency, original, you will be informed of the fortunate discovery made in this Department, of a quicksilver mine. In consequence thereof, I avail myself of the good opportunity to send to your Excellency, by the Commissioner of this Government, Don José Maria Covarrubias, the Quicksilver which, as a sample, was sent to me by Señor Castillero, and to which he refers in the above mentioned letter.

With such motive I beg your Excellency will be pleased to put this in the superior knowledge of his Excellency, the President, showing him the Quicksilver which said mine produces, so that His Excellency may inform himself and be pleased at so happy a discovery.

I repeat anew to your Excellency, the assurances of my consideration and respect.

God and Liberty. Angeles, February 13th, 1846.

PIO PICO.
[Rubric.]

To his Excellency, the Minister
of Exterior Relations.

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To His Excellency, Governor PIO PICO:

MISSION OF SANTA CLARA, Dec. 10, 1845.

My Most Esteemed Friend:—I send you to-day a sample of Quicksilver I have taken out in the presence of many witnesses. The mine has been denounced by me, and between a few we have formed a company. I am sure that yourself and the Departmental Junta will appreciate a discovery which will form the riches of the country, and we wish that the vacant lands near our works be conceded to us, to cut wood, with the order of possession.

There is such an abundance of Quicksilver, that eight arrobas of ore gave one of metal; and, in my belief, there is much, and a great extraction can be made.

I will also thank you to order that possession be given to me of the Island of Santa Cruz, which was granted to me by the Supreme, at the same time as that to the Messrs. Carrillos; the cattle which is to be shipped, is already bought, and Don Anastacio Carrillo can give me the possession.

May you continue in good health, and order your wishes to your friend, who esteems you, and regards your orders.

ANDRES CASTILLERO.
[Rubric.]

P. S.—My kind regards to my friends Covarrubias and Valle; and to Mr. Hijar, why does he not reply to the three letters I have sent him, giving him also my remembrances.

Endorsed:

To His Excellency the Governor of the
Department of Californias, Don Pio Pico.
Angeles.

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Excellent Sir:—His Excellency, the President, *ad interim*, learns with satisfaction by the letter from Señor Castillero, which your Excellency sent me with your official communication of the 13th of February last, the important discovery which has been made, of a mine of Quicksilver in that Department, His Excellency having seen the sample of that ingredient, cited in said letter, and which your Excellency sent me by Don José Maria Covarrubias.

I have the honor to say this to you by Supreme order in reply to the said communication, and that with respect to the other matters referred to in Señor Castillero's letter, that Government will please report attentively what it may deem convenient.

D., April 6th, 1846.

To His Excellency, the Governor of the
Department of Californias, Port of Los Angeles.

MINISTRY OF JUSTICE AND
PUBLIC INSTRUCTION.

May 23d, 1846. Issue the orders referred to in this communication.

I this day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, what follows:

"Most Excellent Sir:—Having reported to His Excellency, the President, *ad interim*, your Excellency's note of the 14th inst., with which you were pleased to transmit with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the Quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to have him issue the proper orders respecting that which is contained in the eighth proposition relative to the grant of lands in that Department.

And I have the honor to transcribe it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President, *ad interim*, has thought proper to accede, there be granted to him as a colonist, two square leagues upon the land of his mining possession; your Excellency will be pleased to issue the orders referred to.

I repeat to your Excellency the assurance of my consideration and esteem.

God and Liberty. Mexico, May 20, 1846.

BECERRA.
[Rubric.]

To His Excellency, the Minister
of Exterior Relations.

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Excellent Sir:—His Excellency, the Minister of Justice, in an official communication of the 20th inst., says to me what I copy:

"Excellent Sir:—I this day say, etc., etc."

And I transcribe it to your Excellency in order that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two leagues which are mentioned.

D., May 23, 1846.

CASTILLO LANZAS.

To His Excellency, the Governor
of the Department of Californias.

[SEAL.] José Y. de Anievas, Chief Clerk of the Office of Secretary of State and Despatch of Government, do certify: That in the archives of the Secretary's office there exists an expediente relating to the discovery of a quicksilver mine, by Don Andres Castillero, at the Mission of Santa Clara, in Upper California, and which expediente, in the correlative order in which business was done by the Ministry of Relations, Government and Police, in the year 1846, was set down in the respective index under number "67," the superscription (caratula) upon it being as follows:

"Ministry of Exterior Relations, Government and Police.—Year 1846.—No. 67.—Indifferent. The Governor of Californias, on the discovery of a mine of quicksilver in that Department, and sends a sample of said ingredient.

Concession of two square leagues to Sōr. Castillero, contiguous to the quicksilver mine."

I certify, moreover, that the preceding and annexed ten pages, numbered by me with red ink from 1 to 10, of transparent paper, are a true and exact copy or tracing of said expediente, consisting of official communications, letters, office minutes or rough drafts, notes and decrees, which constitute said expediente, which I have seen and compared.

In testimony whereof, I give the present under my hand, and with the Official seal of this Secretary's office, this seventh day of January, eighteen hundred and fifty-nine.

[SEAL.] J. Y. DE ANIEVAS.
[Rubric.]

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No. 48.

[SEAL.] José Miguel Arroyo, honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify: That Don J. Y. de Anievas is Chief Clerk of the Ministry of Government of said Republic, and the foregoing signature is his own, which he uses in documents authenticated by him.

Mexico, March 11th, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]
[Dues 4 dollars.]

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No. 100. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the anthorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio, 50. In testimony whereof, I have hereunto set my hand and affixed the Consulate Seal the day and year first above written.

☞ JOHN BLACK, ☞
[Sello.] ☜ *U. S. Consul.* ☜

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## TRANSLATION OF EXHIBIT BASSOCO NO. 10.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

April 23, 1846. Let it go to the Professional Board of the College, with preference. TORNEL.

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the Junta some specimens of Cinnabar from the Mission of Santa Clara, in Californias, which Señor Don Andres Castillero sends, with the annexed copies, to incite the Supreme Government, that it may be pleased to aid so important an enterprise, it has the honor of transmitting to your Excellency said specimens, with the object that the proper assay of the Cinnabar be made in the laboratory of that College, you being pleased to inform the Junta of the result as soon as possible.

And with this motive the Junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God and Liberty. Mexico, April 21st, 1846.

VICENTE SEGURA, President.
[Rubric.]

The Secretary being occupied,

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

To His Excellency, General Don José Maria Tornel,
Director of the National College of Mining.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California to fulfil a purpose of the public service, tells me, in letters written at the Mission of Santa Clara on the nineteenth and twenty-second of February of this year, what follows:

"At the distance of five leagues from this Mission, to the west, I have discovered and denounced a very abundant mine of Quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little Quicksilver also goes, of that which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equalled the ores of Almaden. From the width of the vein and the abundant yield of ore, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from abroad. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the Bay of San Francisco, so that the steamers sending out their small boats, may load all they may require: this discovery was made by Colonel Don Juan B. Alvarado: the rock crystal is a very large hill."

This is a copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

This is a copy. Mexico, 21st April 1846,

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA,
February 19. 1846.

My Esteemed Friend and appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of Quicksilver, I have discovered a most abundant deposit. With this I send to His Excellency the President, some ores of Cinnabar, and a little Quicksilver. We are forming a furnace, and have assayed said ore in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your Obedient Servant, &c., &c.,

ANDRES CASTILLERO.

This is a copy. Mexico, 21st April, 1846.

YSIDRO R. GONDRA, Chief Clerk.
[Rubric.]

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Joaquin Velasquez de Leon, Director of the National College of Mining of this Capital,

Do certify: that, in the archives of this College, now in my charge and custody, there exists an original communication from Señor Don Vicente Segura, President of the Junta for the Encouragement and Administration of Mining, and the copies of the letters accompanying the same, relating to the discovery of a Quicksilver mine in California by Don Andres Castillero. I further certify that the foregoing and annexed six pages, numbered by me with red ink from number 1 to 6 inclusive, are a true and exact copy, or tracing, of said documents, which exist and constitute a part of the archives of this office under my charge.

In testimony whereof, I give this present, under my hand, without official seal, this office having none.

Mexico, 18th February, 1859.

JOAQUIN VELASQUEZ DE LEON.
[Rubric.]

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[SEAL.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the Mexican Republic,

Do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this Ministry. I likewise attest that the archives of the College are, at the present time, in the charge of said Director, and the signature of Don Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by my hand, and with the seal of this Ministry, this 11th day of May, 1859.

[SEAL.] P. ALMAZAN.
[Rubric.]

No. 53.

[SEAL.] José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

Do certify that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, and that the foregoing signature is his, which he uses in documents authenticated by him.

Mexico, March 12, 1859.

J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

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No. 104.

CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same, chief clerk of the Departmento of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.
Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

## TRANSLATION OF EXHIBIT BASSOCO NO. 11.

DIRECTION OF THE NATIONAL COLLEGE OF MINING.

PROFESSIONAL BOARD (JUNTA FACULTATIVA),
*Session of 24th March*, 1846.

At a meeting in the Meeting Hall, present the Señor Don Tomas Ramon del Moral, as President, and the Señores Balcarcel, Navarro, Camacho, and the undersigned, there were read some documents from the Junta for the Encouragement of Mining, which the Exct. Sōr. Director, passed to this Board (Junta), on the 21st of the present month relative to a deposit of Cinnabar discovered in Californias by Sōr. Don Andres Castillero, and to another of coal from the coast of the Bay of San Francisco, asking that the assays be made of the specimens of the cinnabar sent to Sōr. Moral by the discoverer. The Board resolved that a report be made in conformity with what had already been done, that is to say: that some of said specimens had already been assayed by the Sōr. Don Manuel Herrera, and others deposited in the Cabinet of Mineralogy; that the "ley" of specimens showed 35½ per cent. of quicksilver, for they were so rich that they were composod of pure cinnabar; and finally, that the Exct. Sōr. Director be urged to interpose his influence with the Supreme Government and the Junta for the Encouragement of Mining, to the end that Sōr. Castillero should be effectively rewarded, for having made so important a discovery. The Board also resolved that copies of said documents be kept in its Secretary's office; whereupon the session ended.

THOMAS RAMON DEL MORAL.
[Rubric.]

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DIRECTION OF THE NATIONAL COLLEGE OF MINING.

By your official communication of the 24th ult. I have learned that specimens remitted by Sōr. Don Andres Castillero were assayed by the Professor of Chemistry, Don Manuel Herrera, from which it resulted that they gave a "ley" of 35½ per cent., whereby said Sōr. Castillero has made himself worthy the efficacious protection of the Supreme Government, and of the Junta for the Encouragement and Administration of this College; to whom I this day transmit your said official communication for their information.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.
[Rubric.]

Sr. Dn. Tomas Ramon del Moral,
President of the Junta, &c.

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Joaquin Velasquez de Leon, Director of the National College of Mining of this Capital,

Do certify: that in the archives of this College, now under my charge and custody, there exist several minutes or records of the Sessions of the Professional Board (Junta Facultativa) of said College, and several other documents belonging to said Professional Board, and that among them there exists a minute or record of a Session entitled "Professional Board, Session of 24th March, 1846," signed by Don Tomas Ramon del Moral with his signature and rubric; and there also exists an original communication addressed to "Señor Don Tomas Ramon del Moral, President of the Junta for Encouragement of the National College of Mining." I further certify that the two preceding and annexed pages marked by me with red ink from 1 to 2 inclusive, are a true and exact copy or tracing of said documents which exist and form part of this office in my charge.

In testimony whereof I give the present under my signature, without official seal, this office having none.

Mexico, February 18th, 1859.

JOAQUIN VELASQUEZ DE LEON.
[Rubric.]

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[SEAL.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the Mexican Republic,

Do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this Ministry. I likewise attest that the archives of the College are, at the present time, in the charge of said Director, and that the signature of Don Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by me, and sealed with the seal of this Ministry, this 11th day of March, 1859.

[SEAL.] P. ALMAZAN.
[Rubric.]

José Miguel Arroyo, Honorary Intendent of the Army and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

52 Do certify that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, of the same Republic, and that the foregoing signature is his, which he uses in documents authenticated by him.

Mexico, March 12, 1859.

J. MIGUEL ARROYO.
[Rubric.]

Dues, 4 dollars.

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No. 106. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51. Fees, $2. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.] ☞ ☜ JOHN BLACK, ☞ ☜
*U. S. Consul.*

## TRANSLATION OF EXHIBIT BASSOCO, NO. 12.

Julian Dufart, a Mexican citizen complaining of the delay which his suit suffers in the court of Sōr. Perez of Lebrija:

May 11. Let it be remitted to the Supreme Court of Justice for the proceedings which may be proper.

The citizen José Maria Yrissari, 8th "official" of this Ministry, asks permission to marry the Señorita Dona Carlota Herrera.

May 18. Granted.

The citizen M. M. del Campo, as the representative, and at the request of the Señor Curate of the "Santa Iglesia" of Oajaca, asking that the pontificial rescript which he encloses be approved.

Do. 18. To the Council.

Catalino Barroco, Colonel of the Army and Commander of the Garrison of Queretaro, solicits a fellowship in the College of San Yldefonso for his son.

Do. 19. Let the Rector of the College of San Yldefonso report.

The Señor President of the Junta for the Encouragement of Mining, accompanies with recommendation the petition of Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara in Upper California.

May 20. It is granted in the terms proposed; and as regards the land, let the proper orders issue to the Ministry of Relations for the measures proper to be taken by it, with the understanding that the Government assents to the petition.

Felipa Lopez de Dávila complains of certain wrongs for which she solicits reparation.

Do. Do. Let the respective Superior Tribunal be urged to do justice.

Do. Do. The citizen Augustin Peza, second clerk (escribiente) of this Ministry, solicits leave of absence for one month to recover his health.

Do. Granted accordingly.

June 18. The Exc$^{t}$. S$^{or}$. Minister of Exterior Relations inserts the communication to the Exc$^{t}$. and Illustrious S$^{or}$. Don José Maria Luciano Becerra, informing him that his resignation of this Ministry is accepted by His Excellency, the President= Don José Maria Duran, to remain in charge of the same.

Do. 43. Received to-day. Noted.

Do. 27. Don Antonio Carillo sends a petition relative to a purchase which he made of sundry goods that were under seizure by the Gen$^{l}$. Administr$^{n}$. of Revenue of Sonora.

June 23. At this date it was passed to the Ministry of Hacienda.

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## Ministry of Justice, Ecclesiastical Affairs and Public Instruction.

The undersigned Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and Honorary "Oficial Mayor" of the same, with the right of signing decrees (con ejercicio de decretos):

[Seal.] Do certify, that in the Archives of this Ministry, there exists a book, bound in cloth, composed of one hundred and fifty-seven leaves, numbered from 1 to 157 inclusive, entitled "General Book Fifteen. Years 1841 and 1842, and continued in the years 1843, 1854, 1845, and 1846.

I certify in like manner that that book, wherein were set down, at their proper dates, summary statement of the affairs which came into the Ministry, and of the resolutions dictated by Government thereupon, is full of the entries of the years mentioned in the superscription, and that those corresponding to the year 1846, begin on the 122d leaf and end 157th on the reverse, with a decree dated July 10th of said year, 1846. I certify finally, that the two annexed leaves of transparent paper numbered with red ink from 1 to 2, are a true and exact copy or tracing of the 140th leaf the Gen$^{l}$. Book so often mentioned, which exists and forms part of the Archives of this Ministry.

In testimony whereof, and by Supreme order, I give the present under my hand with the official seal of this office, in Mexico, the 23d day of February, 1859.

[Seal.] MAR$^{o}$. ALEGRIA.
[Rubric.]

[SEAL.] José Miguel Arroyo, Honorary Intendent of the Army, and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify, that Don Mariano Alegria, is honorary Chief Clerk of the Ministry of Justice of said Republic, and that the foregoing signature is his own, which he uses in the documents authenticated by him.

MEXICO, 11th March, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

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No. 105. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1849.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 51.
Fees, $1.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

☞ JOHN BLACK, ☞
[SEAL.] ☜ *U. S. Consul.* ☜

# TRANSLATION OF EXHIBIT BASSOCO No. 13.

## APPENDIX.

*Report addressed to the Supreme Government by the Junta for the Encouragement and Administration of Mining. Upon the examination of deposits of Cinnabar in the Republic, investment of the funds appropriated to the quicksilver fund, and the utility of encouragiug mining.*—Mexico, 1845: Ignacio Cumplido's printing office, No. 2, Rebelds street.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING. } No. 389.

Most Excellent Sir:

Although the Junta for the Encouragement and Administration of Mining is not bound by law to give an account to the Supreme Government of the manner in which it has discharged the duties imposed upon it by its organic law, yielding to the inspirations of its natural delicacy to the desire which animates it that its action may be appreciated with a knowledge of the facts, but especially to its conviction that the advantages of the publication of a report comprising the most notable matters of the branch of mining would be incalculable, it determined to prepare it, and for that purpose asked for various data which, unfortunately, for the most part have not been received.

Not being able therefore to accomplish this object, considering the urgent necessity for quicksilver, and for an uninterrupted supply of the same which is felt by the Republic, that the silence of the Junta upon this point in the present circumstances might injure the branch notably, and that your Excellency would avail yourself of a benefit which would be common to all, to obtain the proper data for the formation of your report, it has believed that at least it ought to present to you the present instructive exposition.

The Junta would wrong the well-known enlightenment of the present Ministry, if it pretended to manifest to it all the reasons which demand the encouragement of the branch of quicksilver, and that prove the influence which, if protected, it would exert on Mexican prosperity; because to know them it is only necessary to remember that, as no other substance whatever can be used in the reduction of ores by amalgamation (beneficio), to which class belong almost all those that the gold and silver mines produce, it is absolutely indispensable to acquire that article, by working the cinnabar mines of the country, and importing it from those of foreign countries.

With this understanding, and knowing the monopoly of the Spanish quicksilver, and the insufficiency of that of other nations, even for their own necessities, if the Republic does not make great efforts to better its situation in this respect, the price will continue to be higher and higher, and for the same cause the country is dependent on others, and the production of the mines reduced, leaving moreover for the most part one of the principal sources of public wealth liable to become obstructed; the Junta will lay before your Excellency, briefly, the measures which the Provisional Government adopted to prevent the said evils, the results which they have given, and those which, in the opinion of the Junta, should be taken, so that the commendable ends for which the respective decrees were issued may not be illusory.

The Organic Law of the Junta made by the Provisional Administration on the 2d December, 1842, and published in this city by proclamation on the 11th of the same, on determining the attributes of the body, included among others, that it should form with the approbation of the Supreme Government (article 10) a regulation (reglamento) upon the mode by which quicksilver should be acquired, distributed and sold to the reducers (beneficiadores) of ores; designating the cases and the manner in which the working of quicksilver mines in the Republic should be maintained, rewarded, or otherwise stimulated and protected. It placed in charge of the Junta (article 13) all the moneys which might be produced by the fund managed by the old establishment, and the fund created for the acquisition of quicksilver, as well as the exclusive distribution of quicksilver (article 18) at cost among the same reducers (beneficiadores), the proceeds of sales, and that portion which might remain unsold. It constituted this fund out of the two thirds of the increase of import duty, imposed on the same date, on foreign linens and cotton goods, and provided that the Junta might furnish the quicksilver (article 19) with the proper guarantee and upon the terms which the regulation (reglamento) might establish, it being empowered to secure the collection, having recourse directly or by means of its agents to Judges of Hacienda, in order to compel those individuals who might contract obligations to comply with them, and to enforce payment from those who might resist it. It ordered (article 20) the publication every four months of a statement of the distribution of quicksilver, showing the quantities bought by the Junta, its cost, the quantity remitted to each mining district, and the names of the reducers (beneficiadores) interested: that in case of complaint of irregularity or injustice in the distribution the Supreme Government should decide, and that when a fund equivalent to twenty-four thousand quintals of quicksilver should be collected (article 21), the designated part of the said increase of duty should cease to be so applied.

Another law enacted on the same 2d day, and published also on the 11th December, provided (article 2d), that with the proceeds of the difference in the duties established by it, and the duties imposed by another decree of the same date on frames (fabricas) and windlasses, there be formed a separate fund, of which one third part should be applied to the encouragement of industry for the term of five years, and the remaining two to that of mining, as far as might be absolutely necessary, according to the intention of the first provision, the rest to go into the public Treasury; that destined to industry to go there also, in the case provided for, for which purpose the Government would have the proper intervention on this point, with the understanding (article 3) that the administrator of the Maritime Custom-Houses should guard on strict deposit whatever should be collected of said difference, to deliver it to the agents who were to receive it, without the power of making any other use of it under their most strict responsibility; and that the collection of the increase would begin to be made (article 4) in the Maritime Custom-Houses of the Port of Central Mexico forty-five days after the publication of the decree in the Capital of the Republic, with regard to goods brought in ships sailing from the ports of the West Indies, Central America, and the United States; and in three months, with respect to those which might arrive from the ports of Europe, and those of the states of South America; and in the Maritime Custom-Houses of the South, six months after such publication for the ships which might arrive from the ports of the West Indies, Central America, United States and Europe; and in three months, for those which might arrive from the States of South America.

Although the Junta believed that the fund designated for the purchase of the 24,000 quintals fixed by the law, was sufficient, knowing that it would be slowly collected according to the importations of the goods bearing the duty, for which reason during the first years it would be able to obtain very little quicksilver; that many years would be required to obtain the entire 24,000 quintals; and that the necessity of providing this ingredient for the miners was as it is now most urgent; on the 10th February, 1843, with the view of providing for it as soon as possible, it proposed the only means presented to it, namely, that it should be authorized to dispose of a sum of money sufficient to enable it to enter into an agreement with the Spanish Government, procuring for itself for that purpose a loan not to exceed two millions of dollars, in or out of the country; persuaded that the terms upon which it would be obtained would be more or less advantageous in proportion to the security offered for the payment of the annual interest and the principal; it recommended that the three per cent. imposed on gold and silver by article 6 of the law of 22d November, 1821, published on the 20th February, 1822, (which in Zacatecas is paid by the miners of the Fresnillo, and in the Capital was appropriated to the establishment of the smelting-house) be given to the Junta, so that, added to the fund created by the law of 2d December, it might give sufficient security to lenders. Consequently, by decree of 17th February, 1843, the Junta was empowered (article 1st) to contract a loan not to exceed two millions of dollars, in the Republic or out of it, on the best terms possible, with the object of procuring the contract for the quicksilver of the Almaden mine (article 2d), subject to the approval of the Supreme Government and the Junta, with power (article 3d) to enter into negotiations with the Spanish Government for the contract for said mine, for the number of quintals provided for by the said law of 2d December, there being appropriated as security for the contract (article 4) the fund created by the same law; and moreover, that the two per cent. of the 3 per cent. upon the value of gold and silver should be discounted as a contribution, according to the provision in article 6 of the law of 20th February, 1822, to be paid back to the funds of the branch of mining as soon as the contract for the quicksilver should be made, as payment to the public treasury out of the proceeds derived from its sale to the mines; the contract (article 5) which the Junta should make with the Government of Her Catholic Majesty to be also subject to the approbation of that of the Republic.

On the 17th April, 1843, there was published in this Capital the decree of the 7th of the same, increasing (article 1) 20 per cent. the duties of importations collected under the tariff of the 30th April of the previous year, while the war should continue against the rebels of Texas and the dissenters of Yucatan; and providing (article 2) that the linens and cotton textures, white, brown, and of mixed colors, referred to in the decree of the 2d December, should only pay the quota imposed upon them by it for the encouragement of the branches of mining and industry, the collection to be made from the data fixed by the subsequent decree of the 24th of the same December. It provided also (article 4) that the amount of the increase of the 20 per cent., and also the difference between the quotas fixed by the tariff upon linens and cotton textures and those provided for by the said decree of 2d December, be paid by bills payable at the expiration of the times designated in the same tariff for the import duties, drawing them in favor of the general treasury, where they would be kept in strict deposit at the disposal of the Supreme Government, with the understanding (article 5) that the Maritime Custom-Houses, for the accomplishment of what had been provided, would increase the total of duties as shown by the returns, 20 per cent., in conformity with the said tariff, placing in a separate column the collection of the difference.

In conformity with the recommendation of the Junta, the decree of the 24th May, 1843, was issued, ordering (article 1) the punctual observance, as regards the quicksilver mines in the Republic, of the royal orders of the 13th January, 1783, 12th November, 1791, 6th December, 1796, and 8th August, 1841, touching the exemption from duties of goods consumed in mining; that no import (article 2), general or municipal, should burden the quicksilver extracted from the mines of the Republic; that it should circulate (article 3) throughout the nation, without permits, passes, or other custom-house documents; that (article 4) a reward of 25,000 dollars be paid to each of the first four "empresarios" who might extract in one year from the mines of the Republic 2,000 quintals of quicksilver; that there be allowed (article 5) during three years for each quintal of quicksilver so extracted the sum of five dollars; and that the operatives of the mines of this class (article 6) be exempt from military service and personal contributions; and that the Junta (article 7) make the corresponding regulation (reglamento) for the distribution of the said rewards, paying them in due time from the fund appropriated to them by article 2d of the decree of 2d December, 1842, and article 4th of that of 17th February, 1843.

In a decree of 5th July of the same year the Junta was empowered (article 1) to work, maintain (aviar) and protect the quicksilver mines in the Republic, providing (article 2) that the sums which it might pay with the said object to the "empresarios," besides being secured to its satisfaction, should bear an annual interest of 5 per cent. for the funds of the branch; that it should not maintain (aviar) any mine whatever (article 3) without obtaining the necessary data to prove as far as possible the goodness of the negotiation; that it should not work (article 4) for account of the funds any mines except such as would offer it known advantages, or at least security for the capital it might invest, and the interest exacted upon funds entrusted to it; that it should receive liquid quicksilver at (article 5) a price agreed upon with those interested, not to exceed the market price, in payment of the respective capitals and interest, distributing it proportionably among the gold and silver mining districts, and according to the provisions of the regulation (reglamento) which for the useful distribution of the fund it should frame and pass to the Government for its approbation; that it should establish in the mining departments (article 6) offices for the purchase of liquid quicksilver, and distribute it according to the provisions of the former article; that it should purchase or have made for account of the funds (article 7) the flasks necessary to put up the quicksilver, distributing it among the same departments so that it might be carried with safety; that the Junta (article 8) might send intelligent persons in search of good deposits (criaderos) of cinnabar, have those already discovered examined, and dictate all the measures experience might recommend, in order that the extraction of quicksilver in the Republic might be efficaciously encouraged; that to enable it (article 9) to fulfill the objects of this law and that cited of the 24th May, it make use of the funds appropriated to it by article 2d of the law of 2d December, and article 4th of the law of 17th February; and that said funds should be immediately at their disposal, to be delivered on its order to the persons charged with their collection.

On the 8th of the same month of July, the Provisional Government gave notice to that of Jalisco, to open in said Department a subscription to procure by *a donation or voluntary loan* the fund necessary for the working of quicksilver mines, forming for that purpose a junta of the owners of them, and that it proceed to make the necessary regulations for it, so that it might organize, charge itself with its treasury, the receipt of *all sums or donations* destined for the encouragement of the enterprise, and the collection of the imports for this object in the Department, and for the purpose also of having the same office pay the *loans when the resources of the negotiation would be sufficient for that purpose, and the lenders designate to it the person or persons with whom they should agree about making the delivery*, and the manner and terms on which they should be reimbursed, with the understanding that His Excellency the President desired to take the lead of those citizens who might wish to subscribe, with a subscription of five thousand dollars, thus presenting an example which might be followed by others for the public good.

A decree issued by the Ministry of Hacienda on the 11th of the same July, and published on 31st December, declared (article 32) that the privileges conceded to mining by laws not repealed still existed, adding that in order to secure the proper exemptions from duties the goods should positively be carried with a permit and voucher; and moreover, that the political authority of the mining district to which they might be sent, should give certificates to the conductor, or consignee, showing that the goods were introduced to the respective mine, without which proof no return permit should be issued without collecting the duties, with the understanding that when the whole or part of the goods were sold on the way, or should not be introduced into the mining districts, the corresponding duties should be exacted, the administrators taking care to collect them promptly.

In a decree of the 14th of said July, the Departmental Junta of Jalisco was authorized (article 1) to demand a loan in that Department, and in case of not obtaining it, to lay an import on the branches it might consider best able to yield the sum of one hundred thousand dollars, within the time it might designate, and which might be most convenient for the purpose; commanding (article 2) that the said one hundred thousand dollars be applied exclusively to the encouragement of the quicksilver mines of said department; that the same Junta (article 3) fifteen days after having received the decree, regulate the loan or import in such manner as to insure the collection and application of said sum; that the Government of Jalisco (article 4) form a junta over which it should preside, composed of the owners of quicksilver mines, regulating it in the most convenient manner, creating and organizing its treasury, so that it might undertake to receive all the sums provided for by the same law, and those which might be collected by donation, and to return the same when the resources of the negotiations which might be encouraged by this means should be sufficient for the purpose; and that the concessions (article 5) granted to the Department of Jalisco be extended to all the others which might work quicksilver mines; it being declared by decree of 24th August that the loan treated of should be voluntary, with this understanding, that its collection and the rest provided for by that of the 14th July be proceeded with.

By a law of the 25th September it was provided, in order to make effectual the benefits which the Government proposed to confer on mining, by the authority given to the Junta of Encouragement by the decree of 5th July, that it should appoint (article 1) a commission at least in each Department of the Republic, to explore and examine the respective deposits of cinnabar; that the examinations which the commissions might make (article 2) should be scientific, they being required moreover to report upon the following points: 1st, whether in the respective department there were or had been any quicksilver mines which were then being worked or had been worked; 2d, what state were they in; 3d, which were most susceptible of being worked; 4th, what works were necessary to put them in order, and the estimated cost thereof; 5th, the ley which the ores examined might have; and 6th, the cost of their extraction and reduction; that the Junta (article 3) in view of all these reports, determine the places to be preferred for habilitation, and the amount with which they should be habilitated; that before six months (article 4) from the 25th of the same September the examinations should be concluded, and before seven the avios of the mines decreed, with power to advance some habilitation to those notoriously entitled thereto; that out of the funds (article 5) appropriated to the working of quicksilver mines and those designated by the same law, those habilitations be made; that to furnish the avios (article 6) the Junta use one of two means: 1st, to furnish the necessary money in the form of a loan at the rate of six per cent. per annum; 2d, to constitute itself a maintainer (aviadora) subject to profits and losses as in ordinary avios; that when it furnished money at interest (article 7) it have positive assurance that the money lent should be returned at the expiration of the term agreed upon; that the capital and interest be secured with guaranties satisfactory to the Establishment; that the money should be necessarily and exclusively invested in the negotiation treated of, for which it might employ an inspector to be paid by the owner of the mine, and that these loans should only be made in favor of the negotiations which the same Establishment might have deemed worthy of being habilitated, according to the examinations required; that if the avio is furnished (article 8), the Establishment constituting itself aviador, the following shall be observed: 1st, that the avio shall be furnished to a mine worthy of being worked, as shown by those examinations; 2d, that the amount to be furnished shall be regulated by the estimates made by the commission which examined the mine; 3d, that at least one-half of the profits be reserved for the aviador; 4th, that the exclusive direction be in charge of the aviador, the owner of the mine having the right of appointing an inspector; 5th, that every four months there be made a liquidation and dividend of the gains, if there be any; 6th, that the Establishment, under its own responsibility, revise the accounts; and 7th, that the gains be applied, 1st, to paying the principal sum invested in the avio, and until final payment of this sum that no dividend whatever be paid to the shareholders; that the Junta (article 9) make a regulation (reglamento) of avios according to the bases of the former articles, subjecting it to the approval of the Government; that the funds (article 10) for the avios decreed be, 1st, the one per cent. of duties imposed (decree of 16th of March, '43, article 2) on coin carried from one Department to another; 2d, the one hundred and thirty thousand dollars adjudged to belong to mining of the fund created by decree of 2d December; that the amount of the one per cent. (article 11) be collected by the Establishment of Mining, for which purpose it might appoint and allocate the commissioners it might deem proper; that the one hundred and thirty thousand dollars should be paid (article 12) by the Maritime Custom-Houses of Vera Cruz and Tampico, the former furnishing eighty thousand dollars per annum and the latter fifty thousand, payable in monthly installments, to be remitted in drafts in favor of the Junta, which would, out of the funds appropriated to the working of quicksilver mines, apply (article 13) the fifteen thousand dollars assigned by the decree of 18th August of the same year for the endowment and annual expenses of the Seminary, it being provided in the 25th article of the decree of the 5th October, which designated the subject of study in the same college, that there be furnished from the quicksilver fund two thousand dollars monthly, instead of the fifteen thousand referred to by the decree of the 18th August, the expenses having increased. Finally, on the 14th October it was declared, at the request of the Junta, that it might take some shares in companies formed by private persons for the avio of quicksilver mines, or work them as proprietor, provided that it should previously obtain the approval of the Government.

In compliance with article 10 of the decree of 2d December, 1842, the Junta remitted of the 16th of November, 1843, the draft of a regulation (reglamento) which it believed suitable for the more economical and faithful administration of the funds entrusted to it, recommending as regards the branch of quicksilver all the measures it thought opportune; but as the Government itself on the 30th December of the same year framed the constitution (planta) of the office of the Junta, knowing that it could not fulfill the important duties with which it was charged without the necessary clerical assistance, the draft was varied, and the same was returned on the 25th July to have the Junta reform it with reference to subsequent dispositions.

To comply with the provisions in the decree of 17th February, 1843, it ordered on the 20th of the same the publication of a notice in some of the periodicals of the capital, with the object of convoking persons who might make proposals for the loan of two millions of dollars, to which it was authorized, with the view of procuring the commodious acquisition of quicksilver from the Almaden mine, observing that the proposals be directed as soon as possible to the Secretary of the Junta; but the publication gave no result, owing no doubt to the little confidence felt by capitalists in the permanence of the provisions themselves, and consequently in the securities.

As by the last news received from Europe by the Junta, it learned that the Bank of San Fernando, in Spain, had made proposals to enter into a contract with the Government of that nation, with a view to have the quicksilver of the Almaden mine adjudged to it, and as the respectability and ever judicious conduct of said body induced it to believe that the contract would rest on bases as just as they would be convenient to both the contracting parties, it being confident, moreover, that the rights and obligations which might arise from such contract being transferred to it, the Junta would be able to conclude an arrangement reciprocally useful, it did not hesitate so to state to the Government on the 22d, manifesting to it the advantages which would result by authorizing it to seek to be substituted for said Bank in the contract, a thing which did not seem impossible in view of the consideration which this country merits from Spain, not only by the natural ties which unite them, and which should draw them nearer to each other from day to day, but by the great results which some special concessions might yield to Spanish commerce, offering to guarantee the fulfillment of the contract with the securities conceded in the decree; but although on the 23d the solicited authority was given to it, later news caused the Junta to change its intentions.

On the same date it directed to the Government of Her Catholic Majesty, through its Minister Plenipotentiary the Most Excellent Sr. D. Pedro Pascual Oliver, the following proposals: 1st, to advance to it one million of hard dollars if it would be pleased to approve them; 2d, to make the advance within one month after receiving in Mexico official notice of the receipt and approval of the proposals by the Spanish Government, delivering the said sum to the order of its minister, the duties and cost of conveyance to its embarkation being for account of the Junta; 3d, that no class of impost should be collected on the quicksilver in Spain; 4th, that all the quicksilver the Spanish Government should extract from its mine in five years, not to be less than fifteen thousand quintals in each, nor to exceed twenty, should belong exclusively to the Junta, which would sell the excess there might be between the first and second quantity named, according to agreement to be made with the Government, at cost and charges at the depot which should be established for the purpose in Cadiz; but if the Spanish Government should not agree to this it would limit itself to the fifteen thousand, provided said Government would bind itself not to sell at lower prices and on more favorable conditions; 5th, that the Junta would pay for the quicksilver at sixty-two hard dollars per quintal, to be delivered in iron flasks containing three arrobas of mineral each; 6th, that the Spanish Government should be bound to deliver in every four months two thousand five hundred quintals in Tampico, one thousand five hundred in Vera Cruz, and one thousand between San Blas and Mazatlan; 7th, that as soon as information should be received of the arrival of any quicksilver in said ports its value would be placed at the disposal of His Excellency the Spanish Minister, the cost of conveyance to those ports and the expenses which might be incurred to its embarcation being for account of the Junta, but deducting the half of such value in part payment of the million advanced; 8th, that fifteen thousand quintals being the quantity to be brought to the Republic, and the mine being able to yield twenty thousand, the excess be placed in Cadiz at the disposal of the Junta, which would pay for it through its commissioner at the same place, according as he might receive it, but deducting half of its value which would be as part payment in like manner.

The Junta believes it to be its duty to indicate some of the grounds it had for making the proposals which have been spoken of, on the hypothesis that it was not true that the contract with the Bank of San Fernando had been made, as asserted in private letters and even in some periodicals, and on the hypothesis that it knew not the bases of all the proposals lately made to the Spanish Government; there was however left to the Junta a safe starting point, namely, that presented by the articles of the agreement of Rothschild of London. Among them were found as fundamental those relative to the advance of two and a half millions of dollars, those relative to the fixing of 62 dollars and 2 reals as the price of each quintal of quicksilver, and the reservation of one-fifth of its value in part payment of the amount of the loan. The Junta knew that the proposal had been improved, but notwithstanding, it opened its relations, offering a million in advance, fixing the price at 62 dollars to be paid, and the installments to be paid at one-half the proceeds of the quicksilver, until that amount should be paid in full. It reduced to five years the duration of the contract, stipulating for a quantity not to be less than seventy five thousand nor more than one hundred thousand quintals in all; because with the former quantity, mining might be supplied, should it continue as it was in the five years which elapsed from the 1st January, 1833, to the 31st December, 1837, for according to the calculation by the Establishment in a report made to the Ministry of Hacienda on the 1st November, 1838, it appeared that the Republic uses every year on an average, probably 14,065 quintals, without including that necessary for pharmacy and other uses of the arts; that excluding the consideration that by encouraging the branch, the consumption would be proportionably greater, avoiding the various disadvantages which might result from the excess of the proceeds of Almaden being purchased by other bodies or persons at a lower price or on more favorable conditions, and because by fixing the latter the quantity of the extraction of ores was limited, thereby preventing an abundance during the contract from injuring the enterprise, offering at the same time to the Cabinet of Madrid a guarantee against the monopoly which it wished to avoid, in the assurance that the excess should be distributed at cost and charges. The Junta also considered that a fund equivalent to the value of 24,000 quintals having been given to it, with it and the proceeds of sale it could meet all its engagements, not having to confine itself, for the same reason, to the acquisition at one time of the 24,000 quintals mentioned, this quantity being excessive for the consumption of one year, and insufficient for that of five, within which time perhaps, the mines of the country being encouraged, might supply all or the greater part of the quicksilver which might be needed, securing in this way a permanent encouragement without the Junta having to make use of any other resources than those which have been given to it.

The endeavors of the Junta produced no result, nor could they, because it did not apply at the proper time, not being represented in Madrid; because it became difficult for it to comply with some of the requisites enacted, in the form of bases of proposals furnished by the Spanish Government; because among the bidders there were some whose means and circumstances placed them in a more advantageous position than that occupied by the Junta; and above all, because some of the bids offered were always superior to those of the Junta; what is certain is, that it was awarded to Sr. Salamanca, there being no other alternative left but to wait for the next adjudication, which is not very remote, and for which Mexico should adopt more suitable measures.

The decree of the 24th May having been issued, the Auditor's office charged with the general direction of excise and direct taxes, in view of the provision of article 1st, as to the exemption of goods for the use of mining, deemed it necessary to direct to the Ministry of Hacienda for its approval, a sketch of the circular which it thought proper to be communicated to its subalterns, containing a specific statement of the articles exempted, to avoid the confused construction which they might give to the laws; and as some of these goods are specified, it might be supposed that by the words "and others" it was intended to extend the exemption to those goods which are used directly in the working of mines, the reduction of ores, or for drainage, the other articles exempted not being specified, it advised that, to obviate doubt, those goods only should be deemed to be exempt which were specified by name in the orders themselves. It proposed, moreover, that national and foreign quicksilver should be transported without passes or permits, even from the frontier and maritime Custom Houses; that the freedom from excise be for the introductions or sales in the district of the Custom Houses, receivers or deputy-receivers' offices, where quicksilver might be extracted; that the exemptions be from excise only; that foreign iron or steel should not be free from duties which they pay at the ports when imported; that although no mention is made in the said dispositions of sand, lime, and "arrastre" frames, they be included in the exemption, other previous orders having granted it; and that the circular it proposed and the royal orders it cited be published.

The Junta saw that on the pretext of the better observance of the decree, the embarrassments which were caused by the practices introduced into the collection of the excise duties after the creation of the administration and the general direction of the said revenue, were again presented; and as those practices had already been carefully examined by the extinguished Tribunal of Mining, on directing to the Viceroy its relative exposition of 13th October, 1778, in which were separately treated the just grounds of opposition to the existence of the same, and their pernicious effects, even on the public treasury for the benefit of which they were established, the Junta thought it sufficient to reproduce the motives of said exposition in another it had the honor of sending to the Supreme Government on the 31st July, 1843, and of which, although it is printed in some newspapers, it annexes a copy numbered 1, in consideration of the importance of the subject to which it relates.

It obtained no answer whatever; and if in the decree of the 11th of the same month, which was not published until the 31st December, the laws which protect Mining are declared in force, its provisions to avoid the abuse which might be made of it by those interested were no doubt the cause that, at least in some cases, the provisions which allow the exemption were ineffectual, for the Junta infers this from various complaints it has received as to this particular.

The Supreme Government on the 10th November of said year, was pleased to approve the measure adopted by the Departamental Junta of Jalisco, to collect the one hundred thousand dollars referred to in the decree of the 14th July, which was to apply to the encouragement of quicksilver mines; the proceeds of the contribution imposed on the bales which might be introduced into the Fair at San Juan, in virtue of its decree of 2d October, 1841, extending to those which might be imported to that of Tepic, and imposing a charge of two reals on each bale of clothing, goods, wares and manufactures of the country, and one real on small packages, to be paid by all that might be introduced into any of the towns of that Department; but the same Government on doing so placed said fund at the disposal of the Junta, so that it might regulate its investment according to the provisions upon that subject, with the understanding that no part of the quicksilver fund should be applied to Jalisco, as it already had a special fund appropriated to it.

The Junta, in consequence, gave all the orders necessary for the regulation of the collection of the said contributions, securing its proceeds; it was receiving them when the Ministry of Hacienda disposed of part of them on the 1st of said December for military purposes.

The Junta, however, could not invest them at once, because the examinations of the mines were still pending, and desiring not only the greatest security of what it had on hand, but also that it should not be unproductive, on the 3d May, 1844, it made a contract with a firm of well known solvency, to receive the whole amount collected in Guadalajara, allowing 6 per cent. interest per annum, while it should remain in their possession, from the time that it should be ascertained in Mexico that the Administrator of revenue who was intrusted with the collection had paid the respective drafts, with the understanding that it should return in the same city the sums received at the end of one month from the date of receiving from the Junta the corresponding notice to that effect; a measure to which is due the conservation of 20,125 dollars, 10½ grains, which there is on hand belonging to the said fund.

On the 15th June of said year the Excellent Assembly of Jalisco issued a decree for the construction of the Jail of Guadalajara, with the funds appropriated formerly for that purpose, that is to say, with those which existed either in money or credits of the contributions collected in the Fairs of Tepic and San Juan, and the sums which might be collected in future for the same cause, and for the imposts on bales, although the latter to continue to be appropriated to the encouragement of quicksilver mines if necessary.

The Junta was compelled, in order to comply with its duties, to call the attention of the Supreme Government to the validity or legality of this decree, because, if it is not mistaken in its opinion, the Department of Jalisco applied the proceeds of the imposts treated of, by virtue of the authority conceded to it by the decree of the 14th July, and this was issued in the exercise of the extraordinary powers of the Provisional Government, but which when once exercised it ceased to possess, much more so when the power from which it emanated had ceased to exist since January 1st of the same year; and as the abolition of any decree, made by the Government legislatively, cannot be within the powers of any Departmental Assembly, it is clear that that of Jalisco has had no power to dispose of said funds, although otherwise the object to which it appropriated them be laudable. The Mining Junta consequently has done all in its power to avoid being deprived of them, but without any result to date.

Many were the labors the Junta had to undergo to have the appointment of the commissioners for the examination of quicksilver mines as suitable as possible, without being able to do so more speedily, because there not being among us many skillful experts, there were obstacles to the appointment of some of those we have, which it could not possibly remove; but finally, several having been chosen, the examination of different deposits was proceeded with, having first given the necessary instruction to the respective commissioners.

That an idea may be formed of the results of the examinations made, the Junta passes to treat of this important point, extracting an account of those relative to each Department, with the understanding that it has had to contract very much the scientific part of the reports of the commissions, because to give them more at large it would need considerably more time than it has been able to devote to the formation of the present note, because it would have to be more extended, and accompanied with some plans, and because the Junta is inclined to have them published entire, not having done so already on another occasion, because the Ministry prohibited it on the 11th April, with the view of printing them according to a plan which it had formed for that purpose.

### GUANAJUATO.

To have this Department explored, D. Ignacio Alcocer was elected on the 7th December, 1843, and on the 2d March, in company with his assistant, D. Benito Herrera, he left that city to commence his labors, remitting on the 17th April the corresponding report.

It results therefrom, that quicksilver is found in the haciendas of the Rodeo and San Nicolas del Chapin, in the Pinalillo mountain, Rincon de Centeno, Gigante and Toro mountains, in the mining district of San Juan de la Chica, at the place called Palos Colorados, in the mining district of Pozos and Atargea that in the first, the quartz appearing colored with cinnabar but without any indication of a deposit, it should not be taken into consideration, neither should that of the hacienda of San Nicolas for the same reason, nor the mine of Taray, which is situate at that place, and presenting the same appearance; that on the Pinalillo mountain a mine has been commenced to be worked, which consists of a hole (pozo) 3½ to 4 varas in depth, and from which there have already been extracted some small quantities of quicksilver, other investigations more superficial having been made without the empresarios being able to obtain therefrom the expenses of even this; that in the mining district of Centeno is found the ancient mine of Soledad, and three openings subsequently made in the same vein (veta), called del Patrocinio, del Nopal, and de Guanajuatito, the first being for the most part destroyed, and the others worked without any rule, and by searchers, who being deficient of resources, have only been able to extract quicksilver in small quantities to procure with its value a scanty subsistence; that there are still preserved at that place two lime and stone ovens which served formerly to smelt as much as 40 arrobas of ore in each; that on the Gigante mountain, the only mines at present protected are those of Dolores and Guadalupe, both situated in one vein (manto), the thickness of which is from 2½ to 3½ varas, and of considerable length, because it is seen for a distance of more than two leagues; that there is another below the first, and it is probable that there will be several found upon examining by means of a vertical shaft of 200 or 250 varas, a work which the commission thinks worthy of being undertaken, because the works have been prosecuted always in a direction almost horizontal, some rich pockets having yielded as high as twenty arrobas, and mingled with pure mercury to so great an extent that on breaking the mass the texture appears covered with quicksilver globules; that in the mountain called del Toro, there are the mine of this name, those of Capulin and Clavellinas, and those of Providencia and Refugio, with other holes made at other points; that the cinnabar is found in quartz, which it colors more or less, their proceeds giving accordingly different leyes, and the mountain being crossed by various veins which intersect each other in all directions; that the depth of the mine of Providencia is from 3 to 4 varas, and from the nature of the rock in which it is situated promises well-founded hopes; that the mine of Capulin was formerly worked with considerable diligence, and, as it is said, with success, which is probable, considering the expenses incurred in the construction of two ovens, which are preserved and may be repaired at very little cost, and in the construction of other works which indicate an abundance of quicksilver of a paying ley, the only tunnel that can be observed proving the same, for the rest are inundated, with the knowledge that the vicinity of the mine, and even on the surface of the earth, are observed very fine veins of cinnabar (en esteatita); that that of Clavellinas is full of water; that that of the Refugio is now beginning to be worked, having a depth of from 8 to 10 varas; that the vein in which the mine of San Juan is situated has the thickness of from two to seven varas, and contains cinnabar in rich threads, of which the thickness is very variable, the widest being commonly half an inch thick; that the ancient works are for the most part destroyed, those only remaining free which are nearest the surface in which the present searchers work; that in the Frayle mountain, cinnabar is found, but in such small quantities that it is not worthy of consideration; the same being the case at Palos Colorados: that in the mine of Guadalupe, in the mining district of Atargea, there are found disseminated nuggets of compact cinnabar, as large as eight inches in diameter, its scarcity not allowing it to pay for working at present, a reason why a vertical tunnel should be made, to examine the different strata of the mountains, and see if those nuggets abound in any one, or if a vein or layer, with a similar kind of products, can be discovered, in which case it would furnish as much quicksilver as the Republic would need. That in the mining district of San Pedro de los Pozos are the mines of Animas, Soledad, and San Rafael, in which cinnabar is found in veins, the width of which are, in the first, from one-third to one-half a vara, and from one to two inches in the second, none being observable in the third, because it is totally ruined; that the assays gave as the result the following leyes: the nuggets of Atarjea without limy mixture (caliza) 27.20 per cent.; those which contain it in small quantities 22.40; the most inferior ores 20.60; the very good ores of the mine of Dolores at the Gigante 4.80; the ordinary ores selected at the mine 3.79; those of Providencia 4.13; the clean ores of the Rincon de Centeno 4; the same in the Pinalillo 2.80; the good earth of the mine of el Toro 2.53; the clean fruits of it 1.13; the common ones of the Refugio 2.40; the choice ores of the Soledad 2.20; the clean ones of the veins of the mine of San Juan 8.20; the ores extracted on the surface of the earth in the vicinity of the Capulin 1.53; and the common ores of that of Animas 1.30: that with regard to the costs of extraction and reduction, as the former vary according to the yield which can be obtained from the entire load extracted with one set of tools (una herramienta), the quantity not being known, because it is subject to the same charges as the tunnels, the commission judged that any calculation it might make on the actual state of the mines would be erroneous, it therefore refrained from doing so, as it could not be made with some exactness, except when the works should be regulated, from the probability that at greater depths the veins suffer less variations, preferring for the same reason to calculate the ley which the proceeds must have in order to pay for working, thus starting from fixed dates, which may furnish a basis for the future; that if in this understanding it be taken for granted that of all the quantity of earth produced by one set of tools (una herramienta) only one-fourth be ore, the ley which this should have in order to pay for working, considering the indispensable expenses, is of ninety-one per cent., allowing to the quintal of quicksilver a price of 125 dollars; that the mines of cinnabar, which in their opinion should be examined, as offering well-founded hopes of a good result, are those of Atarjea, those of Toro, and principally those of Providencia and Capulin, that of San Juan de la Chica, those of the Gigante, and those of the mining district of Centeno; but it should not be expected that any of them will immediately yield enough to pay for working them, because all of them have very little depth, it being necessary to acquire it to resolve to incur the necessary expenses, in order to ascertain whether, if at greater depth, the deposits of cinnabar which are in the country become greater or terminate, which at present is ignored; bearing in mind that if the silver mines had been abandoned because they did not pay at a short depth, the Republic would have been deprived of the enormous wealth which they have produced; and that the Junta might appropriate as an avio ten thousand dollars to each of said mines, but excepting that of Dolores in the Gigante, and that of Guadalupe in the mining district of Atarjea, because needing a vertical shaft, the sum allowed to the others not being sufficient for these, it would be proper to enlarge it to twenty-five thousand dollars.

The Junta on the 10th May, with the concurrence of the Ministry of the branch, agreed to commission the Mining Tribunal of Guanajuato to work the mines of Guadalupe in Atarjea, and that of Clavellinas, appropriating twenty-five thousand dollars for the former and ten thousand dollars for the latter, empowering it to acquire the title or contract for the avio, but not allowing it to purchase less than half the barras, and with the understanding that the quicksilver should not be divided in specie, but be sold for account of the negotiation, the contract to be subject to the ratification of the Junta, the Tribunal being entitled to appoint the clerks; it being understood that for the same object, and to maintain (aviar) the mines of the Durazno, which shall be spoken of hereafter, there remained fifty thousand dollars on deposit in that Mint.

With date 17th of the same the Tribunal replied, accepting the trust, and giving notice that the mine of Clavellinas only was disposable; because, although it had formerly denounced it, for want of funds it ceded it to the Junta, willingly agreeing to be interested to whatever extent might be desired; which was afterwards reduced to four barras viudas.

On the 11th June the Junta entered into an agreement with D. Manuel Mariano de Cortazar, owner of the mine of Guadalupe in Atarjea, who ceded the said negotiation with all that appertained to it, that the Junta might work, maintain (aviara) or encourage it as it might think best, reserving for himself twelve barras vuidas with the right of receiving in specie the part of the profits that may belong to him, and that of assisting the mine at his own expense, but without interfering in the direction or administration of it; it being agreed, moreover, that the Junta may sell the quicksilver which the negotiation may produce, at fifteen dollars less than the current market price, to cover the expenses of avio and the weekly accounts, after the sums invested in the enterprise have been returned to the funds, leaving the mine, if abandoned, bound to return the amount of the avio, with half the net proceeds which may exist after the last restoration, and the Mining Tribunal being empowered to complete the respective contract, making the explanations that it might think proper; which was done by written instrument executed on the 24th of said month.

On the 23d August the Tribunal gave notice that in Atarjea there had been found two more deposits, one being as good as those which were being worked; and on the 10th October that it had commenced the works at the place called Herramienta at the Capulin, by having produced at an expense of three hundred and fifty dollars about four quintals of quicksilver; that in the mine of the Toro there was a hole, for which the owners required some amount; this having to be bought, because the abundance of its ores would compensate for the scarcity of their ley, giving some profit; that the mine of Palos Colorados should be explored, because of its being in a vein only one side of which has been discovered, doing the same with that of Pená Sentada, which is in a similar condition. The Junta made the necessary dispositions to contract for the mines, the working of which the Tribunal recommended.

Various works have been undertaken therein, but according to the latest information, which reaches to the 17th January of this year, in the Mine of Clavellinas the vein disappeared at 104 yards down the pit; but as it had only lost itself the vertical tunnel (cuele) only is being continued, which is to be of one hundred varas, and which is now six and a half, to reach a good bottom or abandon it; in those of the Toro there are being collected some ordinary ores, but with the well founded hope that they will increase as soon as the mines are clear; and, moreover, in the Capulin some ores were obtained, when the vein disappeared, both works of investigation being therefore continued; and in that of Atarjea there are six tunnels, four of which are yielding ores, though as yet not abundantly, with a considerable "ley," for the good ones reach to 53 per cent. and the common to 2½; there having been invested in the whole negotiation up to that date, 18,801 dollars, three reals and nine grains, of which there exists in ores and goods 9,487 dollars, two reals, there having been used only 9,314 dollars, one real, nine grains for unproductive expenses incurred, for the establishment of the enterprise, for the exploration of the mines, and for a small oven which had not been used, it being to be observed that, in the calculation of the stock on hand, six quintals of liquid quicksilver extracted up to that date are not included.

## MEXICO.

There were two commissions formed, one for the ports south, and another for the ports north of this city.

The former, composed on the 22d January, 1844, of Sr. D. Rafael Duran and D. Agustin Font, began its labors on the 7th February, and in a report of the 22d, stated, that having examined a tunnel in each of the mines of Negrilla and Santa Gertrudis, at the hacienda of Pregones, in the mining district of Tasco, not doing so with the rest because they were inundated and full of rubbish, they found them little worthy of attracting the attention of the Junta, the "leyes" of the ores being so poor, notwithstanding that the exterior elements are of such a nature, that they might favor the working of them, concluding with the opinion that it ought not to be undertaken, unless in the unexpected case of not finding better mines in the same department.

On remitting its report of the 23d March, upon the results of the examinations it made of the mines of San Rafael, on the Chapitzaco mountain, district of Chilapa, it expresses its desires that the Junta be persuaded that that negotiation promises to supply with quicksilver in a short time all the haciendas for reduction (beneficio) there are in the Department of Mexico, because of its yield being abundant and its vein regular, but although it is still poor, that is owing perhaps to the fact that in our country the riches of our mines consists usually, not so much in the goodness of the "leyes" of the ores, as in the large quantities extracted. It says, moreover, that the negotiation consists of two veins, in which are found four openings almost together, one of those veins being one third of a yard, and the other one yard wide at the place where they were examined; that the second, although it has lost itself, contains vermillion very much disseminated, and has been known since 1677 by the name of "Concepcion," and was abandoned after there had been extracted from it 4,000 quintals of ore; that its exterior elements are good, and even a small oven has been preserved in good condition; *that by merely habilitating the works, ten loads of ore per day can be taken out with six gangs of laborers, the cost not being more than two reals and forty cents per quintal, all being capable of being occupied with twenty laborers at least*, whereby perhaps the quantity extracted would proportionally increase, so as not to fall short of *five hundred quintals daily*, if it be considered that the proceeds become of better "ley" as the shafts deepen; for even supposing, which should not be expected, *that the "leyes" continue the same, there would be extracted one hundred and twenty-five pounds of quicksilver per day, and as many more per night, a considerable amount, if it be considered that the mine has been tried* (cata), *and its depth does not exceed twenty-five varas*; that the ores which must have been extracted, as shown by the extent of the excavation, not being found in the earth, this could only have happened by their having been reduced with profit by the workers of the mine, or by their having been afterwards reduced by the searchers, the commission inclining, for various reasons, to belive the latter, and that on considering the plan of a minute examination, it had to presuppose the expenses of timber, ladders, and some drainage and clearing which would amount to one thousand dollars, and needing moreover some time to accomplish it, it confined itself to examining the accessible shafts (labores) and having assayed the proceeds of them, it found the average "ley" to be one-quarter per cent., *it being to be observed that, as the rich ore is the most abundant, the results on a large scale will be better.*

On the 30th of the same it gave notice, that it had not passed to examine the mines of the Joya de Ahuaguacingo, because the parties interested, in their opinion, besides having exaggerated the goodness of the mine, were ignorant of its exact situation; but that having assayed some ores presented to it, the "ley" did not exceed one-quarter per cent.; that as the mining district of Mochitlan, near that of Chilpancingo, indicates in its veins the same formation as those of Ahuaguacingo and Chapitzaco, it is to be presumed that in time there will be found some of cinnabar, for the few civilized persons who may have knowledge of them, no doubt fear to present them, lest they should offend the Indians, *who still entertain towards Mexicans the same antipathy and suspicion which they felt towards their conquerors.*

On the 13th April, it returned from the Cajones mountains, district of Chilpancingo, where it had gone to examine a deposit of native mercury which existed there, as various persons of veracity asserted, without having obtained any result whatever from their investigations.

On the 27th, it reported that the mine of Huamuchil, in Ajuchitlan, has been worked without success, perhaps because the speculators had not the requisite knowledge for the reduction of cinnabar; that it is completely destitute of supports (despilarada), and that in two assays that were made, one gave fifteen half drachms to the quintal, and the other three-quarters per cent.; that the veins serve as guides to the miner to find deposits, more or less considerable in the quantity and richness of the ores; that perhaps on account of the bad state of the tunnel (labrados) an opening was designed to be made on the eastern slope of the hill, under the principal mouth, at a distance of two hundred varas in an oblique line, and one hundred and sixty-two in a vertical line, and which is excavated to the extent of twelve varas; that this work in the opinion of the commission is important, and will cost nearly 1700 dollars; that the extraction of ores in the present state of the mine is probably six arrobas per day in each tunnel, and its cost one dollar per quintal; that although the habilitation to work the ancient tunnels, continue those in which the veins have lost themselves (emborrascados), and the two which are producing, would require an expense of nearly six hundred dollars, the commission thinks it useless at present, considering that the habilitation must be determined when the pit is finished, according to the appearance of the vein: that it refrained from detailing the cost of the necessary ovens, because the present state of the negotiation suggesting such a doubtful result, too much risk would be taken by making the expenses at once, and that for the same reason the mine does not merit the "avio" until the vein is examined at greater depths.

On the 14th May the Commissioners gave notice of having examined the ledge (creston), called La Candelaria, in the same territory. From the report, it appears that it is situated on the slope of the Huamuchil mountain, about 400 varas below the level of the old mine; that an assay having been made of choice ores, it produced a ley of half per cent.; that if it is not the same vein at least it is the same formation; that as it promises by its abundance great hopes, being capable of being put in working order from the beginning at small cost, it should be habilitated; and that by expending 11,643 dollars 4 reals, which might be invested in the construction of a quicksilver-distilling furnace, and 364 dollars per month, supposing the quicksilver to be worth two dollars per lb., the lowest price at which it will be sold in those mining districts, there would be a monthly profit of 155 dollars, even if the proceeds of the mine did not improve.

Under date of 15th May, they communicated to the Junta, that those of Tecusco in Tlalchapa had been examined; that the hill of that name has various openings on its northern slope, and in an extension of 150 varas; that the vein is about one-third ore, composed of vermillion and other substances, with a vertical depth of not over 8¾ varas, and a horizontal tunnel (cuele) of 20¼; that the extraction of ores may now reach six loads daily; that there has been commenced a tunnel to meet the vein, the excavation of which reaches 12 varas, there being wanting about 13 to complete it according to the calculation, which may cost 224 dollars; that the commission considers this work of great importance, because it will drain the principal mines, avoiding in some the cost of timber and other expenses; that the ores of one of the mines being assayed it produced a ley of 14 ounces per quintal; that the works (labores) being habilitated and cleaned, there could be extracted from 10 to 12 loads of ore per day, which would increase when the shaft shall have been concluded; that after allowing for the costs of extraction, there should remain a profit of 474 dollars in one month, forty days being required for the smelting, and about 11,707 dollars 4 reals being required to be spent in the construction of a furnace; and that to enable the Junta to form an idea of the advantages the avio of one of the mines might bring, and principally the establishment of a furnace, at least in those places. It is stated that from the mine of Huamuchil in Tlalchapa, to the ledge (creston) of the Candelaria, there are various openings more or less excavated, the ores of which diversely colored with cinnabar, show that all the ground included in that distance, which is not less than ten leagues, contains quicksilver in its bosom, which is also geologically indicated by the rocks composing the hills, believing that above all, by the means indicated, the knowledge requisite for the smelting of quicksilver would be popularized, and the want of which constitutes the greatest obstacle that has opposed speculations, which would have multiplied enterprises, whereby there would perhaps have a richness which the mines examined do not yet show; that upon commencing work in any of them, its director should be authorized to purchase ores, after making an assay and taking the proper precautions, because in this manner a new trade would be opened which would cover those mountains with searchers, to explore all ledges (crestones) they contain, furnishing the furnace with material sufficient for its distillations, and causing to be made more important discoveries, and easy to be investigated by the multitude and impossible to an aviador, no matter how powerful he might be deemed; and that in this way there would be put in motion many mines of silver, which in Tepantitlan, Coronilla, and other points are not worked, owing to the scarcity and high price of quicksilver, which had been sold in those days as high as 250 dollars the quintal.

The commission suspended its labors on the 23d May, in view of the difficulties of continuing them, arising from rainy weather, the examination of some of the mines remaining pending.

The Lieutenant Colonel of Artillery, José Manuel Gonzales, having been appointed on the 15th January, 1844, to examine those of the Department of Mexico, to the north of the Capital, and those of Michoacan and Queretaro, he departed to comply with his charge on the 26th of the same, beginning his labors in those of the latter place, but he suspended them for various reasons, so that the part of the Department of Mexico referred to has not yet been examined.

## MORELIA.

The Commission on the 8th March reported that the mine of the Canario, situate on the rancho of Zapote, jurisdiction of Tusantla, produced ores which indicated a rich deposit of copper rather than of cinnabar, for it appears only in very few places, and that vein being $\frac{3}{4}$ wide, and being moreover hard, and operatives wanting for the work, such difficulties would render the extraction of its ores expensive, unless the appearance of the vein should vary at a depth of 12 or 15 varas.

As appears from the report of the Commission on the 25th of the same, a deposit of cinnabar, situate in the mountains of Tepustepec, to the northeast of Maravatio in the cañada named of the Indian, was carefully examined; and although at the depth of three varas it does not present any formal vein, there are so many small veins from 4 to 8 fingers and upwards in width, in different directions, and inclinations to the horizon that, appearing more like a pocket (rebosadero), it required a diligent exploration, considering the abundance of its ores and its appearance, this not being the only point at which cinnabar shows itself, for it appears in several places in the samecañada, within an extent of two leagues which was examined.

But as the Commission stated that, although the ores were of short ley, the deposit was absolutely virgin, the Junta in view of these and other considerations, as that the veins were so abundant and soft, that any laborer with the assistance of a crowbar could extract as much as 20 loads in a day, resolved on the 28th of said month that there be executed divers and ample works of exploration at the best parts of the deposit.

Pre-supposing its cost to be 1085 dollars, 6 reals, some works were began, but the ores not showing any better ley than that of 4½ ounces per quintal, and there having been expended up to the 16th July, 570 dollars, 4 reals, on the 17th August it ordered the suspension of the works, and that the Commission present its scientific report and the corresponding account of expenses, which up to the present has not been done, notwithstanding that the Commissioner has been repeatedly requested to do so.

Some months before, the rancho of Santa Barbara in the jurisdiction of Jiquilpan had been examined, without obtaining any result, as appears from what was stated by the commission on the 29th March; the examination of the Cañada de Garcia, Astillero hills, and Joconostle in the Maravatio hills, being also useless.

### ZACATECAS.

Señores Dr. D. Ernesto Berger and D. Antonio Blanco being appointed to act as the examining commission of the same department, on the 29th of January, 1844, they began their labors on the 1st February at the mines of Tequesquite, concluding them all on the 11th March.

According to the respective report, an extensive valley, bounded on the north by the hills of the Ventanillas, on the west by the San Pedro mountain, on the south by the Gatos mountains and others which have no name towards the plain of Las Mangas, and on the east reaching to the river Melilla, is that which contains in its bosom the veins of quicksilver of said mining district, the "ley" of the ores which some of the pits produced, although they will probably improve at a greater depth, according to assays made with the choicest of the earth, is as high as 8 per cent.; but generally of 1$\frac{2}{3}$ to 3 per cent. of quicksilver. For two years the Bolaños Company has worked them, during which time they advanced 160 varas along the vein, and made a vertical shaft of 64 varas, and as the deepest pit according to the traditional accounts only reaches to 60, the body of the shaft is forty varas deeper than the deepest cavity. There are five other shafts which are situate at a short distance from each other, which could not be examined to a greater depth than ten varas, they being inundated. Judging by the visible works of those which are not so, it may be believed that they were all projected and executed with as much premeditation as judgment, suggesting the inference that the company abandoned them in the year 1841, seeing the poorness of their ores, and that the earth becomes harder as the depth increases. The commission, to form an exact estimate of the costs the new encouragement and working of these mines would require, considered it necessary to examine them after they should have been drained, because it considered it probable that below the water the excavations are in a ruinous condition, it being consequently indispensable to completely timber the pit and provide it with windlasses. As there are no suitable factories, or buildings, which might be used by the negotiation, because the repairs of those there are would cost as much as if built anew, it calculated that at least 40,000 dollars would have to be invested in repairs, the acquisition of utensils (utiles) and the construction of two furnaces, each of which would produce, with ores averaging a "ley" of 2 per cent. of quicksilver, 800 quintals a year, supposing that at a greater depth they should continue in the same state, so as to count upon an extraction of 26,000 loads in the same time. The Commission finally observed that great profits could not be expected, and that only in case that at greater depths the ores become regular, a company with a capital of not less than 70,000 dollars might be sure of always obtaining a fair profit; but as the working of the mines would be very beneficial to the nation, even supposing it should only make expenses, it affirms *that money employed in them would not be lost.*

The mine of the Carro, situate on the San Miguel mountain, on property of the hacienda of the same name, in the opinion of the Commission is the same which, as it is said, produced in former times so much cinnabar, that the jealousy of some Spanish employés was excited in favor of the monopoly of the mother country, and in consequence it was covered up, as Gamboa stated in his Commentaries, although the work had ceased when the prohibition arrived, for having advanced 20 varas and being six in depth along the vein it narrowed down to a few inches, without containing any cinnabar whatever.

In a few years after a company was formed to examine it at a greater depth, commencing a pit to intercept it at 80 varas. It could only be accomplished at 85, but it was only five inches wide, and without any vestige of ore, for which reason was abandoned a work which the enterprising genius of D. Rafael Carrera caused to be continued to the length of 211 varas, without obtaining the results he expected, and the production being reduced to the loose ore which some poor persons gathered, and to the proceeds of various insignificant little veins; but three years ago one of the redemptioners (rescatadores) found, at about 600 varas to the east of the old mine, and almost on the surface, a considerable deposit of cinnabar, which the same D. Rafael bought and worked, following the inclination of the strata to the depth of 18 varas, at which the ore disappeared, having extracted six thousand loads, which contained on an average 1¾ per cent. of quicksilver, and five thousand of which being reduced, produced 16 thousand pounds. The "empresarios" with extraordinary activity and constancy, opened another pit of 230 varas, failing utterly, and without obtaining anything but the conviction that the strata which are very rich on the surface lose their ore in the interior. He still intends to continue the pit works which can give him no good result, and he should rather continue his labors upon the strata which formerly yielded a profit; an opinion which has been since confirmed by experience, as much as 200 loads of mineral earth having been found in some of them, which has been extracted from a pit of 4 varas, and which has a "ley" of 3 per cent., bearing in mind that the cinnabar is found on the surface, and that the only stratum which contains it in great quantities is insignificant, the formation in which it is found not being extensive, the Commission thinks that at best there may be expected a yield of some hundreds of quintals of quicksilver in the year, but that it never will be permanent.

The mining district of Pinos, situated southeast of the city of the same name, is composed of four deposits of quicksilver, named el Refugio, San José, Cayassu and San Pedro. A few years ago, in the first of them, a deposit (ojo) of native mercury was found, but it was not of importance, for when it was worked out they could not find in the vein quicksilver ores, which causes the belief that its presence may have been owing to casualty. The second, which is constituted of a simple pit of four varas in depth, is abandoned, although it presents some vestiges of cinnabar. The third contains it, but in quantities so insignificant that the works have been made to cease, although it contains some ores of one-half per cent. of quicksilver, and with the knowledge that to make a deep search a pit has been sunk of more than sixty varas, without having obtained a satisfactory result; and in the fourth there are small threads of one inch in thickness, which have begun to be worked, six or seven loads being taken out weekly, with a ley of two and a half per cent. The Commission is of opinion that the deposits in question can scarcely produce from fifteen to twenty loads of ore per week, the ley of which on an average of one and three-fourths per cent. will yield three or four arrobas of quicksilver; it being always necessary to sustain a multitude of exploring works, with the risk of the expenses sometimes surpassing the proceeds.

The Commission gives no importance to the quicksilver mines of San Cosme and Bañon, the first situate about fifteen and the second about ten leagues east of the Fresnillo, because it considers that the vividness of the color of some ferruginous substances has occasioned that; supposing it to be cinnabar, some speculators have opened various pits at three leagues southeast of San Cosme, there being not even an indication of the existence of cinnabar, except at about a quarter of a league east of the town, where there is a quartz vein, with a sprinkling of cinnabar; the mines of the hacienda of Bañon being still less worthy of attention, because, although they have produced some arrobas of quicksilver, they are far from being equal to the former, for which reason they are abandoned; as well as other deposits in said mining district, all of which are of little consideration.

## JALISCO.

Under date of 28th March, the Junta charged the Commission of Zacatecas to examine the cinnabar mines of said Department, and by a report of the 12th September, it gives an account of the result of its labors, during the period which elapsed from the 25th of April to the 30th July.

The Rancho de los Huages is situate three leagues to the west of the hacienda of Santa Rosa, and six to the south of the mining district of the Mesquital del Oro; cinnabar ores are found there, of which the best ley is three and a half per cent. of quicksilver, the veins being so narrow and mutable, that large works never can be formed in them. These mines were formerly worked, but without the proper skill, and afterwards a Guadalajara company worked them; but Dr. D. Ernesto Berger has predicted to the speculators a bad result, because in his opinion the mines are very poor, and the ores of a fair ley are so scarce, that he calculated there would not be ten arrobas taken out weekly, even if a great many laborers should be kept at work at different points on the hill, the capital invested in them remaining, therefore, lost forever; while D. Antonio Blanco, considering the short time the commission stayed in that mining district, was of opinion that, before deciding upon its importance, it would be proper to search the interior and examine upon the northern side the point of intersection of two ridges or crests which existed there.

In the Capula mountains, between Chiquilistlan and Tapalpa, is situate the Martinez mining district, which produces cinnabar in an extent of about two leagues, and from which, each year, is extracted a small amount of quicksilver. There have been and are being made, in the opinion of the Commission, many unprofitable excavations upon ground about two-thirds of a league square. Its principal mines are the New Almaden, the Mercurio, Refugio, Saucillo, Manto, and Socorro.

Under the mistaken belief that these veins were regular, the ore of which produced from nine to fourteen pounds of quicksilver per load, a Guadalajara company bought and worked the mines, with a capital of twenty-eight thousand dollars, divided into forty-eight shares of six hundred each; but before assuring itself of the existence of the metallic products, it caused an enormous furnace to be constructed, at a cost of twenty-three thousand dollars, exhausting thereby nearly all the disposable capital, and confining itself to working with the rest the mines of Almaden and Mercurio, which becoming very soon unproductive proved not to be regular vetas. The Director of the company then acquired the Manto mine, in which had been found near the surface a pocket of cinnabar, the ores of which, as it is said, gave twenty pounds of quicksilver per load; but as the furnace had been constructed to smelt those of Almaden and Mercurio, these being abandoned, it remains badly situated, because the expenses are increased by the conveyance of the ores to a distance of one league over a bad road.

At different points there is very poor ore, and in some places only there have been found occasionally pockets, rather large and of good ley, which irregular distribution makes it unprofitable to undertake works to discover them. One was worked out in the Manto mine, which was about six varas in length and about three in width, giving a considerable quantity of ore, with an average ley of four per cent.; another being still larger than the first, and its ores it is asserted gave twenty per cent. of quicksilver, whereas those of the eastern one only produced three per cent. Said pockets being worked out, a small vein of cinnabar in the Del Manto mine was continued to be worked, which led at a very short distance to the discovery of other pockets, in which the ley appeared reduced to two per cent., although the yield of ore was considerable, there having been afterwards found a series of pockets, the same small vein continuing as far as the works have reached, which probably indicates the course to other pockets of ore.

As early as the 5th April, 1843, the mines of Almaden and Mercurio were abandoned, on account of having lost, as it is said, all signs of quicksilver. It is that of the Manto which has furnished the ores that have since supplied the furnace, the quantity of these being, from April to August, inclusive, 2,736 loads, with an average ley of 7 pounds of quicksilver to each one, the proceeds of which therefore would be 19,152 pounds. Of that amount there was lost in the respective operations 14,047, which is equivalent to 73 per cent., it not being strange that in such a method of reduction the company should spend to the 8th September of the same year 34,113,44, or 5,313,43 more than its original capital. The disbursements consequently rose to 710 dollars 69 cents per share, and it occasioned such discouragement among many of the shareholders that the company would have been extinguished, had not two commercial houses allowed themselves to be persuaded to give to each of the existing shares a value of 800 dollars, binding themselves to expend a sum equal to the original capital for the acquisition of half the property and rights of the company, there being invested of the new capital up to May, 1844, $4,447,67; but just as it was re-organized, the pockets of the Manto were exhausted. The Commission has proposed to the empresarios new works of probable and good results, confident that the proceeds would pay for the working, would yield to the company a fair interest, and to the country a quantity of quicksilver from its own soil; that there would be obtained moreover exact data to calculate how far the speculations should be extended in the mining district of Capula; but for this it thinks it necessary that the method of reduction should be varied, and the furnace abandoned, because the great losses of quicksilver which have been experienced, are owing solely to its bad construction, the mode of reduction by retorts with recipients like those in the Palatinate, Bohenúa and Transylvania, should be adopted.

The Commission has not calculated the quantity of quicksilver these deposits may yield each year, nor its cost, because this requires other data which time alone will supply, but it wishes, and with reason, that it be borne in mind that, to the present, bad as has been the work of the furnace, the reduction of ores with a ley of 1 per cent. of quicksilver has paid its expenses.

The mines of the Saucillo and Socorro, the ores of which are poorer, are being worked superficially by operatives who do not timber the pits, have not to invest any sums whatever in payment of laborers, but who make the reduction in earthen pots, losing thereby the metallic vapors to such an extent that of ores of a ley of 2 per cent. they obtain $\frac{3}{4}$, so that nearly $\frac{2}{3}$ are lost. The quantity of ores gathered from these mines is unknown, because the owners do not weigh it, and they confine themselves to selling quicksilver by the pound, at 10 or 12 reales per pound; the Commission, which took for a data the time which it stayed in the mines, calculates on 3 arrobas being the weekly proceeds obtained by such poor empresarios.

Very flattering hopes were entertained, in the previous year, of gathering considerable quantities of quicksilver in the place situate to the east of the City of Aguas Calientes, near the hacienda del Puesto, district of Lagos, Mariquita mountains, owing to there having been found in it very rich ores; but Dr. Berger, who examined the deposit, in a report of the 31st October, 1844, does not consider it capable of giving important proceeds.

He says that the speculators suffer frequent deceptions, as it has happened to them, for example, in the mine of the twelve Apostles, that after going a depth of nine varas through worthless earth, have enthusiastically continued the work because the earth began to color, a circumstance due to the rock being at that depth impregnated with iron, but which was thought a sure indication of the existence of the ore; this being the history of nearly all the mines that have been opened, and they are more than forty in the space of one square league, for in the greater part of them not even a vestige of quicksilver has been found; in some, very little; in three, small pockets of good ore, only one of which has produced it in quantity sufficient to merit any consideration.

The mine in question is called San Romualdo, is the most ancient, and belongs to a company of private persons. It was worked in the previous year, and at the end of October, when the Commission made its report, it was 40 varas in depth. The ores were found at the distance of 10 to 12, the same as in the mine of Providencia, so that it is to be expected it will happen, as it did with that of Bufa, that immediately below the surface it will disclose excellent pockets of cinnabar, and of those called San Francisco, the Esperanza, San Lorenzo, Los Tierros, and San José, which present a similar aspect to that of those deposits, the rest not indicating any importance whatever in this respect. There is no vein or stratum observed in them, except that the cinnabar appears in the rock, penetrating it at different points, but in such a manner that in some places it is found almost pure, forming pockets from the 1-16th part of an inch to a foot in diameter; they rival in beauty and richness the best in the world, but in such small quantities that in the nine months the mine which was most worked produced from 700 to 800 quintals of metal only, with an average ley of 12 per cent. of quicksilver, notwithstanding that some pieces contain from 50 to 70. The production, which probably amounts to 30 loads per month, is small, not because of the smallness of the mine, as happens in the new ones which are opened upon regular veins or strata, but because there being no ores in the depths, and the pockets being irregularly distributed on the surface, and being commonly scarce and small, permanent proceeds should not be relied upon; for which considerations the Commission is of opinion that, of those mines, only that of San Romualdo promises a temporary existence, and never one of long duration.

## SAN LUIS POTOSI.

Under date of 2d February of the same year, the Junta resolved that said Department be examined by the Commission of Zacatecas, and the latter therefore did so, the result being reported separately by Dr. D. Ernesto Berger on the 12th, and D. Antonio Blanco on the 30th September.

The Commission think with Baron Humboldt, that the mine of the Durazno has great celebrity, not for its riches, which are less than that of the vein of San Juan de la China, but only because it can be worked in an open cut, and it has produced a great deal of ore, such being the production at the end of the last century, that there were extracted in a few months from 70,000 loads nearly 700 quintals of quicksilver, but as the ore only had a ley of ⅛ per cent. the expenses were not covered, and it had to be abandoned; but it is to be noticed that, at that time, the quintal sold at 41 dollars; that the proceeds did not amount to more than $28,700; that the value of 3½ reals which this gave to the load of ore did not cover the expenses of the mine, which was liable to fall in, of drainage, and the high price of fuel; and that when subsequently the price of quicksiver rose to 150 dollars, first on account of the Peninsula war, then the Revolution of Independence, and afterwards on account of the monopoly of the same article held by an English firm in Europe, the Durazno again attracted the attention of speculators.

In the beginning, the poor people of the vicinity, perforating the ground, extracted the ore and reduced it in pots. Therefore, there is no exact account of the production, nor has the mine the proper solidity, on account of the falling of the timbers, and the disorderly manner in which the pits were worked, its ruinous condition causing the sacrifice of several lives, and some capital; but a company formed in the Capital of the Department in the last few years, sunk a shaft, drained the mine, and constructed two furnaces for reducing, but with such bad result, that it finally had to abandon the negotiation, losing about 30,000 dollars.

It left a shaft commenced, which was continued to a depth of forty varas, in search of another vein, but without accomplishing the object. This work, in the opinion of the Commissioner is as useless as the idea of continuing it is extravagant, for he is induced to think so by various geological (geonosticas) considerations; because in his opinion, the vein is worked out in all its known extent, because there is no reasonable hope of enlarging it, and because that of finding another is chimerical, according to his scientific knowledge.

He says moreover, that the presence of cinnabar is not limited to the vein, for to the south of the Durazno there is an infinity of very wide quartz veins which contain it, there being among others one which is situate at the end of the plain, which has been worked at four different points; because the little importance attached to the pit has caused the sides of the vein to be left unexplored, and therefore the inclination unknown; producing quicksilver in such small quantities that it does not allow it to be worked.

The mine of the Pedernal has merited from the Commissioner the greatest consideration. Its quartz vein of about 16 varas wide, and which is worked by the same company that abandoned the mine of the Manto, contains the mines of Blanca, San Roberto and the Grande. Cinnabar is found in little veins (cintitas) from the 1-16th of an inch to 3 inches in width, these to the number of six or more frequently uniting, and again separating or becoming entirely extinct; but as there is no regularity in the course, inclination, appearance and termination of these little veins of earth impregnated with cinnabar, their course is followed in any direction however irregular, without any advantageous results being obtained therefrom.

Besides these mines, which produce very little ore, the company works a pit called of San Andres, commenced at 160 varas from the mouth of the Mina Grande; useless work in the opinion of Dr. Berger, because it is not suitable for examining the vein, nor for draining, the mine being dry. The work in all of them is done with crowbars, rarely with wedges and picks, and as powder is not used, some profit is made from the weekly extraction of 35 loads, of 7 to 8 pounds of quicksilver each, on an average. From the middle of November, 1840, the ores of the Pedernal only have been smelted, which yielded to July, 1844, 8,274 pounds 15 ounces of quicksilver, the quantity which produced it not being determinable, because it is not weighed. Still, an approximate calculation induces the belief that 2,415 loads and 8 arrobas would be required, it resulting from the division of the time into several periods, that the production increased in the second four times more than in the first, and in the last 8 per cent. as compared with the second; that there was taken from each load 3½ pounds of quicksilver, and that there was lost in the reduction more than 50 per cent., which is equivalent to 9,000 pounds in three years and a half; a waste which might have been avoided by improving the mode of reducing by some method like that of Dr. Ure, thereby at a cost of 3,000 dollars, enabling the enterprise to pay by saving a larger quantity of quicksilver.

The principal difficulties which the mining district presents consist in the want of fuel, and yet the Commissioner understands that the nation ought to protect the enterprise, because it is one of those which, although it may not be profitable to the "empresario," will be of obvious public utility, for the greatest possible extraction of quicksilver will confer upon the country incalculable advantages. It does not think that, therefore, the Junta should enter into relations with the company, but only continue the vein of the Pedernal outside of the company's possession, where it has not been examined, for it is manifest that that ledge contains cinnabar at different places; and moreover, there are in all the district a considerable number of similar veins, which might be examined by testing samples, and without any other expense than that of three to four thousand dollars, even if all the works of investigation should not be undertaken which the ground requires.

### CHIHUAHUA.

Under date 18th March, of last year, the Junta appointed De Castulo Chaves to examine quicksilver mines in said Department; and although the mining districts of Canelas, Batopillas and Morelos have not yet been examined, it is assured that in the Mogollon mountains, at the rivers Gila and San Francisco, not only is cinnabar found but native mercury; there has already been discovered a deposit (criadero) to the east of Jesus Maria, at the place called Casas Coloradas, at about six leagues in the same direction from Batopillas, and three to the north of Arechuivo, at which place the cinnabar appears in isolated grains as much as an inch thick, in an extent of 60 varas in length and 20 in breadth, but only on the surface and in small quantities.

The "ley" of these grains is 80 per cent.; and as notwithstanding the scarcity of them, a more formal exploration might give a more abundant yield, the Junta ordered it on the 1st October of the same year, and up to date it has not been accomplished, because, besides some difficulties which happened to the Commission, there yet remain to be overcome those which are presented by the incursions of the savage Indians.

### SONORA AND SINALOA.

D. Florencio Monteverde was appointed by the Junta on the 27th January of the same year, to examine the cinnabar mining districts of said Departments, and after accepting the charge, he represented in a note of the 17th April, the necessity there was that the revolution should end, and that the weather should change, to enable him to set out on his journey with success, and that in the meantime, he would procure for himself data as to the existence of cinnabar in the mining districts of Rio Chico and Tamasula of Sinaloa, for although it was rumored that in the Apache country there were sources of quicksilver, contradictory statements made it doubtful, the more so, as that article is not known to exist anywhere in such abundance in its native state.

On the 2d October, he stated that he continued collecting information; that he had been informed of there being a deposit in Alamos; and that to acquire all the necessary information more time was necessary.

## 1853

### NUEVO LEON, COAHUILA AND TAMAULIPAS.

The Junta appointed D. Rafael Chovell on the 12th June of the same year, to examine the deposits of cinnabar of these Departments, specially recommending to him the mining districts of Vallecillo, the Iguana and Villa-Aldama, existing in the first named Department; and on the 7th July, on manifesting his assent, he proposed, and it was approved on the 24th July, that D. Patricio Flores be his assistant in the Commission.

Up to the 14th November, when he was furnished with the necessary resources, he was not able to commence his labors; and, as during three months the Junta has not received any information whatever, on the 7th inst., it finally resolved that those resources be suspended, and that the commission give an account of the results of the works undertaken.

The Junta has completed a review of the explorations which have been made, even subsequently to the dates fixed in article 4 of the law, not only for the purpose of making investigations but to decree the avios; a thing impossible to accomplish, in view of the shortness of credit, and other obstacles which presented themselves.

The funds lately appropriated to the encourgement of mines are two; the proceeds of one per cent. on the circulation of coin, and 130,000 dollars a year, which in proportional monthly installments the Maritime Custom-Houses of Vera Cruz and Tampico were to remit to the Junta.

The Junta being authorized, by article 11 of the said law of the 25th September, to collect the duty imposed on coin, by means of the Commissioners it might deem suitable, it examined various projects to systematize the collection with the greatest possible economy and security, and finally it had to intrust it to the principal administrators of the revenue, notifying the Supreme Government thereof on the 29th of the same month, so that the corresponding orders might be dispatched by the Ministry of Hacienda, which was done on the 30th, it being ordered that the sums received from the date of the law for said duty should be invested as the Junta might direct; on the 12th October, it had the satisfaction of seeing that the circular issued by the Direction general of excise and direct contributions to give instructions to the administrators, was conformable to its desires, regulating the collection and the liability of those thereby made responsible, and afterwards, of seeing proven by experience that the method established, if not the best, was at least the best adapted for the security of the funds, under the circumstances which surrounded the Republic; for with the exception of a robbery committed on the Administrator of Sinaloa, by which were lost 14 dollars, 3 reals and 3 grains, and the delinquency of the Administrator of Nuevo Leon, which appeared at his death, the 549 dollars, 2 reals and 3 grains which he should have had on hand not being found in the safe, of which sum part may yet be collectetd, he rest of the proceeds, the gross amount of which was 156,199 dollars, 4 reals 1½ grains, has been collected with regularity by the same employés, there remaining only to be remitted some of the accounts for the last months of the year; the account of the balance on hand in several administrations amounting to 6,345 dollars, 2 reals 6⅛ grains, and that of a few other small amounts of which nothing is yet known.

Still the fund has had a different application for the most part, because the Junta has found itself obliged to meet some supreme orders upon it, and also because it has not been possible for it to prevent the use of various sums, with or without authority, by the chiefs of various departments.

The Junta made various efforts to secure for itself the drafts which the Maritime Custom-Houses of Vera Cruz and Tampico were required by law to remit; but all, as well as the multitude of expositions it made at various dates to the provisional administration, that it might be pleased to expedite them in view of the importance of the object to which their value was destined, have been almost ineffectual for from the first of said offices only, has it received 32,244 dollars and ½ grain, instead of 164,904 dollars 10 grains, which by both together should have been remitted to the end of December of the former year, for which reason there remains a balance of 132,660 dollars 9½ grains.

The details of the collection and investment of the funds appear from the resumé which the Junta has the honor to present to Your Excellency herewith, numbered 2, which shows that to the end of said month the expenses of administration amounted to 18,755 dollars, 7 reals, 2⅜ grains, or what is the same, 5⅞ per cent.; that in the examination of mines there has been expended 14,856 dollars, 5 reals, 3 grains; that the avio of some of the mines in Guanajuato amounted to 20,120 dollars; that to the college there has been paid 30,900 according to the 25th article of the law of the 5th October, 1843; that the Supreme Government owes, in case it be declared that the 34 thousand dollars, which His Excellency Sr. General D. Antonio Lopez de Santa Anna took at the mint of that department should be paid by the Public Treasury, 232,018 dollars, 2 reals, 3½ grains; and that of the 339,951 dollars, 3 reals, 4 grains, which is the total amount of installments received and which should have been received, it only had on hand 7,960 dollars, 4 reals, 7½ grains, belonging to the general fund, 20,125 dollars 10½ grains to the private fund of Jalisco, but owing 22 thousand dollars to a commercial house.

With the view of gradually paying to the fund the sums which have been diverted from the purposes to which the law appropriated them, the Supreme Government on the 24th July ult. ordered that the Maritime Custom-Houses of the South should proceed forthwith, and without any failure whatever, to deliver to the Commissioner whom the Junta might appoint for that purpose, the half of the proceeds of the average duty, there being appropriated to it moreover, as collateral security, with a request and authority to realize it, the draft drawn by the sindico of the creditors (concurso) of Zambrano in Durango, against D. Juan José Zubizar, for the sum of 17,500 dollars to itself any balance which might remain due to it; but of the said duty it has received during the present year the insignificant sum of 590 dollars 73 cents, and the draft, before being remitted to it, was appropriated by the provisional administration, in compliance with a contract made on the 23d October; the Junta being ordered to designate another credit of a similar class, which to the present time has not been done.

From all that has been stated it is easy to deduce: 1st, that if the legislative provisions dictated during the former Administration for the benefit of the quicksilver branch have not been entirely complied with, it has only been because some modified the others, tacitly or expressly, and those which remain in force require more time to produce all their results; 2d, that as to those relative to the acquisition of Spanish quicksilver, the grounds upon which they were based have lost none of their solidity, because the peculiar circumstances of the times prevented their realization; 3d, that those relating to the exempting from excise duties of goods for consumption in the mines, require some explanation, so as to accomplish in all their parts the laudable end for which they were issued; 4th, that the Departmental Junta of Jalisco should leave to that of mining, the free use of the funds designated by the decree of 10th November, 1843, for the encouragement of cinnabar mines in that department, until that of the 15th of June, 1844, made by its excellent Assembly, directing them to be invested in the erection of the jail of Guadalajara, be repealed or approved; 5th, that the examination of deposits of cinnabar in the Republic has been made, although incompletely; 6th, that it is the interest of the nation to continue it; 7th, that the examinations which have been made are sufficient to prove the existence of cinnabar in the country; 8th, that the avio of some of them must yield profit, that that of others will pay expenses from the beginning, and that by many there will be no loss when new roads are opened, and the price of articles of prime necessity becomes less, and better reducing apparatuses are adopted; 9th, that only some mines have begun to be worked, and not all that are worth working, because the Junta has only been able to dispose of a small part of the funds appropriated to it for that purpose; 10th, that latterly the collections of those funds have been made with great regularity and economy.

The evils produced in the Republic by the want of statistical data relating to nearly all the branches of the national administration, are felt also in that of mining. The Junta, although it has made every effort in its power to destroy them, has done so in vain, and for that reason it is impossible at present to determine with exactness the average yearly consumption of quicksilver in the Republic; but be it what it may, it cannot be denied that it uses the greater part of that produced by the European mines, and because it also supplies the most gold and silver for coining. Neither can there be any doubt *that mining is the principal agent to whose action the increase of our agriculture, industry and commerce is subordinate*, and if its production is arrested the public injury will be of unlimited transcendency.

With the view of preventing it, the nation should make great efforts, and the Supreme Government should direct and protect them.

The mines of the country being worked by the public administration, and by private enterprises, we will perhaps see realized the flattering prophecy of Baron Humboldt as to this America not needing the importation of European quicksilver; but some years must yet pass before the nation will arrive at the state of being able to enjoy such advantages.

Meanwhile it must furnish itself with enough of that article to meet the demand of consumers, which cannot be supplied from Mexican deposits (criaderos).

There are left to it two modes of accomplishing it: the one to contract for the Almaden quicksilver as soon as the present contract terminates, preparing in due time the funds and other elements necessary to obtain it; the other, to buy each year the indispensable quantity of quicksilver, but from the house itself which may have the contract, so that, as the evils consequent upon the monopoly cannot for the present be avoided, great losses at least will be diminished, making the mines the recipients of the profits which commerce naturally obtains, by bringing it to the country for its own account.

The encouragement of its mines requires the investment of some funds; they are also necessary to contract for the Spanish quicksilver; others are urgently needed to supply, for the present, the mining districts with the quicksilver which they require, and which they now have to buy at such high prices, that the common ores not being able to bear the expense, they limit themselves to reducing only the rich ores, occasioning thereby an immense injury to the national wealth.

The funds which the former administration left to the Junta, if not for all, for some one of those important objects, are going to disappear with the repeal of the decree which imposed the duty of one per cent. on the transportation of coin from one Department to another.

The Junta is very far from censuring the resolution upon this point, of the august Chamber of Deputies, because it is sustained by justice, a well considered economy and the distressed situation of commerce; but it cannot do less than call upon the Supreme Government, with all the energy which the sad situation of Mexican miners demand, to the effect that, bearing in mind the innumerable reasons which claim protection for the national mines, it be pleased to initiate in Congress the corresponding measures, so that another equivalent fund be established for the said fund of one per cent., enlarging as far as possible the resources and powers of the Junta, so that it may have the ability to accomplish the very interesting objects which it has stated.

In its opinion no fund is more analogous or more suitable than that created by the law of the 22d November, 1821, in its 6th article, and it consists of the three per cent. paid by gold and silver, because as it is paid by mining there is nothing more just than that its proceeds should be applied to the encouragement of mining, not forgetting that with it are found intimately connected the greatest interest of public prosperity.

The Junta does itself the honor of renewing to your Excellency its protestations of distinguished consideration.

God and Liberty. Mexico, 22d February, 1845.

JOSE MARIA BASSOCO, President.

JOSE MARIA CASTERA, Secretary.

Most Excellent Sōr. Minister of Justice and Public Instruction,
Don Mariano Riva Palacio.

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No. 1.

JUNTA FOR THE ENCOURAGMENT AND ADMINISTRATION OF MINING.

Most Excellent Sir:—The Sōr. Auditor, charged with the general direction of Excise and direct contributions, seeing in article 1st of the Supreme Decree of the 24th May ult., what is provided by the Most Excellent Sōr. Provisional President to secure the most punctual observance, as far as they relate to the quicksilver mines of the Republic, of the Royal Orders of the 13th January, 1783, 12th November, 1791, 6th December, 1796, and 8th August, 1814, touching the exemptions from excise duties which they grant to articles of consumption in mining, deemed it proper to circulate with the same decree the orders cited in said article 1st.

Comparing their contents with fifteen other circulars, issued in the time of the Spanish Government, relating to privileges granted to the branch, he found that they approved or referred to other measures, in which were included not only those touching the present case, but others relative to different matters; it therefore became necessary to select what related to exemption from excise duties.

This done, he directed to the Ministry of Hacienda a sketch (minuta) of the circular which he considers suitable to be addressed to its subalterns, and in which is contained a compiled statement of the articles exempted from excise, with the view of avoiding the confused interpretation which might be given by some functionaries to those sovereign provisions.

As several articles to be exempt from duties were named in them, although by the phrase "and others" they make it extend to those which are used directly in the working of mines, or reduction of their ores, or for drainings, the said Sōr. Auditor understands that by the word "others," the other articles exempt remain undetermined; which in his opinion gives rise to doubts, questions and inquiries, which can be avoided by holding only those goods free which are named in the orders, and which are also included in the sketch (minuta) of the circular he proposes, so that being approved it may be directed to the subaltern officers of the Direction, having it moreover published through the medium of the government journal.

In the same circular he makes the judicious observation that the liberty given to national quicksilver to be transported without guide, pass, or other custom-house document, also includes foreign quicksilver, as the law does not distinguish between them in any manner whatever.

Referring to the Royal Order of 8th August, 1814, providing that the privileges accorded to mining should be extended to the districts of the subaltern administrations and depots of the mining towns or districts, he says that a very broad and injurious construction might be given to the said exemption, considering it therefore necessary to explain that the privilege or exemption from duties is allowed in the district of the custom-houses or depots in which quicksilver is extracted, an opinion which is in conformity with the declaration made by the Vice-Royalty upon inquiry made by the revenue department on the 21st

August, 1798, in which the conclusion is arrived at, that *for the purposes of exemption from excise duties of goods and utensils for mining, the administrations and depots in the districts in which the mines are situate must be considered mining towns.*

He also thinks that the administrations should be notified, that as the exemption is confined to the excise duty they are to continue to collect the other imposts, such as the half of one per cent. for mercantile tribunals, municipal dues and others not of the class referred to.

Finally, the said Auditor's Office summing up its opinion, advises:

1st. That under the names of tools, utensils and avios, it be understood that those only are exempt which are referred to by name, not adding the words "and others," which are contained in the decree of the 24th April, 1781.

2d. That national as well as foreign quicksilver be transported without guides or passes, even from the maritime and frontier custom-houses.

3d. That according to the understanding of the Royal Orders of 8th August, 1814, the exemption from excise duties is for introductions into or sales in the district of the custom-houses, depots, or sub-depots, where quicksilver is extracted.

4th. That the exemption is only from excise duty, and not from the half of one per cent. for the mercantile tribunals, municipal or other dues.

5th. That foreign steel or iron for interior consumption, are free of duties, but not from that collected at the ports where they are landed at their importation.

6th. That although among the exempted goods referred to in the royal orders of the 6th December, 1796, and 8th August, 1814, sand, lime, and arrastre-frames are not mentioned, still they are included in said exemption, the former royal orders having granted it.

7th. That the circular and royal orders which he cited be published in the journal.

The new practices introduced into the collection of the excise duty, after the establishment of the Administration and Direction General of that revenue, produced among the miners a clamor and universal complaint; because, although that method had no other view than to increase the public funds, it grievously injured mining interests, and by a natural consequence the wealth of the nation.

The abolished Tribunal of Mining being charged with advancing the encouragement of the branch, defending the just rights of the body, scrupulously examined the grounds on which the miners based their respective representations, and forwarded to the Viceroy a representation as solid as it was energetic on the 13th October, 1778.

It then, as far as it was proper to do so, treated separately each of the points whereby the new practice in the collection of excise injured mining, explaining also in each the grounds of justice and reason which opposed its establishment, the rights of the branch, and the pernicious results that would ensue to the same public funds which it might be attempted to increase by that means.

The law 9th, tit. 13th, book six of the Nueva Recopilacion says: "That the lead, 'greta' (a flux used in smelting), cendrada (smelting ashes), litharge, and sweepings, and all the other things left by the refining of silver, of which we are to be paid the portions as above stated, free from costs, being extracted, shall remain, and let them remain for the owners of said mines, without said lead, greta, cendrada, litharge, and sweepings having to pay us anything." As is seen, the law provided that silver only should pay duty; but instead of attending to its spirit, its words were considered, and in article six of a printed instruction, directed to the administrators and receivers, their Director General ordered the collection of excise duty on the ores, greta, and cendrada, *which might be sold by any persons not being owners of mines, or part owners thereof, and there being no suspicion of collusion; for if this should occur that royal duty shall be collected.*

The natural result of this measure was, that the excise duty should be collected on solid metals, and that it should also be collected from its smelting and reduction, the exemption granted becoming illusory to the owners or part owners, because it being practically impossible for the administrators to ascertain whether the ore brought by the redemptioners for reduction was purchased from the owners or part owners, or from another redemptioner, they collected it promiscuously upon all the ores which they knew had been redeemed.

Even in the last case, the most plausible in appearance, an unjust burden was imposed, because the owners or part owners not making the sale, the redemptioners could only obtain it from the operatives to whom shares are given, the impost falling upon the reward of their day's work, which cannot be considered as a sale or exchange, but as the mere hiring of personal labor. In this manner the owner had to deprive himself of the necessary hands, or increase their shares with notable detriment to his negotiations, not being able to escape from it, even supposing that the redemptioners only should pay the duty, because these would only buy the ore that would bear the payment of it, or that which might be sold to them at a low price;

this being the surest way to diminish speculation, and separate from the branch much capital which contributed to its aggrandizement.

The same reasons favored the exemption from excise duties of the substances resulting from the ores, which were referred to by the said law of the Nueva Recopilacion, but there were besides other very powerful reasons, which arose from the consideration that all those substances are ingredients without which the ore cannot be smelted, they being all mixed with the ores in smelting, and then they get the generic name of ligas de fundicion (smelting alloy); so that mining produces them, and mining uses them; and, consequently, it is mining which sells them, and mining which buys them.

By an order of the 30th December, 1716, it was provided that the miners, instead of the fifth, should pay the tenth of the silver; but it was claimed that the redemptioners were not included in this privilege, until experience produced the conviction that it was necessary to extend it to them, for otherwise the object would not be accomplished; and on the 19th June, 1723, this privilege was made general for miners, aviadores, redemptioners, purchasers, etc.

The 6th law of the Indies title 13, book 8, provided that table services should only pay the excise duty of the manufacture, the costs of the gold and silver bullion being deducted, and there being paid five maravedis for each mark of the one, and two for each ounce of the other, their statement under oath with regard to the profits of manufacturing small pieces of jewelry and other small articles to be taken as true; but it was claimed that duty should be paid on the full value of the sets.

It was desired that the sale or exchange of mines should pay that duty, contrary to what the classic authors decide, by a clear inference from the laws 12th and 13th, title 17, Book IX., of the Nueva Recopilacion.

Notwithstanding that the accessory follows the nature of its principal, that beneficial measures should rather be enlarged than restricted, and that divers laws favored the exemption from excise duties of the provisions and supplies which are furnished to the mines, it was claimed also that the Indian corn and other articles which the miners took to their mines and haciendas to give as weekly rations to their workmen, should pay excise duty, because they erroneously considered the fact as a sort of sale or negotiation, forgetting that it was the constant practice to distribute those same rations in the mines, without reducing the quantity on account of the increase of the price of the articles.

In the fifth article of the said instruction, was established the collection of excise duty from all Spaniards who made or traded in charcoal, fire-wood, or timber for sale, such as they sell to miners and other persons wishing to have this article practically observed, in such a manner that from the person who might bring those goods—not being an Indian; a qualification which was left to the discretion of the administrators—the collection be made effective.

By different arguments deduced in favor of the excise duty, either because when it was convenient they observed the spirit more than the letter of the law, and vice versa, the duty in question was demanded on lime, sand, clay, adobes, stone, salt, "majistral," a powder used in the reduction of ores, hides, cordage, tools, tallow and the other avios of mines, when they were taken to the mines for account of the miners. With the employés of the revenue there was no force in the important consideration that, to tax mining, is to diminish its proceeds, and to diminish its proceeds is also to diminish those of the other revenues of the state and of commerce, and in time even those of the very branch in which they were employod. The administrators, especially those who were paid a per centage, desired only to collect greater sums, so as to enjoy a larger salary.

They had no regard for the counsels of reason, nor for the results of experience.

Some pretexts for certain cases, and other pretexts for others, served them to advance their individual interests, assuming sometimes a false zeal, in most cases shielding themselves with an assumed ignorance of the laws.

A full half century has transpired and the contest has not yet ended; but the Junta for the encouragement and administration of mining believes that the conclusion of this discussion has already arrived with the existence of the present government.

It will not permit the suppression of the words "and others" as advised by the office of the auditor of excise duty, for then, far from being ended, we would be only commencing the contest, because the Government, instead of restricting, should enlarge its benefits to mining, and because that is what is indicated by sound reason, a constant experience, and the best economical calculations; so that now, the Government itself will not only sustain the exemption from excise duty of all the goods for consumption in the quicksilver mines, but will extend it to the gold and silver mines as advised by the Establishment in its report given to the commission of industry of the General Congress on the 4th November, 1836, which it re-produced on the 10th of the same month, in the year '38, and which this Junta approved in its report of the 18th February of this year.

For the purpose of enforcing the justice and propriety of its petition, it thinks it opportune to remind your Excellency that,—besides the general principle admitted on all hands, that if it be desired that the mining of the country prosper, it must be granted every imaginable privilege and not be burdened in the least—the strict observance of this principle now is all the more indispensable, because, among other powerful reasons, the scarcity of quicksilver causes an apprehension of immense failures in mining, and by an immediate consequence the diminution of the national wealth. Do not forget, your Excellency, that by the calculations of the speculator, the conclusion is sometimes arrived at of abandoning the ores, by the reduction of which he would lose a real on each mark of silver, and that perhaps by allowing him that real in the exemption from excise duty or other privileges, those ores, instead of being abandoned, would be reduced, and then a single real might be converted into a mark of silver; that the reduction of imposts will increase proportionally the mineral products, and that if the exemption from excise duty of the goods used in mining can be called a loss, i will be restored with abundant interest to the national wealth Taking this for granted, and to avoid interpretations which may continue that scandalous and injurious contest, it is clear tha articles 1st and 3d, which in explanation of the law of 24th May ult., the auditor of the revenue recommends should not be enforced, neither should the 6th, for instead of restricting the exemption accorded to the quicksilver mines it should be extended to those of gold and silver in all the Republic; therefore, the following should be substituted for art. 1st:

"All the articles, goods, and materials used for mining purposes in the quicksilver mining districts of the Republic, are exempted from the payment of the excise duty," to which might be added after the word quicksilver, "gold and silver," if the Supreme Government should think proper as heretofore and now again requested by the Junta, to grant the said extension of the privilege, it resulting consequently, that the circular proposed by the said office of Auditor of Customs should not be issued, because, as has been shown, it is useless, injurious, and contrary to the spirit of the laws for the protection of mining.

MEXICO, July 31st, 1843.

VICENTE SEGURA, President.

JOSÉ MARIA CASTERA, Secretary.

This is a copy. Mexico, February 10th, 1845.

JOSÉ MARIA CASTERA, Sec'y.

No. 2.

## JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.—QUICKSILVER FUND.

*Resumé showing the total proceeds of this fund and its investment, from the 25th September,* 1843, *to the end of December of the following year, the same consisting of the* 80,000 *and* 50,000 *dollars of the import duty at the Custom-Houses of Vera Cruz and Tampico, and of the duty of one per cent. on the circulation of coin from one department to another; both appropriated by law to the encouragement of the Quicksilver Mines of the Republic.*

### DEBIT.

| | | | | | | |
|---|---|---|---|---|---|---|
| Received from the Maritime Custom-House of Vera Cruz, on account of the 80,000 dollars per annum to be paid by it according to law | | | | 32.244 | 0 | 0½ |
| To 69.235 dollars, 3 reals, 5½ grains, due by the same Custom-House as the balance of 101.479 dollars, 3 reals, 6 grains, which in one year and ninety-eight days embraced within the time included in this resumé, at the rate of 80.000 dollars per annum, as aforesaid, it should have remitted | 69.235 | 3 | 5½ | | | |
| To 63.424 dollars, 5 reals, 4 grains, which should have been paid in like manner by the Maritime Custom-House of Santa Anna de Tamaulipas during the same period at the rate of 50.000 dollars per annum | 63.424 | 5 | 4 | | | |
| Amount due by these Custom-Houses for the term ending 31st December, 1844 | 132.660 | 0 | 9½ | 132.660 | 0 | 9½ |
| Total amount of proceeds of these appropriations which should have been received into this fund up to the end of year 1849. | | | | 164.904 | 0 | 10 |
| To 151.199 dollars, 4 reals, 1½ grains, which during the same period have been collected by the principal administrations of revenue as proceeds of the duty of one per cent. on the circulation of coin, as follows, viz.: | | | | | | |
| At the principal Administration of Zacatecas, there were collected from the 25th September, 1843, to the end of December, 1844 | 34.222 | 3 | 3 | | | |
| At that of Guanajuato, to the end of October, 1844 | 33.892 | 2 | 6 | | | |
| At that of Mexico, to the end of December, 1844 | 29.902 | 2 | 6 | | | |
| At that of Jalisco, " " " " | 11.484 | 5 | 8½ | | | |
| At that of San Luis Potosi, " " " | 9.075 | 5 | 7⅞ | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| At that of Durango, | " | " | " | 7.420 | 1 | 8 | | | |
| At that of Puebla, | " | " | " | 4.528 | 7 | 9¾ | | | |
| At that of Chihuahua, | " | " | " | 4.241 | 5 | 2⅞ | | | |
| At that of Michoacan, | " | July, | " | 3.091 | 4 | 4 | | | |
| At that of Nuevo Leon, | " | November, | " | 2.778 | 7 | 1½ | | | |
| At that of Aguascalientes, | " | December, | " | 2.712 | 4 | 1½ | | | |
| At that of Queretaro, | " | " | " | 1.859 | 7 | 3 | | | |
| At that of Vera Cruz, | " | " | " | 1.486 | 0 | 2 | | | |
| At that of Coahuila, | " | " | " | 1.216 | 5 | 10 | | | |
| At that of Oajaca, | " | " | " | 708 | 4 | 0 | | | |
| At that of Chiapas, | " | July, | " | 65 | 0 | 0 | | | |
| At that of Sonora, | " | April, | " | 32 | 1 | 11½ | | | |
| At that of Sinaloa, | | in July only, | " | 15 | 0 | 0 | | | |
| At the Maritime Custom-House of Mazatlan, in October only of 1843 | | | | 1.964 | 0 | 6 | | | |
| At that of Santa Anna de Tamaulipas, to June, 1844 | | | | 598 | 5 | 10 | | | |
| At the frontier Custom-House of Tuxtla Chico, in April only of 1844 | | | | 2 | 2 | 0 | | | |
| Gross proceeds of the duty of 1 per cent. on circulation to 31st December, 1844 | | | | 151.199 | 4 | 1½ | 151.199 | 4 | 1½ |
| There are also charged in like manner 1.847 dollars, 6 reals, 4½ grains, for premiums received on drafts drawn by this Junta on the administrators of revenues, and discounts on others drawn against the Junta; including 1.500 dollars of discount at 3 per cent. on 50.000 dollars placed in the Guanajuato Mint, for the "avio" of quicksilver mines | | | | | | | 1.847 | 6 | 4½ |
| Total of proceeds which should have been received | | | | | | | 317.951 | 3 | 4 |

## DUE BY THE FUND.

| | | | |
|---|---|---|---|
| The fund owes Messrs. Manning & Mackintosh 22.000 dollars, which they delivered last December on account of the 50,000 which were placed in the Guanajuato Mint, the balance of which they paid under the belief that there existed at that place the 34.000 dollars which were taken about that time by the Exct. Sor. Don Antonio Lopez de Santa Anna for the troops under his command, that being all that remained of the sum placed there | 22.000 | 0 | 0 |
| **Balance** | 339.951 | 3 | 4 |

# CREDIT.

## EXPENSES OF ADMINISTRATION.

| | | |
|---|---|---|
| By fees paid to the administrators of revenue at 4 per cent., according to law, upon the amounts collected by them of the duty of 1 per cent. on circulation | 5.632 2 4⅜ | |
| By discounts paid on drafts drawn by this Junta on said administrators | 3,652 0 9 | |
| By commission paid for obtaining such discount | 23 5 0 | |
| By the part chargeable to this fund of the salaries paid to the Señores employés of the office | 8.000 3 0½ | |
| By amount invested in iron safe to preserve the treasure, books for the accounts, and other expenses connected with the office, so far as chargeable to this fund | 1.447 4 0½ | |
| **Total** | 18.755 7 2⅜ | 18.755 7 2⅜ |

## EXPENSES OF EXAMINATION AND "AVIOS" OF QUICKSILVER MINES.

| | | |
|---|---|---|
| By fees paid to the Commissioners appointed by this Junta for that purpose in the Departments of Mexico, Morelia and Queretaro, Guanajuato, Zacatecas, San Luis Potosi, Chihuahua, Nuevo Leon, Coahuila and Tamaulipas; the purchase of retorts for assays, freight on these, the making of drawings, and other expenses | 14.856 5 3 | |
| By supplies to the Mining Tribunal of Guanajuato, for the working of the quicksilver mines called Clavellinas, Guadalupe, Toro, Capulin, Palos Colorados, another Guadalupe at Atargea, and another which has no name, which are being worked | 20.120 0 0 | |
| **Total** | 34.976 5 3 | 34.976 5 3 |

## EXPENSES OF THE COLLEGE OF MINING.

| | | |
|---|---|---|
| There has been furnished to it therefor | | 30.900 0 0 |
| **General Expenses** | | 84,632 4 5⅜ |

## DUE TO THE FUND.

| | |
|---|---|
| The Supreme Government owes for balance of the 80,000 and 50,000 dollars appropriated to the fund from the import duty from the Custom-Houses of Vera Cruz and Tampico, as per account stated on the 31st December, 1844 | 132.660 0 9½ |
| Ditto for sums which have been lent it in hard dollars at different times, to the 31st December ult., to be returned | 42.000 0 0 |

| | | | | |
|---|---|---|---|---|
| Ditto for the salaries from May to December ult., paid by Supreme order to the Most Exct. Sor. Gen'l of Division, Don José Maria Tornel, also to be returned | | 4.000 0 0 | | |
| Ditto for 34.000 dollars which in December last were taken by the Most Exc't Sor. Don Antonio Lopez de Santa Anna, for the troops under his command, of the 50.000 which were placed in the Guadalajara Mint for the avio of quicksilver mines | | 34,000 0 0 | | |
| The Departmental Treasuries have taken, of the duty of one per cent. on circulation, by Supreme orders, at the principal administrations of revenue, the following, viz.: | | | | |
| At that of Mexico | 9.339 6 5 | | | |
| At that of Guanajuato | 4.219 3 5 | | | |
| At that of Durango | 2.567 3 9½ | | | |
| At that of Jalisco | 807 1 3 | | | |
| At that of Nuevo Leon | 682 0 11½ | | | |
| At that of Morelia | 530 0 0 | | | |
| At that of Aguascalientes | 416 3 8 | | | |
| At that of Queretaro | 172 6 7½ | | | |
| Balance of 1.885 dollars, 4 reals, with which the Custom-House of Mazatlan assisted the Department of Sonora | 507 5 6½ | | | |
| Compensation made to the house of Don Anselmo Zurutuza for the delay which it suffered before being paid in full the net value of draft No. 4, drawn in its favor against the administrador of the Custom-House at Mazatlan, for the 1.885 dollars 4 reals referred to in the preceding entry | 115 1 10 | 19.358 1 6 | | |
| **Total** | | 99.358 1 6 | 99.358 1 6 | |
| **Total amount due by the Supreme Government** | | | 232.018 2 3½ | |
| The Direction General of Industry owes for the loan made to it by order of the Supreme Government on the 28th November, as an irregular deposit for two years | | | 10.000 0 0 | |
| Due by Messrs. Manning and Mackintosh as balance of 2,500 dollars upon a contract which they made with this Junta | | | 3.315 0 0 | |
| Due by the Mining Endowment Fund (fondo dotal de mineria) 2.025 dollars, lent to it last November for the expenses of the College | | | 2.025 0 0 | |
| **Total amount due to the Fund** | | | 247.358 2 3½ | 247.358 2 3½ |

## CASH ON HAND.

| | | | | | | |
|---|---|---|---|---|---|---|
| In the safe of this Fund | 1.615 | 2 | 1 | | | |
| In the principal and subaltern administrations of revenue | 6.345 | 2 | 6⅛ | 7.960 | 4 | 7⅛ |
| **Equal to** | | | | 339.951 | 3 | 4 |

**NOTES.**—1st. By the first entry on the debit side it will be seen that the Maritime Custom-Houses of Vera Cruz and Tampico have scarcely remitted to this office one-fifth part of what was appropriated them by law from the import duty, as a resource absolutely necessary to encourage the discovery and working of quicksilver mines.

2d. In the next entry it will be observed that the collection of the one per cent. on the circulation of coin is incomplete, but this has occurred for want of information which some administradors should have sent, who have been repeatedly urged to furnish it as soon as possible, so that the proceeds may be immediately collected and the accounts kept in proper order, which thus far has not been wholly effected.

3d. The proceeds which have been, and those which should have been received by this fund amount to 317,951 dollars 3 reals 4 grains, and the expenses of administration, as shown by the statement, amounting to 18.755 dollars 7 reals 2⅜ grains: it results that the former have suffered the slight diminution of 5⅞ per cent. for the 132.660 dollars to be paid by the Custom-Houses of Vera Cruz and Tampico are clear of all expenses, because the amount of the drafts sent by that of Vera Cruz and to be sent by that of Tampico is collected in full. This small expense incurred in the administration of the fund in question should attract the attention of the Supreme Government, giving it to understand the economy which has been observed, for much larger sums in proportion are expended for the collection of other funds; from which may be inferred the utility and convenience which will result from its conservation, especially when the importance of its object is considered.

Mexico, 19th February, 1845.

MIGUEL HIERRO.

1865

# DEPOSITION OF BLAS BALCARCEL.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, June 28, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Blas Balcarcel, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being intrepreted by Richard Tobin, a sworn interpreter.

Present: Messrs. Peachy and Yale, for the claimant; and Mr. Randolph, for the United States.

QUESTION 1st, by claimant's counsel. What is your name, age, and place of residence?

ANSWER. My name is Blas Balcarcel; I am little over forty years of age; my residence is at the city of Mexico.

Q. 2. Where were you born?

A. In the city of Guanajuato.

Q. 3. Where educated?

A. In the College of Mining, in the city of Mexico.

Q. 4. When did you enter that college; how long did you remain there; what diplomas did you take; what professorships have you filled, and what offices and employments have you held and exercised under the Mexican Government?

A. I entered the college in 1834; I remained there until 1839; in 1839 I received my diploma as surveyor and assayer; I then proceeded to the mining district of Fresnillo to learn the practical part of mining; about the end of 1840 I left Fresnillo and proceeded to the mining district of Zimapan, in the State of Mexico; I had charge of the assay office of silver in this mining district; I remained in this mining district till about the end of 1843; about the beginning of 1844 I went to the city of Mexico, and I entered the College of Mining as professor of geography and prefect of studies; in the same year I received there my diploma, as a mining engineer; during the time of the American invasion, that is, from September, 1847, until June, 1848, I was director of the College of Mining, Mr. Tornel being absent at that time; in the year 1852, there being a vacancy in the professorship of mathematics in the same college, I presented myself as a candidate for that office, at the public examination of the candidates applying for it, and I obtained it, the professorship; I then resigned the professorship of geography. In the beginning of 1856, I was a deputy in the National Constituent Congress. I remained in that Congress until the beginning of 1857, when the new constitution, called the Constitution of 1857, was established; in September, 1856, I was appointed Director of the same college *ad interim*, on the death of Don Luis de la Rosa; in November, of the same year, 1856, I was appointed permanent director of the college, and I discharged the duties of this office until February, 1858, when I surrendered the office to Don Joaquin Velasquez de Leon.

Q. 5. Were you ever a member of the Junta Facultativa of the college—if yea, state during what years?

[Question objected to by the counsel for the United States as leading. Question withdrawn.]

Q. 6. Who were the members of the Junta Facultativa of the college during the year 1846?

A. The Director of the College was made by law to be the President of the Junta Facultativa; the members (vocales) of the Junta Facultativa in 1846 were Don Tomas Ramon del Moral, Don Castulo Navarro, Don Antonio del Castillo and myself; there were two suplentes, Don Sebastian Camacho, and I think the other was Don Joaquin Velasquez de Leon.

Q. 7. During what years were you a member of the Junta Facultativa?

A. Every year since 1845, at least until I was appointed director of the college.

Q. 8. How was the Junta Facultativa appointed, of how many did that Junta consist, and how long did they hold that office?

A. The Junta was composed of members elected at the beginning of each year, at a general meeting of all the professors of the college, and they held their office until the next election in the ensuing year. The suplentes and the secretary were appointed by the Junta Facultativa itself, and not by the general Junta of the professors. Including the president, the Junta consisted of five members and two suplentes.

Q. 9. When the director of the college did not attend the meetings of the Junta Facultativa, who, if any one, acted as president?

A. The first vocal.

Q. 10. What do you mean by the first vocal?

A. I mean the one that was first elected; the second vocal was the one that was elected second, and so on.

Q. 11. Who was the director of the college in the months of April and May, 1846?

A. General Tornel.

Q. 12. Where was he at that time?

A. He was in Mexico, living in the college itself.

Q. 13. In what order were the vocales of the Junta Facultativa elected for the year 1846?

A. The first vocal was Don Tomas Ramon del Moral, the second was myself, the third was Don Castulo Navarro, the fourth was Don Antonio del Castillo.

Q. 14. Who was secretary of the Junta Facultativa during that year?

A. Don Antonio del Castillo.

Q. 15. Is he the same person you have named as one of the vocales during that year?

A. Yes, sir, because one of the four permanent vocales was always appointed secretary.

Q. 16. Where is that Señor del Castillo of whom you spoke?

A. At present he is here in San Francisco.

Q. 17. How often did the Junta Facultativa meet?

A. They were required by law to meet once a month, but they met whenever they had business to transact.

Q. 18. What were the duties of the Junta Facultativa?

A. It had various attributes; its principal duty was to attend to all that concerned the scientific branches of the college.

Q. 19. Did the Junta Facultativa keep a record of its proceedings?

A. The secretary of the Junta Facultativa made up the actas and handed them over to the Escribiente de la Direccion, who engrossed them or made clean copies of them. After they had been engrossed they were signed by the president who had officiated at the Junta, and by the secretary. The escribiente was the person who was charged with the preservation of the records.

Q. 20. Were the actas of the Junta Facultativa always written out and signed as you have described?

A. The majority of them were all signed, but some were not signed on account of the absence of the president, or negligence of the escribiente, or for some other cause, this requisite was not complied with.

Q. 21. Were you personally acquainted with Don Tomas Ramon del Moral?

A. Yes sir; because he was first my teacher and afterwards my brother professor.

Q. 22. Is he living; if not, when did he die, and how do you recall the date of his death?

A. He is dead; he died in 1847; I remember it because at that time he was a Deputy in the Legislature of the State of Mexico at Toluca, and one of his sons wrote to me, informing me of his death, which happened, I think, in July of that year, 1847.

Q. 23. Are you acquainted with Andres Castillero; if yea, state when you first made his acquaintance?

A. I knew him for the first time in 1846.

Q. 24. Where did you make his acquaintance, and by whom were you introduced to him?

A. At the College of Mining itself, and he was introduced to me by the same Don Tomas Ramon del Moral.

Q. 25. Had you heard of him before you made his acquaintance?

A. Certainly; I heard of him before I made his acquaintance; there was a particular circumstance which made me acquainted with his name, although I did not know him personally.

Q. 26. What was that particular circumstance to which you allude?

A. It was that Don Tomas Ramon del Moral told me that he had received from him a box, containing, among other things, some specimens of cinnabar, and that he had also received a letter from him, stating that he had discovered this mine (criadero). Castillero's name was very familiar not only to me, but to all the other professors in the college in that year, before they knew him personally.

Q. 27. In what place did Señor Moral exhibit to you this box containing said specimens, and show you the letter to him from Castillero?

A. He took the box to my apartments in the college.

Q. 28. What minerals did that box contain?

A. It contained some pieces of cinnabar, a small flask of quicksilver liquid, some samples of stone-coal, and some pieces of rock crystal. There was also a fragment of pure lead with shells in it.

Q. 29. What was thought of that specimen of lead?

A. At first we thought it was an artificial production, as we had never seen lead in its natural state, so pure, nor with shells in it, as that had.

Q. 30. About how long after you saw those specimens did you first see Castillero?

A. A few days after.

Q. 31. Is there any circumstance which causes you to remember that you first saw Castillero a few days after you saw these specimens; if so, state what?

A. The reason that I remember it is, that Castillero's arrival so soon after the arrival of the box and letter, surprised us, as we supposed he was still in California.

Q. 32. Do you know what was done with these specimens of cinnabar, and other minerals; if yea, state what?

A. I do know what became of them; part of the specimens of cinnabar were given to the Professor of Chemistry to be assayed, the remainder were kept in the Cabinet of Mineralogy of the College.

Q. 33. Do you know these facts of your own personal knowledge; if not, how do you know them?

A. I know them of my own knowledge.

Q. 34. Did the Junta Facultativa of the college receive any communication relative to these specimens?

A. They did.

Q. 35. What communications?

A. As I have stated already, Mr. Moral brought the box to my apartments and it was opened there, and at his request the professor of chemistry made an assay of the specimens of cinnabar, and reported that the result of it was a ley of thirty-five per cent.; afterwards, Mr. Moral made an application to the Junta de Fomento, (which was specially charged with the encouragement of quicksilver mines,) with regard to it, and the communication received by the Junta Facultativa was one from the Junta de Fomento to the Director, stating substantially that Mr. Moral had presented some specimens of cinnabar received from a mine discovered in California by Mr. Castillero, and requesting that they should be assayed. The matter was then officially referred to the Junta Facultativa for the purpose of having the assay made, and the Junta reported that the Director might reply to the Junta de Fomento, that the specimens had been assayed, and that the result of the assay was a ley of thirty-five per cent.

Q. 36. Were you present at the session of the Junta Facultativa when that report was made to the Director?

A. I was.

Q. 37. Can you remember of your own personal knowledge, independent of any documents which you may have recently seen in relation to this matter, at what time Señor Moral showed you this box of specimens and Castillero's letter to him, and at what time you first saw Castillero?

A. I remember distinctly about the box containing the specimens of cinnabar, because it was opened in my own room; it was a notable event to myself and the other professors, because the discovery of a quicksilver mine was a matter of great importance; I remember the month when the box was opened, as I have stated; but I do not remember the day of the month; the month was April, 1846.

Q. 38. Examine the document now shown you and state what it is.

[Document marked "Exhibit Bassoco No. 10, O. H." shown to the witness.]

A. The contents of this document are traced copies of original documents existing in the archives of the College of Mining, excepting, of course the certificates that are found in it.

Q. 39. Examine the documents now shown you and state what they are?

[Documents marked "Exhibit Bassoco No. 7, O. H.," and "Exhibit Bassoco No. 11, O. H.," shown to the witness.]

A. The contents of document No. 11, excepting the certificates, are also traced copies of original documents in the archives of the College of Mining. The first is a copy of the *actas* of the Junta Facultativa. The other is a copy of the communication from Mr. Tornel to Don Tomas Ramon del Moral, President of the Junta. The contents of document No. 7. is a traced copy of an expediente existing in the office of the Administracion del Fondo de Mineria.

Q. 40. Have you compared these traced copies with their respective originals; if yea, when, where, and in what manner was the comparison made, and are these accurate and faithful copies of their respective originals?

A. I have compared them; the comparisons were made on the 20th or 23d of April last; Nos. 10 and 11 were compared in the office of Archives in the College of Mining. No. 7 was compared in the office of the Administracion del Fondo de Mineria; the comparisons were made in this way: Mr. Pardo, the Licentiate, first read the originals audibly in my presence, and while he was doing so I read the traced copies; we then reversed it, and he read the copy aloud, and while he was doing so I read the originals; we then laid the copies over the originals to see if the tracing was well done, that nothing was left out. I found the copies perfect in all respects, except that in page 1 of document No. 11 there was signed to the original the name of the secretary, Don Antonio del Castillo. This name is omitted in the traced copy.

Q. 41. Examine the certificate affixed to the following documents, to wit: "Exhibit Bassoco No. 1, O. H.;" "Exhibit Bassoco No. 5, O. H.;" "Exhibit Bassoco No. 6, O. H.;"

Exhibit Bassoco No. 7, O. H.;" "Exhibit Bassoco No. 8, O. H.;" "Exhibit Bassoco No. 9, O. H.;" "Exhibit Bassoco No. 10, O. H.;" "Exhibit Bassoco No. 11, O. H.;" "Exhibit Bassoco No. 12, O. H.;" say if you are acquainted with the signatures of the various persons to the said certificates, and whether, at the date of the same, they held the respective offices which in their certificates they are said to hold?

A. I know them all, except those of Anievas Alegria and the American Consul, Mr. Black. The signatures to all the other certificates are genuine, and the persons by whom they are signed held respectively the offices which the certificates state that they held at the date thereof.

Q. 42. Are you acquainted with the handwritings and signatures in any of the original documents, copies of which are found in Exhibits No. 7, 10 and 11; if yea, state whose handwritings and signatures appear on the said originals, with your means of knowing the same?

A. The original of the copy on the page preceding page marked 1, in red ink, in Exhibit No. 7, is all Gondra's.

The original document, a copy of which appears on page 1, in red ink, is in the handwriting of said Gondra; the original of the first marginal note on page 5, in red ink, is written and signed by Segura; the original of the second marginal note on the same page, is in the handwriting of said Gondra; the original of the document appearing on pages 5, 6 and 7, in red ink, is signed by José Maria Tornel; it is his genuine signature. The original document, a copy of which appears on pages 8 and 9, in red ink, is in the handwriting of said Gondra, except the interlineations on page 9; the marginal note, a copy of which appears on page 11, in red ink, is in the handwriting of said Gondra; the corrections and interlineations appearing on the original documents, a copy of which is to be found on pages 13, 14, 15, 16, 17 and 18, in red ink, are all in the handwriting of said Gondra, except the interlineations, which are made at the foot, and on the reverse of page 14; the signature, a copy of which appears on the reverse of page 22, in red ink, is the genuine signature of Isidro R. Gondra. I know none of the other handwritings and signatures in the originals, which are copied in said document, No. 7. The marginal note and signature, a copy of which appears on page No. 1, of document No. 10, is written and signed by the same Mr. Tornel; the signatures, copies of which appear on the reverse of page 2, are the genuine signatures of Vicente Segura and Isidro R. Gondra; the signature, copy of which appears on the reverse of page No. 4, is also the genuine signature of Isidro R. Gondra, and I say the same of the signature, a copy of which appears on the reverse of page 6; the signature, a copy of which appears on page No. 1, in document No. 11, is the genuine signature of Tomas Ramon del Moral; signature, a copy of which appears on page 2 of the same document, is the genuine signature of José Maria Tornel.

Q. 43. Is General Tornel living?

A. He is dead; he died in September, 1853.

Q. 44. Examine the documents marked "Exhibit Bassoco No. 10, O. H.;" and "Exhibit Bassoco No. 11, O. H.;" and say whether your recollection of the matters and things mentioned in them is revived by what you see in the said documents, and state further if you are the Señor Balcarcel, mentioned on page No. 1, of said document No. 11.

A. In regard to the matters referred to on page 1, of "Exhibit Bassoco No. 11, O. H," I have a distinct recollection; all or nearly all the professors in the college had made journeys from the capital to different parts of the Republic, and in those journeys, had made every effort to discover a quicksilver mine, and commissioners had been appointed to explore for quicksilver mines, in different parts of the Republic, but all without success; and as mining is the principal source of the wealth of Mexico, and as the success of mining enterprises depends upon the price of quicksilver to a great extent, and as quicksilver had theretofore been procured from Spain at high prices, and was subject to monopolies, we, the professors of the college, for these reasons, and from what we had learned of Castillero's discovery, looked upon it as an event of the greatest importance, and spoke of it constantly to each other, in conversation and at official meetings; and we also remarked, that it was strange the discovery should have been made in California, where no explorations had been made, and no commission sent to search for a quicksilver mine; hence we recommended earnestly in our communication to the Director that he should recommend the Junta de Fomento and the government to afford to Castillero all possible protection. I am the Balcarcel spoken of on page one, of document No. 11.

Q. 45. Do you remember to have been present at the session of the Junta Facultativa, the proceedings of which are set forth on page one, in document No. 11?

A. I have stated already that I was; I remember to have been there for the reason which I have assigned—on account of the matters which were mentioned at that session.

Q. 46. I find that page No. 1 of said document No. 11, purports to be a copy of the acta of the Junta Facultativa at its session of 24th March, 1846; is that date correct?

A. Evidently there is a mistake in the name of the month.

Q. 47. Why do you infer that, and what should be the month?

A. I infer it from the fact that the communication from the Junta de Fomento to the Director of the college is dated 21st April, 1846, and the acuerdo of the Director, referring that communication to the Junta Facultativa, is dated 23d April, 1846, and as the session of the Junta Facultativa was held in pursuance of that acuerdo, the session of the Junta Facultativa could not have been held in March, it must have been held in April, after the date of acuerdo. I also know that there is a mistake in the name of the month, because there was nothing known at all of the matter in March, and the box containing the specimens of cinnabar was not received until April.

Q. 48. Do you know why the name of the Secretary, Castillo, does not appear on this copy, page 1, document 11?

A. The reason is, as I have been informed, that the Secretary signed his name to the original since this copy was made. The present Director observed that the Secretary had not signed the original, and caused him to sign it afterwards.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., June 29, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy and Yale for claimants; and Mr. Randolph for United States.

Q. 49. How do you know the handwriting and signatures of Vicente Segura, José Maria Tornel, Ysidro R. Gondra, Tomas Ramon del Moral, Manuel Couto, J. Miguel Arroyo, P. Almazan, and Joaquin Velasquez de Leon?

A. With regard to all these signatures and handwritings, except the signature and handwriting of P. Almazan, I know them, because I have seen all those persons, except Almazan, write and sign their names. I have seen Almazan's signature frequently to communications, but I have not seen him sign.

Q. 50. You have said that the Junta Facultativa of the College earnestly recommended the Director of the College that he should recommend the Junta de Fomento, and the Government, to afford to Castillero all possible protection—have you any knowledge of what the Mexican Government did for the protection of Castillero, and for the encouragement of said mining enterprise? If you have any knowledge on the subject, state what it is, and from what source it was derived.

[Counsel for the United States objects to any parol evidence, as incompetent to prove the action of the Mexican Government.]

A. I knew from conversations which I had with the Director, Mr. Tornel, and Castillero himself, at the time of the acuerdo, that Castillero presented certain proposals to the Junta. He and the Junta agreed on the terms of a contract to be made between them, and had a draft of it sent to a notary to be engrossed and drawn up in proper form; but when the notary had prepared it, and it was ready to be ratified and signed by the Junta, the Junta refused to sign and ratify it, because of a decree or law which had been made by the Minister of Hacienda, suspending all payments out of the Fondo de Azogues.

Q. 51. What became of the specimens of cinnabar which were deposited in the mineralogical cabinet?

A. They still exist in the same cabinet.

Q. 52. Did you know Don José Manuel Herrera in the year 1846; if yea, what office did he hold at that time?

A. I knew him in that year, and he then held the office of professor of chemistry in the College of Mining; I knew him well, because he had been my teacher.

Q. 53. Is he the same Herrera who is mentioned in the letter from José Maria Tornel to Señor Moral, dated April 29, 1846, a copy of which is found on page two of "Exhibit Bassoco No. 11, O. H.?"

A. Yes, sir; he is the same person.

Q. 54. At or about the time of that assay did you converse with Professor Herrera about it?

A. I was living in the College at that time and was anxious to know the result of the assay, and I conversed with him (Professor Herrera) before and immediately after the assay about it.

Q. 55. From this assay, and from your conversations with Mr. Herrera, what opinion did you form of the quality of the ore?

A. I formed a very good opinion of it; but when we (the professors in the college) first saw those specimens, we knew that the ore was very rich, and that the lead or vein, from which those specimens were taken, was a good one.

Persons conversant with such matters can always tell by merely looking at the ores, whether they are rich or not; it was only to ascertain precisely the degree of richness, the exact *ley*, that the assay was made.

Q. 56. What was the rock crystal, specimens of which you saw in that box?

A. It is a substance resembling glass, of more or less transparency; the technical name of it is rock crystal.

Q. 57. Is it the same as quartz?

A. Quartz is a species of rock crystal, but not so pure.

Q. 58. To what extent was the discovery of Castillero known in the city of Mexico in the months of May, June, or thereabouts, in the year 1846?

A. We who were connected with the College all knew of it very well, and I presume the news was spread by conversations which the professors had in relation to it with other persons. The fact that the Junta refused to sign and ratify the contract after the notary had drawn it, also attracted some attention. The matter was also known to everybody connected with the Junta de Fomento, and to all the officers of the government with whom the Junta had communicated on that subject.

Q. 59. Do you know whether the government took any steps about sending a commissioner to California to examine and report upon this mine?

A. I do not know that the government took any steps for that purpose.

Mr. Moral himself spoke to me about having me appointed one of the persons to take charge of this mine and work it, but I do not know whether he ever mentioned it to the government or not.

Q. 60. Was not Mr. Moral a professor in the college; if yea, what chair did he fill—I mean in 1846?

A. In that year he was Professor of Drawing (Delineacion), and also Professor of Cosmography, Geodesy, and Practical Astronomy.

Q. 61. Is Professor Herrera living?

A. He is dead; he died in the year 1856.

Q. 62. When did you arrive in San Francisco?

A. On the night of the 14th May last.

Q. 63. In whose company did you travel from the city of Mexico to the port of San Blas?

A. In the company of Messrs. José Maria Bassoco, Francisco Martinez Negrete, Joaquin Castillo y Lanzas, Francisco Castillo y Lanzas his son, Francisco Villalon, José Maria Yrisarri, Mr. Velasco, Mariano Miranda, Antonio del Castillo, Guillermo Barron, and Mr. Billings.

Q. 64. For what purpose, and at whose request, did you come to San Francisco?

A. I came here for the purpose of testifying to what I knew touching the discovery of this mine by Castillero, at the request of Mr. William Barron.

Q. 65. Did you receive permission from the Mexican government to leave your duties as professor in the College for the purpose of coming here; if yea, what officer of the government gave you permission?

A. I did receive such permission; it was given me by the Minister of Fomento, Don Octaviano Muños Ledo.

Q. 66. What compensation have you received, or are you to receive, for coming to San Francisco on this business?

A. I am to receive, all together, $6,000, of which I have received already $5,200.

Q. 67. Do you receive your salary as professor during your absence from Mexico?

A. No, sir.

Direct examination closed.

Examination adjourned until to-morrow, at 11½ o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., June 30, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy and Yale, for the claimant, and Mr. Randolph, for the United States.

### CROSS-EXAMINATION.

Q. 68. When you left the city of Mexico, to come to this city, did you obtain any passport?

A. No.

Q. 69. Is there anybody here in this city, besides the party you came with, who has known you in the city of Mexico within the last ten years? if so, name them.

A. Yes: William Schleiden; Omaña, one of the exiles from Mazatlan; a wig-maker by the name of Acevedo. I knew Schleiden in 1847 or 1848; I am not certain of the exact time.

Q. 70. When you entered the College of Mining in 1844, as Professor of Geography and Prefect of Studies, who was the Director of the College of Mining?

A. Gen. José Maria Tornel.

Q. 71. Was he also a professor in the College?

A. No.

Q. 72. How long did Gen. Tornel continue to be Director; during what years?

A. I think that he was appointed in 1843, but I am not certain; I was not in Mexico then; he died, I believe, in 1853; he did not act as Director during each of those ten years.

Q. 73. At what periods was it that he did not act as Director, and for what cause?

A. In 1845, he was exiled for political reasons, in May or June, during the Presidency of Gen. Herrera. It appears to me, that, towards the beginning of 1846, I believe in January, he returned to Mexico, and resumed his duties as Director of the College. He was exiled towards the latter part of 1846, again, for political reasons, from August, 1846, to February or March, 1847; I am not very certain. He had to leave the city of Mexico in September, 1847, when the capital was occupied by the American forces; he left when all the other officers of the Mexican army had to leave. Besides these absences from the city, he had also to leave frequently on account of his private affairs, visiting his haciendas, etc.; I cannot state precisely when he so absented himself. But these absences were of short duration.

Q. 74. When you say that Gen. Tornel was exiled in 1845, and again in 1846, do you mean that he was banished from the Republic?

A. No: he was exiled the first time to San Luis Potosi, and the second time to Tehuacan, near the city of Puebla, on the road to Oaxaca.

Q. 75. Was it customary to appoint some distinguished person who was not a professor, to the Directorship of the College of Mining?

A. That custom prevailed; at least since the time when I entered the College, in 1834.

Q. 76. Do you mean that there were no exceptions you know of during that time?

A. Yes, precisely, when I was appointed Director, inasmuch as I don't consider myself a distinguished individual.

Q. 77. But you were a professor, were you not, at that time?

A. Yes.

Q. 78 Did you act as Director of the College and Professor of Mathematics at the same time?

A. Yes; because the decree of the 11th of September, 1856, by virtue of which I was appointed, authorized the Director to act as Professor at the same time.

Q. 79. Did it require a dispensation of that nature, in order to enable you to hold both offices at the same time?

A. The decree said that the person that had the capacity and qualifications might be Director of the College, whether he was a professor in College or not.

Q. 80. Was the decree to which you refer confined to that one purpose, or did it embrace other subjects also?

A. When Don Luis de la Rosa died, a decree was issued for the sole purpose of providing for the election of his successor, and for future elections.

Q. 81. By whom were you elected?

A. I was elected by the Professors of the College of Mining of Mexico, and by the Professors of the Practical School of Mines established at Fresnillo, in the State of Zacatecas.

Q. 82. Is the decree of September, 1856, to which you refer, to be found in print, and if so, can you tell me in what book?

A. I only saw it in the newspapers of that time; it may probably be found in the *Memoria* of the Minister of Fomento, Manuel Siliceo, which was published in 1857.

Q. 83. Can you not refer me to some law of Mexico regulating the constitution of the College of Mining, giving the names of the different professorships of which it is composed, and the qualifications required of the professors, the manner of the election of the director and professors, etc., in detail?

A. There is the law of the 3d of October, 1843, and the *reglamento* in reference to that law, of November or December of the same year; this law states the professorships to be established in the College, the qualifications of the professors, and the manner of their election. Before the date of this law, there had been a decree prescribing the mode of appointing the director; that decree stated that the Junta de Fomento should propose to the government three names to fill the office of director.

Q. 84. Do you mean that the two decrees you have spoken of in your last answer remodeled the constitution of the College of Mining as it had before existed—for example, as it had existed when you entered in 1834 as a student?

A. It reformed all that prevailed before, when I entered as a student in 1834, in regard to the studies and the interior organization of the College.

Q. 85. When you were a deputy in the National Constituent Congress, in the year 1856, were you at the same time Professor of Mathematics in the College of Mining?

A. Yes.

Q. 86. When you surrendered the directorship to Velasquez de Leon, in February, 1858, did you still continue Professor of Mathematics?

A. Yes: I am so still, having received permission to leave the city of Mexico.

Q. 87. Is there anything in the laws organizing or regulating the College of Mining, which authorizes the Minister de Fomento to give a leave of absence to a professor, or giving that minister any control in that matter?

A. By the law and regulations of 1843, to which I referred, the professors are to apply to the government for leave of absence. In 1843, the Ministerio de Fomento was not established; but since that ministry was organized, the College was placed under its charge; and I can assert that, by modifications recently made to that law of 1843, it is provided that the professors should apply to the Minister de Fomento for leave of absence.

Q. 88. Do you mean that the modifications referred to were made by the law which established lately the Ministerio de Fomento?

A. No; because the Ministerio de Fomento was established in the year 1853, and the modifications that I have just spoken of were made in January or February last, under the government of Zuloaga.

Q. 89. What is the annual salary attached to the Professorship of Mathematics, which you now hold in the College of Mining?

A. Twelve hundred dollars.

Q. 90. Does that embrace all the emoluments that you derive from the professorship?

A. This is all I receive from my professorship of the College; but I can exercise my profession of surveyor, of assayer, and mining engineer.

Q. 91. In the present condition of Mexico, at what sum do you estimate the annual value of your profession as surveyor, assayer, and mining engineer?

A. It can be valued, on an average, at $1,500.

Q. 92. Do you mean that, you being occupied as Professor of Mathematics of the College, and in the present condition of the Republic of Mexico, you can gain in your profession the sum of $1,500 per annum?

A. Yes, sir.

Q. 93. When your annual revenue from private and public sources, as thus stated by yourself, is $2,700, upon what grounds and for what consideration are you to receive the sum of $6,000 for an absence from the city of Mexico during so long a time only as would be necessary to come to California to give your testimony and return?

A. Those $6,000 which I receive is not for the testimony I give in this case, but as an indemnity for the damage done to my business by leaving the place of my residence, and also on account of the inconveniences and risks incurred in such a long voyage; so that neither before nor now do I consider this sum of importance, but small.

Q. 94. Is your salary of $1,200 per annum during the present year punctually paid in cash when it becomes due, or irregularly, and in depreciated paper?

A. It must be recollected that, during my absence from Mexico, I receive no salary; but the professors of the College receive their salary in cash, and in full, and not in paper of any kind.

Q. 95. Out of what fund are the professors of the College of Mining this year paid their salaries in cash and in full?

A. It has always been paid out of the fund called Fondo de Mineria; and this fund is formed by the real per mark of silver paid by the miners.

Q. 96. By whom is that fund collected?

A. By the Administracion del Fondo de Mineria.

Q. 97. From what source do you derive your information on this subject?

A. In 1852, when the Junta de Fomento y Administrativa de Mineria ceased to exist, the Administracion del Fondo de Mineria was organized; I know the facts I have stated, because I was in the College of Mineria, and am acquainted with all that took place in regard to that branch, and because the College receives from that Administracion the amount of its expenses.

Q. 98. Explain the whole process of the collection of this Fondo, or Real de Mineria, as now practiced.

A. The Administracion del Fondo de Mineria has formed a contract with the house of Jecker & Co., and that house, through its agents, collects in the different mining districts the proceeds of the mining tax; and each month its agents forward, by means of drafts on the house, and in favor of the Administracion del Fondo, the amount of tax collected. There are places where there are no agents of the house of Jecker & Co., and in those cases the Administracion appoints the parties who were to collect the real per marco.

Q. 99. From whom do the agents of the house of Jecker & Co. receive the real?

A. From the very parties who deposit their silver, either in the Assay Office or Mint, to be assayed or coined.

Q. 100. Is not the payment of the real made to the agents of Jecker & Co., through the hands of the person in charge of the Assay Office, or Mint, after that officer had collected it from the person bringing in the silver?

A. Generally it occurred in that manner, because the assayer is the party who first determines the ley of the silver, and reduces it to the *once dineros*, in order to collect the mining tax.

Q. 101. Under what law is this real per marco now collected?

A. The law dates as far back as the colonial government of Spain, but it was ratified during the early days of Mexican Confederation, and that same law has been sustained by all the other subsequent governments.

Q. 102. Do you not know that all this old regulation about the real per marco has been latterly done away with, and ceased to exist?

A. They did exist at the time I left Mexico.

Q. 103. Has not the Fondo de Mineria, consisting of the said real per marco, been turned into the public treasury as a part of the public revenues of the Republic?

A. No, it has not.

Q. 104. Was there not, as long ago as the 30th of November, 1850, some law or decree regulating the public credit, which ignored the existence of this fund?

A. The law of 1850, known as the "Law Payno," which classified the revenue, placed the mining tax in the revenue of the public treasury; but the Oficina de Mineria continued to exist, and the collection of the tax of this branch continued to be made in precisely the same manner as before, and its proceeds were applied to the payment of the expenses to which it had formerly been applied; so that, in fact, this fund existed as independently as it existed before the passage of that law, which law was repealed, nevertheless, so far as it relates to the Fondo de Mineria, in the year 1853.

Q. 105. On the contrary, since the passage of the law of November 30, 1850, regulating the public credit, has not the Fondo de Mineria gone through many vicissitudes which it would take considerable time to explain, and which leave it now in a very equivocal condition?

A. No, sir; on the contrary, last year, Mr. Jorrin, being Minister of Hacienda, made a decree, in which it is distinctly stated that the Fondo de Mineria is a private fund, belonging to the miners.

Q. 106. I wish you to be certain in respect to your answer which you give to my last question, because I derive my information on this subject from Señor José Maria Bassoco, and have adopted his words in putting that question. In his printed deposition I find this passage:

"The law of the 30th of November, 1850, regulating the public credit, was the first which ignored the existence of this fund. Since then it has gone through many vicissitudes, which it would take considerable time to explain, and which leave it now in a very equivocal condition."

As you are both persons who might be expected to have the best information upon the subject, and as your statements are directly in conflict, I am at a loss to know what to believe about the matter. Do you insist that Mr. Bassoco did not know what he was talking about?

[Question objected to by the counsel for the claimants, on the ground—1st. Because, if the counsel for the Government is at a loss to know what are the Mexican laws and decrees which regulate this fund, he should resort to those laws and decrees themselves, as the best evidence on the subject; 2d. Because as those laws and decrees are written, parol proof of them is incompetent; 3d. Because the question assumes what is not proven, to wit: that Mr. Bassoco and the witness are persons skillful in Mexican law; 4th. Because it is proven by each of those gentlemen that he is not a Mexican lawyer; 5th. Because any testimony which either of them might give, which is in its nature a mere construction of Mexican laws and decrees, is irrelevant and incompetent testimony.

Counsel for the United States suggests that he thinks he may test the credibility of these witnesses by comparing their respective statements on a matter with which they both profess to be intimately acquainted.

Counsel for the claimant objects to the Commissioner writing down the suggestion of the counsel for the Government, because it is merely argumentative and should not be inserted here.]

A. I begin by answering that I adhere to my last answer. I have been asked what the laws were in relation to this matter, and I have stated what they were. I stated also how the Fondo was affected by the law called Payno, which passed in 1850. Mr. Bassoco probably was considering the matter in another aspect; he probably did not refer to the laws on the subject, but to the accidents and occurrences which took place in consequence of the revolutions which happened in the country. Mr. Bassoco probably, also, had in view, that in those revolutions the military chieftains took possession of the Fondo, and diverted it from its legitimate object or purpose, and even the authorities sometimes did the same; so that it happened occasionally that the just demands of the creditors upon it could not be met, as they would have been under usual and ordinary circumstances. The amount of interest paid to the creditors of the fund was also reduced, and I think there was also a reduction of the principal. These were probably the vicissitudes Mr. Bassoco had in view when he made the statement. When Mr. Bassoco speaks of vicissitudes and uncertainty, he is right, because the creditors of the fund feel great uncertainty and insecurity with regard to the payments out of the fund, in consequence of these revolutions. Mr. Bassoco and myself agree with regard to the existence of the law of Payno, and the effects of it.

Q. 107. How can you say that you and Mr. Bassoco agree about the results or construction of the law of Payno, when, according to him, that law made the real per marco a part of the public revenues, whilst you, when specially interrogated whether the real per marco had not been turned into the public treasury, as a part of the public revenue, answered that it had not been?

[Question objected to by counsel for claimant, because in a subsequent answer to that referred to in the question, when the witness explained very fully what disposition of this fund was made by the law of Payno, he says that the mining tax was placed in the revenue of the public treasury, although its proceeds were applied to the payment of the expenses to which it had formerly been applied, so that according to a fair construction of the witness' testimony, there is in the particular referred to in the question, no disagreement between himself and Mr. Bassoco.]

A. Speaking of the law of Payno, I stated that it (the law of Payno) regarded the real minero as a public revenue, but notwithstanding this, the mode of collecting the real, and the objects to which it was applied continued the same as before, and the same office of the Administracion del Fondo de Mineria, continued to discharge its functions as before, and I even added that during the administration of Gen. Santa Anna, that article of the law of Payno, which regarded the real minero as a public revenue, was abrogated.

Q. 108. Do you say that the law of Payno did or did not make the Fondo de Mineria a part of the public revenue? What do you mean when you say that the law placed the fund in the public treasury, but that it still continued as before, to be collected and expended as a private fund?

[Question objected to by counsel for claimant, because it calls for witness' construction of the law.]

A. I mean this: the law of *Payno* made the Fondo de Mineria a public revenue, but it allowed it to exist as before, as a private or particular fund, allowing it to be still appropriated to the discharge of all the claims which had formerly existed against it. It did make it a part of the public revenue, as I have stated in the first part of this answer.

Q. 109. Still, I cannot understand you, if the fund continued to be collected in precisely the same manner, and applied to precisely the same objects as before the law of *Payno*, and at the time when it was called a private fund, how could that law, making no changes in these particulars of collection and disbursement, in any sense be said to have converted that fund into a part of the public revenue, or to have placed it in the public treasury. Do you mean merely that it made this change nominally only, but that in fact there was no change at all?

[Question objected to by counsel for claimant, upon the ground that it is substantially an argument by the counsel for the Government, directed against the witness' construction of the law of *Payno*, and that the Government has no right to seek from this witness a construction of the law, and, if possible, still less right, after the witness has given his construction of it, to require him to answer arguments against the correctness of his construction.]

A. The change consisted merely in this alone. There was a capital or principal sum which accrued from or was constituted by interest which had remained unpaid. The amount of this sum was reduced by the law of Payno some thirty or forty per cent., to the best of my recollection; and the interest of five per cent. which had theretofore been paid to the creditors of the Fondo de Mineria, was reduced to three per cent.; and the other two per cent. was appropriated by the Government and taken into the public treasury. These were, in fact, the only changes.

Examination adjourned until tomorrow, at 12 o'clock M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., July 1st., 1859.

Cross Examination resumed from yesterday,

Present: Messrs Peachy and Yale for claimant, and Mr. Randolph for the United States.

Q. 110. What was the amount of the capital, or principal sum, which you say had accrued from unpaid interest, and which was reduced by the law of Payno thirty or forty per cent. and interest upon which was reduced from five to three per cent.?

A. I had no direct personal connection with those matters, but will state what I can remember with regard to them. The capital which had accrued from unpaid interest was over $2,000,000, and this sum was reduced as I stated yesterday; before this reduction, no interest was allowed upon the amount of this principal sum, but after the reduction it was provided that it also should bear interest at the rate of three per cent.

Q. 111. What did you mean by saying that the interest on the capital sum accumulated was reduced from five to three per cent. if it had borne no interest before the three per cent. was allowed?

A. I referred then to the primitive, original debt due by the Fondo de Mineria. It is clear that this was my meaning because I spoke of a principal sum which had accrued from unpaid interest; that interest, of course, must have been due upon some principal or capital.

Q. 112. You mean, then, that the law of Payno reduced the interest on the old debt of the Fondo de Mineria from five to three per cent. and that it struck off thirty or forty per cent. from the $2,000,000 accumulated from the back interest remaining unpaid, and then added the balance to the principal sum of the debt, and allowed three per cent. interest on that also, do you not?

A. Yes, sir; that is my meaning.

Q. 113. In all that you have said, then, you have not been speaking of the Fondo de Mineria at all, but of the debt due by that Fondo, and which is an entirely different thing. As to the Fondo de Mineria itself, am I to understand that it remained unaffected by the law of Payno?

[Question objected to by Mr. Peachy, of counsel for claimant, upon the ground that it does not state correctly the substance of the testimony of witness as to the effect of the law of Payno.]

A. All that I have said did not refer to that—the debt. Yesterday I spoke of two things, viz: the collection and administration of the Fondo and the objects to which it was applied, and also of the interest that was payable out of the Fondo. With regard to the Fondo de Mineria itself, I do not think the law of Payno had any effect upon it, upon the essential thing.

Q. 114, Leaving out of view the question of the debt in all its bearings, had the law of Payno any effect at all upon the Fondo de Mineria itself; did it make any change whatever in the collection, administration, application, or in any other particular concerning that Fondo, and if so, what?

[Objected to by Mr. Peachy, because if it seeks to ascertain the witness' knowledge of the Mexican law, it is irrelevant; and if its object is to prove the law itself, it is incompetent to prove a written law by parol testimony.]

A. I now state, as I stated yesterday, that the only change made by the law of Payno had reference to the creditors and the payment of interest; it made no other change.

[Answer objected to by Mr. Peachy, so far as it is intended to prove or construe the law of Payno.]

Q. 115. If then Mr. Bassoco was not speaking of casual interruptions from the revolutionary disorders of the country, nor of the debt due by the Fondo de Mineria, but in answer to a formal question was giving the history of the Fondo de Mineria, from its origin in 1732, and the changes through which it had passed, in consequence of various laws which had been passed about it, and when he had brought his narrative down to the year 1850, said that the law of November 30th of that year entirely changed the condition of the Fondo de Mineria, and made it a part of the general revenues of the country, so that it was difficult to understand how the Fondo de Mineria stood after that date, and so as to leave it in a very equivocal condition —am I to understand from your answers, that Bassoco was altogether in error?

[Question objected to by Mr. Peachy; 1st. Because it makes a hypothetical statement of what Mr. Bassoco might have said; 2d. Because this hypothesis is opposed by what Mr. Bassoco really said; 3d. Because it seeks to obtain from this witness his construction of Mr. Bassoco's construction of the law of 30th November, 1850.]

A. In order to answer this question, I will have to make some statements, which I suppose it might be necessary to make here.

[Counsel for the United States requests the witness to make any statements which he may think proper.]

It will be observed from the history of Mr Bassoco, that up to 1850 the Fondo was considered as a private fund; by the law of Payno, passed in that year, it was declared that the Fondo was not a private fund, but a part of the public revenue, and although this declaration did not effect the essence of the fund, or make any other changes in it than I have stated, the creditors of the fund, who had always insisted that it was a private fund, felt greatly injured by that declaration of the law, and considered that morally it decided the question against them, and that thereby the government said in effect that it might dispose of the Fondo as it thought proper, that it took control of it as if it were part of the public revenue; but since the abrogation of that part of the law of Payno during the administration of Santa Anna, and the making of the law in 1858, which declares that the Fondo is a private fund of the miners, it seems to me that there can no longer be any legal vacillation or uncertainty about it.

Q. 116. Then you can see no foundation for Mr. Bassoco's remark that the Fondo de Mineria is "now in a very equivocal condition?"

A. I think that remark of Bassoco refers more to the effect of the political condition of the country, than to the laws touching the Fondo de Mineria.

Q. 117. But if you should be mistaken in that supposition, and if Mr. Bassoco did distinctly refer to the laws touching the

Fondo de Mineria, how would you answer then my last question?

[Question objected to by counsel for claimant, because it requires the witness to give his opinion on Mr Bassoco's construction of the various laws and decrees of Mexico, since, and including, the year 1850, which affected this fund.]

A. In that case I would state that the laws which I know of touching the Fondo, Mr. Bassoco is also acquainted with, and his apprehensions are based, undoubtedly, not upon the laws which now exist, but upon his knowledge of the frequency with which changes occur in the Government, and in the laws of Mexico, and the danger that what one Government may do to day, may be undone by another tomorrow.

Q. 118. Although your statements and those of Mr. Bassoco are both perfectly clear and explicit, and at the same time, as it seems to me, entirely irreconcilable one with another, and although by way of hypothesis, I put you the most obvious cases of a contradiction between you and Mr. Bassoco, you seem from your answer to be unwilling to admit that Mr. Bassoco may have fallen into errors; have you not been conversing with him on the subject of your respective answers on the subject of the Fondo de Mineria, since the adjournment on yesterday?

[The preamble of the question objected to by Mr. Peachy, so far as it states there is a contradiction between the witness' construction and Mr. Bassoco's construction of the laws of Mexico since 1849, relating to this fund.]

A. I have not only not spoken to him on that subject or any other, but I have not even seen him since last Wednesday, when he was here speaking with the interpreter.

Q. 119. How is it that you can speak so confidently of the decree of November 3, 1850, and also of the decree of Santa Anna of 1853, abrogating so much of that of 1850 as changed the Fondo de Mineria from a public to a private fund, and also of the decree of the year 1858, which again expressly declared that the Fundo de Mineria was a private fund. Have you those decrees here?

A. I have not those decrees with me. I spoke in that way of the decree of 1850, because I remember it was made after a lengthy and warm discussion upon the subject between those who contended that it was a private fund, and those who claimed the contrary. I remember the modification made during the administration of General Santa Anna, because General Tornel, who was then the Director of the College, used his influence to obtain that modification, and I spoke to him upon the subject repeatedly. I remember the decree of last year, because the Minister appointed a commission of three persons, of whom I was one, and whose duties related to the Fondo de Mineria; and I remember that my attention was arrested, or attracted, by the publication of that last decree during the existence of this commission, and before it had time to make any report. The commission accomplished nothing, because sufficient time was not granted.

Q. 120. When you say that by the law of *Payno*, passed in 1850, it was declared that the Fondo de Mineria, was not a private fund, but a part of the public revenue, do you mean that there were express words in the law to that effect?

A. Yes, sir; that law did declare it so.

Q. 121. Did the decree of 1843, which remodeled the College of Mineria, give the constitution of the Junta Facultativa, the number of its members and of the suplentes, and also the manner of their election?

A. Those matters are all prescribed in that law, and the *reglamento* made for it in the same year.

Q. 122. Is that *reglamento*, published in the same book with the degree?

A. I have seen them both published in the same book, but not in immediate conjunction.

Q. 123. What was the special cause of the banishment of General Tornel in 1845, and also of his banishment in 1846?

A. It is difficult for me to explain those matters, but I do know it was shortly after an attempt to create a revolution, made in the palace itself, in the capital, in 1845, against the government of Herrera, that General Tornel was banished. He was banished in 1846, as I understand, because he had been a Minister under the administration of General Paredes.

Q. 124. When General Tornel was banished, what became of the Directorship of the College of Mining?

A. During his first banishment the Directorship was held by Don Tomas Ramon del Moral. During the period of his second banishment, the Directorship was held by the same Mr. Moral, by Joaquin Velasquez de Leon and myself, respectively.

Q. 125. By what appointment did Don Tomas Ramon del Moral, Velasquez and yourself, respectively, hold the office of Director of the College of Mining, during the absence of General Tornel?

A. The government made an order in that year requiring the first vocal of the Junta Facultativa to be the Director of the College of Mining *ad interim*, during the absence of the permanent incumbent. Mr Moral was first vocal of the Junta in 1846, and up to December of that year, when he went to Toluca as a deputy to the legislature of the State of Mexico.

After Mr. Moral left, I, who was the second vocal, became first vocal, consequently the director. In 1847 there was a new Junta Facultativa elected, and Don Joaquin Velasquez de Leon was elected first vocal of the Junta, and as such, became director of the college.

Q. 126. Was not the case of the absence of the director of the college provided for by the decree and *reglamento* of 1843, and did the decree of 1845 to which you refer make any new or different provisions on that subject?

A. Mr. Moral was appointed director in 1845, in accordance with the laws on that subject which required that the Junta de Fomento should propose three persons to the government, one of whom should be appointed by the government; because in that year, 1845, the government was a constitutional government. The government which existed in 1846 was one of unlimited powers, and had a right to make what laws or regulations it chose, without regard to any previously existing laws or decrees.

Q. 127. Who was the President in 1846 to whom you allude as having exercised these arbitrary powers.

A. General Salas and General Paredes respectively.

Q. 128. Why do you say that these Presidents had unlimited arbitrary powers; did not each of them assume the government in accordance with some plan which excluded the idea of their interfering with the general laws of the country; did not General Salas also re-establish the federal constitution of 1824?

A. Although I cannot explain all about these plans, I can state that although the plan referred to did propose to establish the constitution of 1824, yet until that constitution should be established or the government under it, the President exercised arbitrary powers. It was so with both those plans, because although the other plan required the organization of a congress, until such congress should assemble the President was to exercise arbitrary power.

Q. 129. Do you not know that the very contrary of your statement is the fact, and that Paredes in the interval before the assembling of the Congress, and Salas, in the interval before the re-establishment of the Constitution of 1824, (if there was such an interval,) had no such powers, but were limited to the laws in force; the only exception, in the case of Paredes, being that he claimed the right to exercise extraordinary powers for the repulsion of the Americans?

[Question objected to by Mr. Peachy, because it implies the existence of a state of facts which is not only unproven, but is, further, not a correct statement of the powers of the Paredes and Salas Governments.]

A. With regard to General Salas, I think he had extraordinary powers for some days; I have stated before, however, that I had no distinct recollection of the provisions of those plans, and what I have stated in regard to them is merely my recollection of the matter; I cannot speak with certainty about them.

Q. 130. In the College of Mining, were there any actas kept besides those of the Junta Facultativa?

A. There were no others kept there.

Q. 131. Why do you say that the Junta Facultativa was especially charged with the scientific branches of the college; what do you mean precisely?

A. It establishes relations with scientific corporations; regulates and modifies the courses of study, and makes up the programmes for private examinations, and examinations at which diplomas are given; and it hears the public applications for vacant professorships, and decides with regard to the merits of applicants, and makes up any reports that may be required of it on the subject of mining.

Q. 132. It was not in any particular manner charged with the superintendence of the chemical department, and with the making of reports of the assays of metals by the Professor of Chemistry?

A. The Junta was not specially charged with the examination of reports made by the Professor of Chemistry, of all assays made by him.

Q. 133. Do you know of any other instance than this of Andres Castillero, in which so much formality has been observed in the assaying of a few specimens of ore? Do you know of any other case in which the specimens were first formally sent to the Director, and by the Director as formally to the Junta Facultativa, and by that body to the Professor of Chemistry, and back again through all the same steps, communicating the result of the assay to the party who sent the specimens?

A. I remember there were several cases like this. Sometimes specimens of coal were sent, at other times water containing salt, and at other times other things for the purposes of having their properties or component parts ascertained. In some of those instances the same formalities were observed as those observed in the case of the specimens of quicksilver.

Q. 134. Do you know of any other case in which the Junta de Fomento, constituting as it did a part of the same general institution, and having its office in the same building, adopted this tedious, formal, and roundabout way to procure an assay of a few specimens of ore by the Professor of Chemistry?

[Question objected to by Mr. Peachy, because the Junta de

Fomento was not a part of the institution known as the National College of Mining; and because, further, the measures taken by the Junta de Fomento to have an assay made of the ores and quicksilver, were not tedious, formal or roundabout, but, on the contrary, such as would have been adopted in the regular and usual course of business.]

A. I don't remember any other case.

Q. 135. Can you suggest any reason why the Junta should have adopted such a course in the case of Andres Castillero, and why the Junta might not have passed the specimens directly to the Professor of Chemistry?

A. I think it is very easy to explain why the Junta adopted that method in that case. Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise; and before accepting his propositions, it was necessary for the Junta to satisfy itself of the quality of the ore presented to it, and the professors of the college not being subject to the authority of the Junta de Fomento, it was necessary for it to apply to the Director of the College; and if it made this application to the Director by means of an official dispatch, it did so because it desired to have an official reply, so as to be able to communicate the whole matter to the government.

Q. 136. Was not the College of Mining open to all the world, and was not the Professor of Chemistry authorized to give, and in the habit of giving, certificates of assays to whoever presented their ores for assays?

A. Yes. The Professor of Chemistry whenever he makes an assay, gives a certificate of the result of it, if it is required.

Q. 137. What more did the Junta de Fomento obtain by all the *oficios* passed between the various functionaries of the College of Mining, than the mere certificate of the Professor of Chemistry, which you say any individual might have obtained simply by asking for it?

A. Whenever the Junta had anything to do with the College of Mining, it had to be done through the Director of the College.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL., July 2, 1859.

Examination resumed from yesterday.

Present: all the parties; and by consent, adjourned until Tuesday next, the 5th instant, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 5, 1859.

Examination resumed from Saturday last.

Present: Mr. Peachy for claimant, and Mr. Randolph for the United States.

Q. 138. Did President Salas, in the year 1846, issue a decree requiring the first vocal of the Junta Facultativa to be Director of the College of Mining, *ad interim*, during the absence of General Tornel?

A. He made no such decree; it was done by an order of the Ministry.

Q. 139. Please explain the difference between such an order and a decree.

A. When the Government makes a decree, it sets forth that, by virtue of such or such authority, or by virtue of its general powers, "it is decreed as follows;" when it is an order, an official dispatch is sent by the Ministry, stating that, by virtue of an order of his Excellency, the President, it is "ordered," etc.

Q. 140. What do you mean by a decree in virtue of special authority, and what by a decree in virtue of general powers; in the first case is it not always intended to be understood that the President is acting in pursuance of some law or plan, and in the second that he is acting under and by virtue of the constitutional powers which attach to his office?

A. Without wishing to be considered competent to answer correctly with regard to those matters, and without claiming that my opinion with regard to them is in all respects correct, I will state that, if a decree is made by a Government of Mexico, possessing extraordinary powers, it is usual to recite that the decree is made by virtue of such or such a plan or law; if the government making the decree be a constitutional one, it is usual to recite that the decree is made "by virtue of the authority conferred by the Constitution." etc.

Q. 141. Did you ever know of such a thing in Mexican legislation, as a decree which did not profess to be in pursuance of authority given by any plan, law or Constitution, but which was avowedly without other sanction than the individual will of the man who happened to be President?

A. I don't remember having known any.

Q. 142. Is not an order of the Ministry, or of any particular Minister, a disposition of an inferior grade to that of either class of decrees of which you have spoken?

A. Yes.

Q. 143. Do you know of any provision, whether of a constitution, plan or law, which authorized Gen. Salas, in 1846, on the banishment of Gen. Tornel, to change the mode which the law had established for filling a vacancy in the office of Director in the College of Mining?

A. I don't know by virtue of what plan Gen. Salas went into office, but I do believe that it was provided by the plan, in virtue of which he took office, that for some length of time he should be invested with extraordinary powers, until the time when the Constitutional Government, provided for by the plan, should be organized.

Q. 144. Do you not know that Gen. Salas had no authority to change the laws which regulated the College of Mining in any particular, neither by a decree, nor still less by an order of the Ministry?

A. I believe he had the power, which I have before stated; and I believe the proceedings to elect a Director in that year, as I have stated, were legal, because the Junta de Fomento, on whom the law conferred the right of making nominations, as before stated, made no objection to those proceedings, as they certainly would have done, if the Government had exceeded its powers.

Q. 145. Why were these specimens, which Don Tomas Ramon del Moral brought to the College of Mining, given to the Professor of Chemistry to be assayed, when I see by the decree reorganizing the college, that there was a Professor who had charge of the Laboratory, and whose business it was to make experiments and test the value of ores?

A. The reason why they were sent to the Professor of Chemistry was, that he was the only person who had charge of such matters in 1846, for although the decree provided that there should be a Professor of chemical analysis, still there never was any such professor.

Q. 146. What is the meaning of the word *ensayar* to assay?

A. The word *ensayar* among miners, means the determination of the quantity of metal existing in any given quantity of ore; the word *ensayar*, when applied to the precious metals, means the determination of the degree of fineness of an ingot.

Q. 147. Is not the determination of the fineness of an ingot of the precious metals, the correct and scientific definition of the word *ensayar*?

A. That is the correct scientific definition with regard to the precious metals, but not with regard to minerals generally.

Q. 148. Is not the correct scientific term, and that always used in the college of mining to express the determination of the quantity of metal in a given piece of ore, *analisar*, just as in the decree to which I have referred the professorship charged with that business is called that of *analisis?*"

A. No. The meaning of the word *ensayar*, is what I have already stated. The word *analisar* has a more extensive signification, it means to ascertain the nature of each and all of the component parts of any substance.

Q. 149. Is not the use of the word *ensayar* in the papers which refer to the operations performed upon the specimens brought to the College by Don Tomas Ramon del Moral, as the agent of Castillero, entirely incorrect, and one which would not have been used by the Professor of Chemistry, the Junta Facultativa, and the Director?

A. On the contrary, I think that is precisely the term they should have used, because they wanted to find out how much quicksilver there was, without regard to the other substance.

Q. 150. But in order to ascertain the value of the quicksilver in the mass, was it not alike the scientific and practical plan to make a complete analysis and find out all the substances with which it was combined in the given mass is not that the way in which this class of experiments is made in the College of Mining?

A. That is not the mode observed either in the College of Mining, or anywhere else in the Republic, when the object is to ascertain the quantity of one particular metal.

Q. 151. On your direct examination you say that the communication from the Junta to the Director of the College is dated April 21, 1846, and the *acuerdo* of the Director, referring that communication to the Junta Facultativa, is dated April 23, 1846; what *acuerdo* do you refer to?

A. It is this marginal note on the first page of "Exhibit Bassoco No. 10," in these words, the translation of which is as follows: "April 23, 1846. Let it pass with preference to the Junta Facultativa of the College. (Signed) Tornel."

Q. 152. When asked on your direct examination if you had any knowledge of what the Mexican Government did for the protection of Castillero, and for the encouragement of the mining enterprise, and from what source you derived that knowledge, if any you had, you answered, "I knew from conversations which I had with the Director, Mr. Tornel, and Castillero himself, at the time of the *acuerdo*, etc., etc." What *acuerdo* do you there refer to?

A. I did not answer as stated in this question; my answer in regard to that matter was, that my knowledge of what the government had done for Castillero, was derived from conversations which I had with Mr. Moral and Castillero himself; I said nothing about this, nor any other acuerdo in that connection; I may also have referred to the agreement between Castillero and the Junta de Fomento.

Q. 153. In the question, I have copied your words from your deposition as printed, and undoubtedly correctly printed from the original; it seems to me that you ought to know certainly whether you spoke of an acuerdo or not. Do you say now positively that you did not derive your knowledge of the matters referred to from any conversations with the Director Tornel, and that you did not refer to the acuerdo, the words of which I have cited above?

[The first part of the question objected to, by Mr. Peachy, of counsel for claimant, on the ground that, if the witness is to be referred to his former answer, it must be shown to him as it was written by the Commissioner, and not as it is printed in the newspaper report; and the second part of the question objected to on the ground that it implies an incorrect statement of witness' last answer.]

A. I have observed some confusion in these questions touching this matter from the beginning, for I was first asked with regard to this marginal note or acuerdo, and then questioned with regard to grants by the government, and I am unable to see any connection between these two matters, for this acuerdo of course was made before any grant.

My answers in regard to this matter are based upon the idea that I have been asked to state how I knew that the government had made any grants, and as the acuerdo was made before the grants, I could not have stated that I derived my knowledge of the grants from the acuerdo.

If you wish me to state the source of my information about those matters, I can very easily state it.

Q. 154. Counsel for the claimant asked you for your source of information on that subject, but I did not; in answer to his question, you mentioned, amongst the sources of your information, that you had learned it from Castillero himself at the time of the acuerdo, as your answer is printed; you now say that these conversations with Castillero were not at the time of the acuerdo, but that you may have referred to the agreement between Castillero and the Junta de Fomento; do you mean that these conversations with Castillero occurred about the date of that agreement; if not, what do you mean by referring to the agreement in that connection?

[Question objected to by Mr. Peachy, of counsel for claimant, on the ground that the witness is referred to the newspaper report, instead of the original answer.

The custodian of the foregoing part of this deposition being absent, the Commissioner is unable to procure it at this moment.]

A. What I mean to say is, that I have acquired my knowledge of the matter to a great extent from my own official acts, and when the matter was initiated in the Juna Facultativa of the college, Castillero was not even in Mexico, so that my knowledge of the matter could not be derived from conversations had with Castillero at that time; my conversations with him upon the subject were had after the agreement between him and the Junta de Fomento was made, and at the time the escritura was about being drawn up.

Q. 155. I am endeavoring to ascertain the time when those conversations with Castillero occurred, which, on your direct examination, you said were in part the source of your knowledge of what the Mexican Government did for Castillero, and for the encouragement of his enterprise. In your deposition, as printed, you say that these conversations occurred at the time of the acuerdo, but you now say they did not occur at that time, in answer to the 152d question; and, on cross-examination, you say you may have referred to the agreement between Castillero and the Junta de Fomento, but you now say they did not occur at that time, but afterwards, when the escritura was about being drawn up by the notary. How did you come to know anything about this escritura, or whether there was one to be drawn up or not?

[Counsel for claimant objects to so much of the question as states the newspaper report of a former answer, especially as the interpreter, who is now present, and who rendered the question from Spanish into English, declares he is positive that the said answer is incorrectly printed, and has so said from the time that the counsel for the Government first drew the witness' attention to that answer.

Counsel for the United States states that he puts the question subject to the correction by the original when it can be procured, but cannot, after the lapse of several days, consent to corrections made from memory.]

A. Speaking of events which are past, one may not always express his ideas accurately, so that, when I say I had those conversations with Castillero at the time of the agreement, and also at the time that the escritura was about being drawn up, I mean simply that I had several conversations with him on the subject.

What I mean to say is, that I am perfectly certain that, after his return to Mexico, I had several conversations with him on this subject; with regard to my knowledge of the escritura, it is derived from what Mr. Moral and Castillero said to me, and I also know of it because those matters were then notorious in Mexico, and we of the College were very desirous to know what the result of Castillero's proposals to the Junta would be.

Q. 156. When asked why you supposed the Junta de Fomento sent the specimens of cinnabar to the Director of the College of Mining, accompanying the same with a formal dispatch, you said that the proceeding was of easy explanation, and made use of these words: "Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise." Do you mean literally what you say, and so far as you have any knowledge, no one else made like application to the Junta?

A. Castillero did not present specimens of quicksilver to the Junta de Fomento, they were presented by his agent, Don Tomas Ramon del Moral. I have no knowledge of any other miner asking for similar protection from the Junta.

Q. 157. If in fact the Junta de Fomento, etc., had been engaged commonly in protecting and encouraging miners, would you not undoubtedly have had some knowledge of it?

A. I would not have known it. The Junta may well have done such business without requiring any intervention from those connected with the College. It would only be in cases where it was required that the matter should pass through the College, that I should have any knowledge of it.

Q. 158. Then the Junta de Fomento, etc., might every day have protected and encouraged some miner, just as Castillero had to be protected and encouraged, for all that you can swear to the contrary, might it not?

A. The Junta de Fomento's special business was to attend to quicksilver mines, and I presume that, from prudential considerations, in matters of importance it would apply to or consult with the Junta Facultativa—a body well instructed upon such subjects.

Q. 159. It does not matter what you presume. Can you or can you not swear that the Junta was not engaged in giving to miners every day the same protection and encouragement that Castillero asked for?

A. I cannot swear one way or the other.

Q. 160. Then how was it when you attempted to account for the action of the Junta de Fomento in this matter of Castillero that you did swear "Castillero was the only miner who presented himself to the Junta and required of it assistance to prosecute his enterprise?"

A. Because he was the only one that ever did so to my knowledge, or of whom I had ever heard.

Q. 161. But if you were not likely to know anything on the subject, one way or the other, as you now say, the matter being entirely out of the line of your business, and as there might be one every day in the year for all that you would know to the contrary, with what object did you make a declaration so useless, under the circumstances, as that "Castillero was the only miner who presented himself to the Junta, and required of it assistance to prosecute his enterprise?"

[Question objected to by counsel for claimant, on the ground that it incorrectly states the substance of the witness' testimony as to the likelihood of the Junta Facultativa knowing of such a contract as this between Castillero and the Junta Facultativa.]

A. There is another reason, in addition to what I have stated, to show that my idea about it was correct, viz: that in all the publications of its proceedings which the Junta has made, no other transaction of that kind than that of Castillero appears.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 6, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy for claimants, and Mr. Randolph for the United States.

Q. 162. You say that Don Tomas Ramon del Moral brought to your apartments in the college, a box containing some specimens of cinnabar and sundry other things, which had been sent him by Castillero from California; did you learn by what conveyance those things had been sent to Moral, and who was the person who brought them?

A. No sir; I only learned that Mr. Moral received them from General Herrera.

Q. 163. You say that you were surprised at the arrival of Castillero so soon after the specimens; about how long after was it?

A. I can't state exactly how long, but it was only a few days.

Q. 164. How many weeks?

A. I can only guess at the length of time; I cannot state it positively.

Q. 165. As you remember so distinctly that you were surprised at the shortness of the time, how is it that you have no distinct idea as to how long it was?

A. I repeat that the arrival of Castillero surprised not only myself, but the other professors of the college, because he was not expected at that time; but when I am asked to state precisely the number of days, I answer that it is impossible for me to do so; I can state that, by approximation, as nearly as I can come to it, it was some twelve or fifteen days.

Q. 166. About how long before the date of the acuerdo of Gen. Tornel, transmitting these specimens to the Junta Facultativa, was it that those specimens had been received in Mexico?

A. Whatever I might state with regard to the number of days would be merely an approximation, not the exact number—that I am unable to state; it was about a week more or less.

Q. 167. The acuerdo to which I refer is dated 23d April, about a week before that would be about the 16th or 17th April, and twelve or fifteen days after that would be about the 1st May; is it your impression that Castillero reached Mexico as early as the 1st May, 1846.

A. I cannot state whether it was on the first day of May or not, but it was about the beginning of May.

Q. 168. Did you make any memorandum of the contents of the box which Moral showed you?

A. I did not.

Q. 169. How, then, was it possible for you to state so precisely the list of the articles contained in the box?

A. Because I examined them repeatedly, not only when they were first received, but subsequently also; and those specimens or the greater part of them, were placed in the cabinet of mineralogy, where we have often since had occasion to see them.

Q. 170. Are there not a great variety of specimens in the cabinet of mineralogy, received at various times and from various persons, and which, as a professor, you have been frequently in the habit of inspecting—how is it possible that you can now, from memory, swear to a list of the contents of one particular box, received from a particular person more than thirteen years ago?

A. It is true that there are in the cabinet of mineralogy a great many specimens of the same substances, but each one has a ticket to it, stating the name of the substance or mineral, and the place where it was found, and the name of the person who discovered it or transmitted it to the establishment, and on the ticket attached to the specimens sent from California, there is a particular statement of the place where they were found, with the name of Castillero. The reason why I remember the contents of the box, is, that the specimens which it contained were examined so often by myself and the other professors, and they were spoken of so frequently at the time in the college, that a distinct impression of the matter remains upon my memory, as it naturally would. Any person acquainted with the science of mineralogy will retain a stronger impression of any examination of that kind than a person who is not possessed of such knowledge.

Q. 171. Can you now, from memory, give me the catalogue of any other box of minerals presented by or on behalf of any other person than Andres Castillero, in the month of April, 1846, or in any other month of that year?

A. I saw no other box of specimens in that year.

Q. 172. But did you not see in that year any other minerals than those which had been presented by or on behalf of Castillero?

A. I saw no specimens of minerals sent to be examined in that year, except Castillero's; I mean none that were sent to be examined in that manner. I frequently saw specimens brought by individuals to be examined in the Cabinet of Mineralogy or Laboratory, but none others that were sent in a box to be opened and examined there, with the same particularities observed in the case of Castillero's specimens.

Q. 173. Is it the closed box, and the particularities about which you speak of, which enabled you to give the list of the articles which were presented by or on behalf of Andres Castillero?

A. No sir; the box was brought to my own apartments, and this is one fact which enables me to remember about it; and the other particularities which enable me to remember it, are, that it was received from General Herrera, who had just been President, and that it was accompanied by a letter addressed to Mr. Moral, as Director of the College, and the careful examination which we made of the minerals, and which gave us at once an idea of their richness.

Q. 174. Can you remember now the list of the various articles composing any other parcel of minerals which, at any time in the year 1846, you saw in the Cabinet of Mineralogy, or in the Laboratory, and in respect of which you are not aided by such particularities as enable you to recall the list of specimens presented by Andres Castillero?

A. No sir; I do not remember.

Q. 175. As you have so special a recollection of the list of articles presented by or on behalf of Andres Castillero, and of all the minute particulars accompanying the transaction, does it not seem to you strange that you cannot fix more precisely the date of this remarkable occurrence, or of the arrival of Andres Castillero?

A. I think this is very easily explained. The discovery of a rich quicksilver mine, the examination of the specimens, and the other particulars I have mentioned, were matters intimately connected with my profession and occupation, and therefore my attention was specially fixed upon them, whereas the date was a matter of no importance to me, because I never supposed that I would ever find it necessary to remember or state it.

Q. 176. When was the last time that you made an examination of, or looked over these specimens alleged to have been presented by or on behalf of Andres Castillero, and of which you have given the list from memory?

A. I have seen them so often in the Cabinet of Mineralogy, that I can't remember when the last time was.

Q. 177. Knowing that you were to be examined about them, did not you go and take a look at them before you left Mexico, in order to be sure that you recollected exactly what they were?

A. No, sir. I lived in the college some ten or twelve years after they were received there, and during that time was in the habit of accompanying visitors to the establishment through the Cabinet of Mineralogy and seeing these specimens there very frequently. It was, therefore, not necessary for me to examine them again before I came here.

Q. 178. Was it your habit on such occasions to call the attention of visitors particularly to those specimens of Andres Castillero?

A. No, sir.

Q. 179. Then, so far as your showing visitors through the Cabinet of Mineralogy is concerned, you would have no better recollection of those specimens than of any other, would you?

A. I certainly would, because the arrangement of the Cabinet and my knowledge of the specimens therein contained was such that I would be able to point out, merely by looking at the case, the specimens of California cinnabar sent by Castillero.

Q. 180. But would you not be able to do precisely as much with respect to any other specimens?—if not, why not?

A. No, I would not; because none of the other minerals received as much attention from me as the specimens of California cinnabar.

Q. 181. Can you not, for example, now recall to your mind the case containing the specimens of cinnabar from the State of San Luis Potosi, and give the list of particulars, as you have done in respect to these specimens of Andres Castillero?

A. I have an idea with regard to the specimens from San Luis Potosi, but I am not so clear with regard to them as I am with regard to Castillero's specimens.

Q. 182. Did not the discovery of cinnabar in San Luis Potosi excite an equal attention in the College of Mining to the discovery of cinnabar in California?

A. No, sir; because it was known for a long time that there were quicksilver mines there, and elsewhere in the Republic, and that, with the exception of Guadalcazar, they were all too poor to be worked; and the mines of Guadalcazar were worked solely because the price of quicksilver from the Almaden mine in Spain was very high, whereas the mine of New Almaden, in California, has reduced the price of quicksilver to nearly one-half of what it formerly was.

Q. 183. But, as all this reduction in the price of quicksilver has happened recently, and could have had no effect to impress you with what occurred many years before, I ask you now whether you can recollect who brought specimens of the ore from Guadalcazar to the College of Mining, and whether such specimens were brought in a box or not, and of how many different articles the parcel of specimens was composed, etc., etc., as you have testified in relation to the specimens from California?

A. I did not receive the specimens which came from Guadalcazar and other places, (although I have seen them in the cabinet and know their lev,) and therefore cannot state how they came, whether in boxes or otherwise. I may also add, that some of those specimens were in the cabinet before I commenced the study of mineralogy.

Q. 184. A year or two before the discovery of cinnabar in California, were there not discoveries of that metal in Guadalcazar which were regarded as very important? Did not the supply from those mines in 1846 equal the demand in the State of San Luis Potosi? And can you tell me what the Government did upon the receipt of the intelligence of those discoveries, or whether it did anything, and what the Junta de Fomento did, or whether it did anything?

A. There were no such discoveries. I don't know the number of quintals of quicksilver produced by the mines of Guadalcazar in that year, but it may have been sufficient to supply the demands for that year of San Luis Potosi alone. As I have said before, there were no discoveries which were considered important at the time referred to, and with regard to the Junta de Fomento, I believe it gave a certain premium, provided for by law, for each quintal of quicksilver taken out anywhere in the Republic.

Q. 185. Was not the State of San Luis Potosi a rich mining State, and would not the discovery of mines which in two years from their opening had supplied all the quicksilver consumed in that State, have been regarded in 1846 as a very important discovery?

A. The State of San Luis Potosi was a pretty good mining State, though now it is one of the worst. I do not think such a discovery would have been considered important to the whole Republic; it would be considered important to the State of San Luis Potosi.

Q. 186. Have you a personal recollection of any matters or things concerning the quicksilver mines of Guadalcazar, or of any action of the Government or the Junta de Fomento with respect to the same?

A. I do not remember anything of the kind, except what I have stated about the Junta de Fomento giving so much for each quintal of quicksilver taken out at Guadalcazar, or elsewhere in the Republic.

Q. 187. Don't you recollect reading about these mines of Guadalcazar, in the report made by the Junta in the year 1846?

A. I did read something about it, but I don't remember what it was.

Q. 188. How is it that you were so strongly impressed with the few specimens of cinnabar in a box, which were shown to you in April, 1846, and have no better recollection than you have just stated concerning the mines of Guadalcazar, which at that very time were yielding quicksilver enough to supply the demands of a mining State?

A. I have already stated the reasons why I remember the occurrences connected with Castillero's specimens; I presume those reasons need not be repeated here; I have no such reasons to remember the quantity of quicksilver produced from the mines of Guadalcazar, for although I have seen some specimens from there, and know something about those mines, (though not much,) I of course cannot remember matters which I merely read or heard of as distinctly as I remember occurrences in which I took part myself, as I have stated before. There is another important circumstance which has kept the matter alive in our memory, which I omitted to mention, viz: that we—all the Professors in the College—have very often expressed to each other our regret that the escritura of the agreement entered into between Castillero and the Junta de Fomento had not been executed; especially have we regretted it since we have seen how great would have been the benefit derived to the Junta, if the escritura had been executed.

Q. 189. Suppose it had been executed, what benefit would have been derived to the Junta—what do you mean?

[Question objected to by Mr. Peachy, of counsel for claimant.]

A. I mean the pecuniary advantages which would have resulted to the Junta de Fomento, and which would have assisted to pay off the debt due by the Fundo de Mineria.

Q. 190. Do you wish me to believe that these are the regrets which you say the professors have been in the habit of expressing to one another?

A. Those were not the only regrets, because we also considered that it would have been highly honorable for the Junta de Fomento to have assisted an enterprize which gave such splendid results, and which would have procured for the miners of the Republic what was so essential to their success.

Q. 191. Do you mean that you and the other professors regretted that the Junta had not derived the advantage and the honor of investing a part of the Fondo de Mineria in a mine situated in the United States?

A. At the time of the occurrences which I have spoken of, this was still a part of the Mexican territory. Our belief also was (though it perhaps may not have been correct) that as this was a private body or corporation, any rights acquired by it would be respected. I state this merely as the opinion which we entertained on the subject, and which I still entertain.

Q. 192. I wish to understand you accurately, and therefore ask another question. Do you mean that the professors of the College of Mining in the city of Mexico have been in the habit of entertaining the opinion that the Junta de Fomento, constituted and conducted as appeared from the Mexican decrees for the benefit of the general mining interest of the Mexican nation, would, if the writing of agreement with Castillero had been executed, have continued all along to draw a revenue from the New Almaden mine in the State of California?

A. That is what we considered.

Q. 193. What is the reason that Don Tomas Ramon del Moral brought his box of specimens to your apartments in the college?

A. The only reason I can give is that Moral and I were very intimate, and it was at my room that the professors generally met; it was a sort of rendezvous for them.

Q. 194. Was it from those specimens which Moral brought to your room that the assay was made, the result of which was sent to the Junta, or from some other specimens which the Junta had sent to the director?

A. It was made from the specimens which Mr. Moral brought in the box.

Q. 195. Was the box opened in your room for the first time?

A. Yes, sir.

Q. 196. You said that part of the specimens of cinnabar were given to the Professor of Chemistry to be assayed, and the remainder were deposited in the Cabinet of Mineralogy in the college. Do you mean that these dispositions embraced all the specimens that were contained in that box?

A. I did not distribute the specimens myself, but, as I understand, Mr. Moral gave part of them to the Professor of Chemistry, part was placed in the Cabinet of Mineralogy, and the remainder, no doubt, was taken by Mr. Moral to the Junta.

Q. 197. Do you remember what was the quality of the stone coal which constituted a part of the contents of the box?

A. I am not sure, but I think it was the kind called "carbon pardo." It is not so dark as anthracite coal, nor has it the same physical appearance. It has no bituminous smell.

Q. 198. Was that specimen of coal analyzed?

A. I believe it was not analyzed.

Examination adjourned until tomorrow at 12 o'clock.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 7, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 199. You have said that you remembered that you were present at the meeting of the Junta Facultativa, which occurred on the 24th April, 1846, but which appears by the copy of the actas of that Junta, in evidence in this case, to have been held on the 24th of March, 1846:

What enables you to remember the fact that you were present at that particular meeting?

A. The reason why I remember that I was present on the occcasion is, that for several days next preceding that meeting, my attention had been devoted to the subject which was laid before that meeting.

Whenever the Director, Mr. Tornel, received any communication from the Government, or other body, and which concerned the college, I, as prefect of studies, was of course the first person with whom he would communicate on the subject.

If it is desired, I can repeat what occurred at that meeting.

Q. 200. The reasons which you have stated would render it probable and natural that you attended that meeting, but I asked you if your memory was aided by any facts which you could now recall, when you swore that you had a personal recollection that you attended that particular meeting.

[Question objected to by Mr. Peachy, because the facts mentioned in the last answer have not only the effect ascribed to them in this question, but would also enable the witness to remember that he was present, which by implication the question denies.]

A. The only other fact that I can remember now, is the discussion which took place at that meeting.

Q. 201. Would you have had any confidence at all in saying that you were present at that meeting, if you had not seen your name in the minutes or actas of the same?

A. If I had never seen the actas at all, I would be able to say positively that I was present at that session.

There is another circumstance which also assures me of it, viz.: that I never was absent from the sessions of the Junta while I lived in the College, especially when there was any important matter under consideration.

Q. 202. Can you now recall any other meeting of the Junta Facultativa, and swear to the business which was transacted at the same, and that you were personally present, and which occurred as long ago as the year 1846?

A. I can recollect not only one, but several.

I remember one meeting at which the matter considered and debated was the manner of filling the professorship of French; how the meeting should be called for that purpose, etc.

At another meeting, the matter debated was a proposal to the government to abolish the rectorship.

At another meeting, the matter considered was the filling of a vacancy in the professorship of preparatory studies.

Several meetings held for the purpose of regulating the examinations, especially the examinations of professors, but more especially the examination of surveyors. I presume this is sufficient.

Q. 203. At what time were these various meetings held?

A. All these meetings were held about the time that the Castillero business was being done, in 1845 and 1846.

Q. 204. Which of them in 1845, and which in 1846, and in what months of those years?

A. There is perhaps not more than one of them with regard to which I remember the month in which it was held, because I have a reason for remembering the month in which it was held; that was the meeting at which was discussed the question of abolishing the office or station of rector, and which occurred in September, 1846, I think.

Q. 205. If you were to see the acta or minutes of that meeting, and find the date to be August or October, would you venture from your memory alone to say that it was a mistake, and that the true date was in September?

A. I would venture to state that it was a mistake, because

I know that that meeting was held during the first few days that Mr. Rejon was Minister of Relaciones Interiores y Exteriores. It is by knowing this that I would be able to state that there would be a mistake in the case supposed.

It was with the Minister of Relaciones Interiores y Exteriores that the College communicated.

Q. 206. Under what President was Rejon Minister?

A. Salas.

Q. 207. At what time under the administration of Salas; was it immediately upon his assuming the Presidency?

A. It was immediately; it was during the first days of the Revolution.

Q. 208. Did not the Revolution of Salas occur in August, 1846?

A. I believe so.

Q. 209. Then, why might not the meeting of the Junta Facultativa to which you refer also occur in August, as you fix its date by saying it was during the first days of the ministry of Rejon, which began in that month when Salas came into power; how is it that you say that you could correct the date, if the actas of that meeting showed that it occurred in August?

A. The government of Salas was attending to more pressing matters during the first days of its existence, and the question about the rector was not debated until after the government was organized, until ministers had been appointed, etc.; therefore I think it must have been in September.

Q. 210. How many days do you allow for organization, and what did you mean by saying that the meeting occurred during the first few days of the ministry of Rejon, and that he came in with Salas in the month of August?

A. It is impossible for me to state how many days were required for organization. I mentioned that it was during the first few days that Rejon was Minister, because I was unable to state the precise number of days. There is another fact which I remember, and which also strengthens my recollection with regard to those matters, viz.: that when this meeting of the Junta touching the matter of the rector was held, Mr. Tornel was still Director of the College. It was before he was banished.

Q. 211. Do you know on what day of the month of August General Salas assumed the Presidency, and on what day General Tornel was banished?

A. I don't remember the day on which either of those things happened.

Q. 212. How, then, from either of those circumstances, are you enabled to fix the date of a certain meeting of the Junta Facultativa with so much precision, that you would venture now, at the end of thirteen years, to correct the contemporaneous minutes of the same, and to swear that it was held in the month of September, and not in the month of August, if in the actas it was so expressed?

A. There is a good deal of force in this reasoning, but the more this matter is discussed the stronger becomes my recollection. I now remember another circumstance, which is, that when the office or station of rector was abolished, several of the duties theretofore performed by the rector devolved upon me.

Q. 213. Tell me, as nearly as you can, the date when Salas became President.

A. I don't remember. Whatever I might say with regard to that would be merely guessing at it.

Q. 214. Could you swear that it was not in the last days of July?

A. I think I could; it was called the Revolution of August, and therefore I remember the month.

Q. 215. As the Revolution at that time, particularly, was surely a much more striking and memorable event than a particular session of the Junta Facultativa of the College, and you can only fix the former within thirty, or at best within fifteen days, how is that you are so much more accurate about the latter, and are able to say that it occurred in the first days of September, and not in the last days of August?

A. It is very true the Revolution was a notable occurrence, but it was one which had a general bearing and effect upon everybody, and one would not be as likely to remember the date of it as the date of an occurrence which had a direct personal relation to one's self. I have already given the reasons why I remember that occurrence, and I think they are more than sufficient.

It is also to be observed that revolutions are so frequent in our country, that they do not leave as strong an impression on the memory as they do in countries where they are less frequent.

Q. 216. By referring to the Ministry of Rejon, the banishment of Tornel, etc., you have in effect yourself undertaken to prove the date of the session in question, by the date of that revolution; is it not therefore plain to your mind, that if your recollection is so vague as to the revolution, it must be equally uncertain as to the date of the session?

A. No, sir; at least I do not feel so.

Q. 217. As you are a man obviously intelligent, please explain to me why it was that you referred to those public matters in order to fix the date of the small private matter of the meeting of the Junta Facultativa, and yet admit that you have a very vague and uncertain recollection of the matters you refer to?

A. I did not state what day in September the meeting took place. The reason why I referred to those public matters was, that the persons who figured in them were connected in my mind with the meeting of the Junta, which was as you say a private matter—for instance, Mr. Rejon was the Minister, as I have stated, and Mr. Tornel was the Director of the College, and was banished by this very government of Salas, soon after its establishment, and the meeting took place before his banishment. As I stated before, I can remember much more distinctly matters which were directly within the line of my business, and affected me personally, than matters which were of a general and transitory nature. I have already stated my reasons for believing that the meeting took place in September, and I am fully convinced that it did, and if those reasons are insufficient to others, they are not so to me.

Q. 218. If the meeting occurred under Rejon, and he began with Salas early in August, and before the banishment of Tornel, and he was banished in September, do you not see that the meeting might still have been held in August, and, if so, my question is why a man of your intelligence referred to those circumstances to prove that it happened in September?

A. In addition to the reasons mentioned in the question, there was the fact that I took a passive part in bringing about that reform, *id est*, the abolition of the office of rector, a circumstance which I distinctly remember, and which happened a short time before General Tornel was banished.

Q. 219. On the first day of your cross-examination, you said that Gen. Tornel was exiled from August, 1846, to February or March, 1847—do you wish now to change that answer, and say from September, 1846?

A. Speaking about dates, I am never very precise. Now, after these last questions have been put to me, I remember more distinctly about the matter, and I think that it was in reality in September that Gen. Tornel was banished.

Q. 220. Are you now perfectly certain that Gen. Tornel was *not* banished in August, 1846?

A. After the reflection which those last questions have induced, I am almost certain that he was not, but in September.

Q. 221. I did not ask you whether you are almost, but whether you were entirely certain?

A. I can say that I am entirely certain.

Q. 222. You have sworn now to a personal recollection of quite a number of the meetings of the Junta Facultativa, at all of which you were personally present, and that one occurred in the month of September, 1846, and the rest at various times during the years 1845 and 1846: Have you not at some time within this year refreshed your memory as to these matters, by looking over the actas of the Junta, or any other cotemporaneous memoranda?

A. I have not made any such examination. I have stated those matters exactly as I remembered them when the question was asked.

Q. 223. You have said that the date of the actas of the Junta Facultativa in relation to the assay of Castillero's specimens, etc., etc., etc., should properly be the 24th of April, and not the 24th of March, 1846, and in support of that assertion referred to the date of the communication from the Junta de Fomento to the Director of the College, which is 21st April, 1846, and also to the date of the *acuerdo* of the Director of the College, referring the aforesaid communication to the Junta Facultativa, and thence inferred that as the session in question was held in consequence of those proceedings it must have been in April, and not in March: Have you any distinct personal recollection of the date of that session of the Junta Facultativa, independent from your inferences from those papers?

A. I have not any such recollection with regard to the date.

Q. 224. You have also said that nothing was known in the College of Castillero's discovery, as early as the month of March 1846; might you not be mistaken? What circumstances can you recall, independent of the papers in this case, which enable you to swear that you first heard of the discovery in the month of April, and not in March or February, or January, 1846.

A. The reason why I have stated that nothing was known in the College in March, 1846, about this discovery of Castillero's, is this: The College, as I stated before, felt a deep interest in Castillero's matter and in the negotiations which were going on between him and the Junta de Fomento, and knew that the agreement between Castillero and the Junta was in the hands of a notary to be drawn up in the usual form of an escritura; so that when it became known that the escritura would not be ratified or signed, we naturally inquired why this had happened, and found that it was in consequence of an order made by the Ministry of Hacienda in May, 1846; and as we knew the matter was first known of in the College the month before that order, it is evident that it was in the month of April that we of the College first heard of it.

Q. 225. The circumstances which you say make it evident that nothing was known of this discovery in the month of March, 1846, are all to be found in the papers in this case, and I asked you for your personal recollection independent of all those papers—I mean of the exhibits from Mexico: Have you any such recollection; is it aided by any other circumstances than the statements contained in those exhibits, and if so, by what circumstances?

[Question objected to by Mr. Peachy, on the ground that it is not proved that the witness is acquainted with those exhibits, and he should be first asked what knowledge he has of them.]

A. There was a matter that interested me personally, and which also makes me remember those things, and that was that Mr. Moral spoke to me about having me sent out here to take charge of this mine; and I remember perfectly well that Mr. Moral spoke to me about this matter in April, 1846, and it was in that month that we first heard of it in the College.

Q. 226. You have also said that the box containing the specimens was not received until April—was the receipt of the box the first intimation of the discovery received at the College?

A. Yes, sir; the receipt of the box was the first we knew of the discovery; and for myself, I had never even heard Castillero's name before that.

Q. 227. I suppose that the opening of the box, assay of the specimens, and other proceedings in relation thereto, took place immediately after the box was received in Mexico?

A. All that I know is, that General Herrera sent it to Mr. Moral as soon as he had received it, and Mr. Moral immediately brought it to my room, and then the other proceedings followed without unnecessary delay. The proceedings went right along.

Q. 228. Did you ever learn why that box and letter destined for Moral were sent through the hands of General Herrera?

A. I think there were friendly relations existing between Castillero and General Herrera.

Q. 229. Were they sent to General Herrera under the impression that he was still President, or as a private individual?

A. I think it was supposed that he was still President; but when the specimens arrived he was not.

Q. 230. Do you suppose it probable or possible that any knowledge of this discovery was in the possession of the government or any of its high officers before the arrival of the box, etc.?

A. I think not.

Q. 231. Would it not be altogether improbable that full knowledge of the discovery, and specimens of the ores, or of the quicksilver itself, should have been in possession of the Government for a week or two before the arrival of the box, and yet no information of the same had been communicated to the Junta de Fomento, or to the Mining College?

A. There was no reason to keep the news of such discovery a secret; on the contrary, the Government and the Junta de Fomento at that time were paying great attention to the subject of the discovery of quicksilver mines, and that was considered a very important matter, and if the Government had known it, it would undoubtedly, in my opinion, have been made public.

Q. 232. Did you ever hear that about two weeks before the box of specimens arrived, about which you have been speaking, José Maria Covarrubias, a distinguished citizen of California, had arrived at the city of Mexico, bringing a letter from the Governor of California to the Minister of Relations, in which he communicated officially the discovery made by Castillero, and dwelt upon its importance, and with which he sent a sample of the quicksilver, and a letter addressed to himself by Castillero, giving him the information which he transmitted?

A. I never heard of this before.

Q. 233. In asking you this question, I have in view a certain expediente which the claimants of the New Almaden Mine lately produced before the Circuit Court of the United States, and I ask you in view of the profound impression which you say was produced in all quarters by the arrival of the box of specimens sent to Don Tomas Ramon del Moral, whether you do not consider it incredible that the Government had for nearly two weeks been in possession of such full and authentic information upon the same subject?

[Question objected to by Mr. Peachy, because it inquires the opinion of the witness only.]

A. I have stated before, and I now state again, that I can see no reason why the Government, if it had such knowledge, would have kept it secret. I may also remark that in all the communications which passed with the Junta de Fomento, in relation to the discovery, there was nothing said about the matter referred to in this question; and we in the college were surprised by the news of the discovery, because we had heard nothing of it before; and with respect to the letters referred to, we knew nothing of them then, nor now.

Q. 234. Do you remember the result of the assay made of these specimens, viz: that it was thirty-five and a half per cent., or do you make that statement merely because you see it in the actas of the 24th March (April)?

A. I stated that, not from what I saw in this paper, but because I was anxious to learn the result of the assay, and I was probably the first person to whom it was communicated by the professor of chemistry; it was also stated at the meeting of the Junta on the 24th April, but I knew it before.

Q. 235. In the actas of the 21st March (April) I read that the Junta Facultativa resolved that the Director be exhorted to interpose his influence with the Government and the Junta de Fomento, to the end that Castillero should be rewarded efficaciously for having made so important a discovery. What was it that the Junta Facultativa wished the Government to do?

A. It will be seen that the recommendation is a general one, but what the Junta had in view in making it was, that the Government should facilitate as much as possible the negotiations between Castillero and the Junta de Fomento, and that it should make no opposition to the agreement between Castillero and that Junta, and that it should approve it.

Q. 236. What negotiations between Castillero and the Junta, and what agreement (*convenio celebrado*) between them did the Junta Facultativa have in view, and wish the Government not to oppose, but forward and approve?

A. The Junta Facultativa at that time supposed that the Junta de Fomento would take charge altogether of Castillero's enterprise (*empresa*) on its own account. Mr. Moral was then in communication with the Junta de Fomento in behalf of Castillero, who had not yet appeared in Mexico. The Junta Facultativa also supposed that the Junta de Fomento would furnish the necessary pecuniary assistance to enable the work to be commenced without delay.

Examination adjourned until 12 o'clock, M., to-morrow.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 8, 1858.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimants, and Edmund Randolph, Esq., for the United States.

Q. 237. You say that the Junta Facultativa supposed that the Junta de Fomento would take charge altogether of Castillero's enterprise on its own account:

In what manner, and under what authority, could the Junta de Fomento have done so?

A. It could have done so under authority of decrees of the Government to make *avios* and contracts touching the protection and exploration of quicksilver and quicksilver mines.

As to the mode they would adopt to take charge of it, I mean that they would have made a contract with the owner of the mine for that purpose. Contracts of this kind were called *avios.*

They would also have kept in view the provisions of the mining code relating to such matters, and would probably have considered other matters, which I cannot now specify.

Q. 238. When Moral spoke to you about coming to California, to take charge of the mine, you understood that he meant that you were to come as the agent or servant of the Junta de Fomento, did you not?

A. No, sir; but I supposed that in the contract which would be made between Castillero and the Junta de Fomento for the avio of the mine, it would be provided that certain persons therein named should have charge of the mine.

I do not know that the Junta de Fomento knew anything about what Mr. Moral said to me on that subject.

Q. 239. The whole scheme or idea then was, that the Junta de Fomento should take charge of the mine on its own account, and furnish all the money necessary for working it, and that you, one of the professors in the College, should leave your professorship and come out to take charge of and conduct it?

A. Yes, sir; my idea of it was this: In contracts of avio, a very important point is, as to who shall have the right of naming the manager or director of the mine, and I supposed when Mr. Moral spoke to me about that matter, he wished to ascertain whether he could procure my services as director of the mine, so that if by the contract for the avio of the mine, Castillero should have the right to appoint the director, or if he and the Junta de Fomento could agree upon me as the director, I could get that appointment; if I had been appointed I would probably have been able to make an arrangement, by getting leave of temporary absence, or otherwise, by which I could have retained my place in the College.

Q. 240. How was it possible that you, Moral, or the Junta Facultativa, could have entertained such ideas at that time, and how could you have imagined that the Junta de Fomento would have consented to enter into such arrangements, and that the Government would not have opposed, but have facilitated and approved the same, seeing that Mexico was at that time virtually at war with the United States, was destitute of resources, and that it might be considered certain that California would be lost from the moment of the outbreak of hostilities?

A. In the first place, it was generally believed at that time that the war between Mexico and the United States would be of very short duration, and although the Mexican Government might have been short of resources, yet the Junta de Fomento had a fund which was devoted purely and exclusively to the encouragement of quicksilver mines. With regard to the loss of California, I cannot state whether the Mexicans at that time did expect to lose it or not. The views of the Junta Facultativa, recommending the Junta de Fomento to give Castillero's enterprise all the protection that could be given, were that it should avail itself of the first occasion that presented to encourage and protect quicksilver mines, which were of so much importance.

Q. 241. Did it not occur to you at that time, and do you not think that it ought to have occurred to all the rest of the parties concerned, that before investing Mexican funds in California, and sending out Mexican officials to take charge of the mine, it would be prudent to wait and see whether the next news from California would not be that it had been seized by the forces of the United States, or at any rate that it had not become the scene of active hostilities between the contending parties?

A. I stated in my former answer that it was not supposed the war would last long, and when the Junta was occupied with that business, it certainly did not suppose that California would be taken so soon, or that it would have been accomplished in two or three years, and the College not being of this opinion, recommended that Castillero's enterprise should receive effectual protection.

Q. 242. Were not the Mexican Government and intelligent citizens of Mexico generally fully impressed with the belief that the United States intended from the beginning to take California and other portions of Mexican territory, as an indemnity for injuries which they complained that Mexico had inflicted; and was not the Junta de Fomento, as well as the Government, strongly impressed at that time that California was in a peculiar manner exposed, being a frontier department, and frequently threatened by emigrants from the United States and by the new colonists of Oregon? And if so, how was it that they were so anxious to make investments of money, which was so much needed for other purposes, in such a place and at such a time?

A. It would be great presumption for me to attempt to act as the expounder of public opinion in my own country, so that whatever I might state with regard to that matter would be merely my own private opinion.

I think that, although the Government of Mexico and the eminent citizens who were acquainted with political affairs, knew that the American Government desired to acquire Mexican territory, they never believed that if the Mexican Government were unwilling to voluntarily part with California, the American Government would ever attempt to take it by force, and, for the same reason, it was believed that those invasions by the colonists of Oregon, and other citizens of the United States, would have been suppressed by the United States Government itself.

With regard to what is said about funds, as I said before, at the time these matters were under consideration, the Junta de Fomento had a fund called the Fondo de Azogues, which was devoted exclusively to the promotion of enterprises of this kind, so that when the Junta Facultativa made those recommendations, it merely recommended the application of those funds to the precise purposes to which they had always been applied.

Q. 243. How is it that you suppose there would be any presumption in speaking of the existence of a fact which, if it was true, would have been notorious to all persons of ordinary intelligence in Mexico?

How could you suppose that the United States, in a war for indemnity, would not take by force the territory which they wanted, without any regard to the willingness of Mexico to give it up?

How could you suppose that the Government of the United States would use force to prevent its citizens at such a time from occupying and peopling territory which it desired to take?

And as to the Fondo de Azogue, did not the Junta Facultativa reflect that the salvation of the Republic, in the critical circumstances in which it was placed by a foreign invasion, was the first duty of the government; that every interest was endangered by it, and that it would be in vain to endeavor to save them if the nation were not first saved; and therefore, to defend and protect the national territory on the frontiers and other points, it would be necessary to appropriate all the revenues of the country, without any regard to the manner in which they had formerly been applied, as in point of fact and for these considerations it was done by the government a few days after the session of the Junta Facultativa of which you have testified?

[Question objected to by Mr. Peachy, of counsel for claimant, on the grounds:

1st. Because it does not state correctly the character of the war; it was not a war for indemnity.

2d. Because California was not retained by the United States as indemnity, but was purchased, as the treaty declares.

3d. Because the counsel for the Government has no right to inquire of this witness what were the thoughts of the Junta Facultativa upon the duties of States and citizens in time of war.]

A. With regard to the first point, I answer that it is very difficult for a private individual like myself to arrogate to himself the right of expressing the public sentiment of his country.

With regard to the second point in the question, I will state that the supposition there mentioned arose in my mind, because in my opinion it does not necessarily follow that, when two nations go to war, one should take or retain the territory of the other.

As to the third point, the supposition there referred to was based upon the hypothesis that the Government of the United States itself would not attempt to take that territory by force, and therefore would prevent its citizens from doing so.

As to the last part, I answer that I have already stated, and now repeat, that when the Junta Facultativa was occupied in this matter, the war was not of the character and extent which it afterwards attained. As the government of a country is always best informed as to its situation, and as at that time the government had not interfered with the Fondo de Azogue, it was natural to suppose that the neceesities of the nation had not then reached the extreme point supposed in the questionl and as, therefore, the Fondo de Azogue was then in its usua, condition, no complaint can be made of the Junta Facultativa for having made the recommendation I have stated.

Q. 244. I will ask you now the direct question, whether or not, in April, 1846, it was not your conviction and the general opinion at the capital, that Upper California was one of the points most threatened by the war then commencing with the United States.

A. Yes, sir, I had the conviction that it was one of the points most advantageous. I supposed it would be the theatre of war, but I did not suppose that they would keep it.

Q. 245. Was it not your conviction and the general opinion at the capital that the United States would keep it if they could?

A. I did not think so, nor do I think that was the general opinion. My own opinion was that after a few battles the war would be ended by mutual agreement. I never supposed that the war would be of the character or extent it afterwards acquired, or have such consequences as it really had.

Q. 246. A war beginning, the Government being in penury, and the Junta likely to lose its very limited resources by the seizure or blockade of the ports, do you not think it utterly incredible and absurd, that any intelligent person should at that moment think of advising the Government or the Junta to send a considerable sum of money to be invested in a mine on a remote frontier, which was one of the points most threatened by the war and likely to be the theatre of hostilities, even if it was not immediately conquered and permanently occupied by the enemy? And how could you have been seriously thinking of leaving your professorship and going out to take charge of a mining enterprise at such a time, and under such circumstances?

A. I don't know whether or not I am required to repeat what I have stated so often. The war between the United States and Mexico it was thought would be of short duration, and although it is true that the Junta might be deprived of the revenue by a blockade or other circumstance, it had at that time some funds at its disposal, out of which it could furnish the amount necessary for their business. The amount which the Junta was to invest in that matter was not all to be paid at once, but paid by installments, and the payments of those installments could be met out of very limited resources. The Junta had spent considerable sums in seeking for quicksilver mines, but had found none; it was, therefore, not remarkable that the Junta should devote a sum of money to a mine which had already been found, and which was then in existence; so that instead of any complaint being made of the Junta in this matter, it should rather be said that it performed one of its principal duties. With regard to myself, I will state that when this matter was spoken of to me, I did not think of the war with the United States at all. If the agreement with me had been completed, and, owing to the war with the United States, the circumstances had become critical, I would of course have been at liberty either to stop or carry on the proceedings relating to that enterprise.

Q. 247. I do not wish to lead you into needless repetitions, nor do I see altogether the necessity for so long an answer as you have made to my last question. All that I wish to ask you is, whether it does not appear to you, when you carry yourself back to those times, utterly improbable, incredible and absurd, that it should have been proposed to send any funds for this mine to California, to be there exposed to all the dangers and casualties of war, and not whether the Junta was or was not in possession of available funds at the moment, nor whether it was supposed or conjectured that the war would or would not be of long duration and of serious consequences?

[Mr. Peachy, counsel for claimant, objects to that part of the question which tells the witness that his answer is too long, upon the following grounds:

1. That the entire answer is responsive.

2. That no objection was made to the answer when it was written down.

3. That it dictates to the witness apparently the manner in which he shall answer questions.

4. That when the counsel for the Government, in the form of a question, makes an argument and requires the witness to answer it, he should be at liberty to refute it by an argument of such length as he thinks proper.

To the remainder of the question the counsel for the claimant objects, because it is purely argumentative and has been already answered, and because it uselessly consumes the time, and incumbers the record.]

A. I also regret the repetitions, but if I have fallen into them, it is because the questions have almost compelled me to, but I now with pleasure avail myself of the suggestion of the Attorney for the United States, and carry myself back to those times and circumstances, and I see only a scientific Junta occupied with the consideration of a discovery of a quicksilver mine; the importance of this discovery to Mexico induces the Junta Facultativa to recommend the Junta de Fomento to give its protection to the discoverer; it was not for the college at that time to inquire of the government what the situation of the country was, nor what the dangers of the war.

It was the duty of the Government itself to see how far this protection should go, and to change or modify it as circumstances might require.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

—

San Francisco, July 9, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

Q. 248. Did not the intelligent gentlemen who composed the Junta Facultativa, reflect that if the Junta de Fomento and the Government invested money at that time in the fitting up and working of this mine, that it would be very probable the whole expenditure would prove a loss, from the ordinary dangers attending a state of active hostilities, and incident to a distracted country?

A. I have already stated yesterday that the Junta never considered the matter in that aspect—that it looked upon it merely from a mining point of view. The Government would have considered that the Junta was going beyond the line of its duty if it had made any suggestion upon political subjects.

Q. 249. The object of my question was to ascertain how it could possibly have happened that persons so intelligent and well informed as the Junta Facultativa had not been struck with so obvious a consideration, and been prevented thereby from recommending to the Government to make so remarkable a disposition of any portion of the resources of the country. Do you wish this morning to offer any further explanations on this subject than you gave yesterday?

[Question objected to by Mr. Peachy, because the Junta Facultativa was a branch of the Institution or Corporation known as the National College of Mining, charged with certain duties, and invested with certain powers which are defined by law, and as such the said Junta could have no thought or feelings in this business. If the object of the question is to inquire into the sentiments of the individual members of the Junta, the question is objected to on the ground of irrelevancy, inasmuch as the private sentiments of the said individuals in regard to the political condition of Mexico, and its relation to foreign countries, could have no influence in determining their action in a corporate capacity.]

A. I would be glad to make any explanation that the Attorney for the United States might require upon the subject, but I don't think I can add anything to what I have already stated, except to say that the want of reflection which he imputes to the Junta Facultativa was owing probably to the comparative want of foresight upon political questions, of men engaged in scientific duties or pursuits.

Q. 250. When the Junta Facultativa were recommending these expenditures to be made in this mine, in what manner did they suppose that they were to be repaid; was it not by quicksilver to be produced by the mine itself?

A. That was certainly the idea.

Q. 251. Did not the Junta Facultativa reflect that, in the first instance, the money and the apparatus which would have to be sent to California by sea, would in all probability be captured by American cruisers, and that if these things escaped, and the mine was put into successful operation, that the quicksilver which would be coming by sea to pay for them would in all probability be captured by American cruisers?

Have you any other reasons than those you have given to explain why reflections of this nature did not prevent the Junta Facultativa from making the recommendations which you have attributed to them?

[Question objected to by Mr. Peachy, on the same grounds as the preceding question.]

A. The question I believe rests upon several suppositions. It looks upon matters not as they really existed in Mexico at that time, but considers them in the condition at which they subsequently arrived. Another hypothesis in the question is, that if the protection to be given to Castillero by the Junta de Fomento had been carried into effect, it (the Junta de Fomento), would have run all the risks mentioned. I do not think it would. I think that if the business between it and Castillero had been completed, it would have taken the necessary steps to have avoided those risks. It will be evident to the Attorney for the United States upon reflection that all these charges must vanish when it is considered that the agreement between the Junta de Fomento and Castillero was never carried into effect, because the Junta de Fomento did not spend one cent in the protection of the mine.

Q. 252. What is your idea of the means which the Junta de Fomento might have adopted in order to avoid the risks which I have suggested?

A. I cannot state immediately and without reflection what those means might have been. They no doubt would have considered the matter, and of course would have availed themselves of the best means.

Q. 253. You have said that my examination as to the improbability, incredibility and absurdity of the Junta de Facultativa making such recommendations at that time rests upon the assumption of a state of things which did not then exist, but only at a later day; do you not know that at the capital of Mexico, it was well understood at that time by the Government and the people that war existed with the United States, that the American troops were held to have invaded the Mexican Territory, that Mexican troops had been dispatched to meet them, and expel them from the same, and that the news of actual collision was expected to arrive at any moment?

A. That is very true, but it was also believed that the war would be of very short duration, and that after a very few encounters it would be terminated by a treaty of peace; it was not believed that the war would assume such a character as it subsequently did.

Q. 254. You have frequently made the same remark about its being supposed that the war would be soon over; can you tell me on what ground you make that assertion, and whether, on the contrary, you do not know that the Government of Paredes, then in power, was committed to a continued prosecution of the war, and against any accommodation, unless the Americans should be first expelled from Mexican Territory, and even from the State of Texas?

A. The reason why I said it was believed the war would soon be over was, that it was generally believed that the United States was the nation most friendly to Mexico, and it was not believed the quarrel would have become so sanguinary and prolonged; this was what I heard said or remarked. With regard to the policy of the Government of Paredes, I do not consider myself competent to speak.

Q. 255. I find here among the exhibits offered in this case in behalf of the claimant, the following decree, to wit:

"Exhibit Bassoco No. 2. Ministry of Hacienda. Section 1.

"The most excellent Señor President *ad interim*, has been pleased to address me the decree which follows:

'Mariano Paredes y Arrillega, General of Division and President *ad interim* of the Mexican Republic. To the inhabitants of the same: Know ye, that considering that the salvation of the public in the critical circumstances in which the foreign invasion has placed it, is the first duty of the Government; that all interests are compromised, and that it would be in vain to pretend to save them, if first of all the nation was not saved; that to defend and assure the national territory as well on the frontier, which has been invaded, as on other points which are threatened, it is indispensably necessary to provide for the expenses which are incurred for the troops that the Government has put in motion, and for the others which are being raised and organized, and must march with promptness to the points to which the Government proposes to send them:

'In view of the fact that by the ruinous system of contracts the necessary resources are not obtained, and if the revenues of the nation are pledged for a long time, as they now are, by all its products being incumbered, and the government being unable to rely upon the smallest sum of which it might dispose,—having hitherto endeavored, by all the means within its reach, even by that of contracts, to meet the most urgent expenses, having endeavored to reduce them as much as possible during the time the present administration has been established,—considering that even that fatal system has become impracticable, and is more ruinous each time, more onerous conditions being exacted as the security to be offered becomes less:

'Desiring also to establish the national credit, which is completely destroyed, upon secure and uniform basis, liquidating the floating debt against the public treasury, and making such payment compatible with the imperative necessities of the nation:

'Having discussed materially this grave subject, at a meeting of Ministers, I have determined as follows:

'1st. The payment of all debts borne by the revenues of the General Government, and all other payments which are now being made in pursuance of decrees or orders heretofore made, are provisionally suspended.

'2d. All the offices of the general revenues of the Republic, immediately upon the receipt of this decree, shall immediately transmit to the Ministry of Hacienda a detailed statement of all payments which they may have been ordered to make, and which they may have already paid, and the balances already due.

'3d. In view of the data which may be remitted by said offices in virtue of the foregoing article, the Government shall determine the mode and order of payment which may be most convenient, reconciling the rights of the parties interested with the progress of the public administration. Wherefore, I order that it be printed, published, circulated, and that it be duly complied with.

'Palace of the National Government, on the 2d of May, 1846.'"

Please read it over, and see whether your salary as professor would be affected by it.

[Counsel for the claimant objects to the incorporation of the decree in this question, because, being already in the record, all proper purposes could be answered by reference to it; and its insertion in this question creates a useless expense, and incumbers the record unnecessarily. The counsel for the claimant does not admit the correctness of the translation of the foregoing decree, having had no opportunity of comparing it with the original.

Counsel for the United States submits the translation, subject to any corrections made by the translator on its revision.]

A. It was not.

Q. 256. In answer to the fiftieth question, on your direct examination, you stated that you heard at the time that the Junta agreed with Castillero on the terms of a contract by which they were to furnish him with an outfit for this mine, as I understand you. How was it possible that you could have heard any such thing said, or, in other words, that there could have been any such contract, after the publication of that decree to which I have called your attention?

A. The explanation of that is this: The Junta de Fomento did not suppose that this decree affected the fund which it had charge of, and there were discussions subsequently between it and the Government as to whether it did affect that fund or not.

Q. 257. How do you know what the Junta de Fomento thought upon the subject?

A. Because we of the College at first supposed, when these discussions began, that the expenses of the College would be decreased, and we looked to the result of those discussions.

Q. 258. You said that the terms were agreed, and a notary employed to make a draft of the contract for execution: does it not appear to you entirely incredible that the Junta de Fomento should have gone so far as that after the publication of the decree, and when they were waiting for the answer of the Government to let them know whether it applied or not to the Fondo de Azogues, out of which their contract was to have been fulfilled?

A. There was nothing strange in the Junta doing that, because, up to that time, the Junta de Fomento was not aware that this decree applied to the fund it had charge of. Those discussions occurred after this, and I do not know what the cause of the discussion was.

Q. 259. How do you know that the discussions occurred after the agreement upon the terms of the proposed contract, to wit: after the 12th of May, 1846, when, at the request of the Junta de Fomento, Castillero is said to have made his propositions?

A. I do not know it officially, but I knew it because I investigated the matter, because at the time I made inquiries to ascertain why the escritura had not been signed.

Q. 260. Did not the doubt as to whether the decree applied to the Fondo de Azogues occur to the Junta immediately after the publication of the decree, on the 2d May, 1846, and if you say it did not, explain how you know that it did not, and what caused that doubt to arise afterwards?

A. I did not know when the doubt occurred to them, nor what the origin of the discussions was.

Q. 261. Then how can you say that the agreement for the proposed contract was made before that doubt arose, and when the Junta was not thinking of having that fund appropriated to the uses of the Government?

[Question objected to by Mr. Peachy, upon the ground that it misstates the witness' answer. The witness said—"up to that time," (meaning the time of agreement,) "the Junta de Fomento was not aware that this decree applied to the fund it had charge of. These discussions," (meaning the discussions between the Junta de Fomento and the Government, as to the effect of that decree,) "occurred after this, and I do not know what the cause of the discussions was."]

A. I have stated that I ascertained that the agreement with Castillero was not carried out, because of the result which those discussions had; but as to the day when that doubt arose, or how it arose, I am of course unable to state.

Q. 262. Have you any idea that the doubt was caused by anything but the terms of the decree; have you any ground to suppose that the doubt did not arise as soon as the decree was known to the Junta de Fomento; and if you have not any such idea or any such ground of supposition, explain to me if you can how it was possible, after such a decree, giving rise to such doubts, the Junta de Fomento could have entered into that arrangement with Andres Castillero?

[Question objected to by Mr. Peachy, because it requires the witness to state what were the grounds of the doubt the Junta de Fomento had respecting this decree, and because it further requires the witness to give his opinion with regard to the action of the Junta de Fomento.]

A. I have no idea what caused the doubt, whether it was the terms of the decree, or something independent of the decree; the only reason I have for supposing that the doubt did not occur to the Junta as soon as it became aware of the existence of the decree is, that I believe that if the Junta had such a doubt, prudential considerations would have induced it to refrain from entering in the agreement with Castillero; if the Junta had such doubts, I cannot explain why it entered into the agreement with Castillero.

Q. 263. Have you not seen the paper in this cause by which it appears the Government, on the 20th of May, 1846, approved of the arrangement which the Junta de Fomento had entered into with Andres Castillero?

A. Yes; I have seen the communication from Becerra.

Q. 264. How do you suppose it possible that the Government, on the 20th of May, 1846, could have approved of the application of funds to the purposes of Castillero's mine, when on the 2d day of the same month of May, the same Government had appropriated those funds to the urgent necessities of the army, as appears by the decree to which I have called your attention?

A. In my opinion, the explanation of what may be called this contradiction is this: one of those matters, viz: the agreement with the Junta, was attended to by the Ministry of Justice, and the other, relating to the funds, by the Ministry of Hacienda.

When the Ministry of Justice received the proposition from the Junta, it supposed that the Junta was in a condition to carry them into effect, and on the other hand the Minister of Hacienda being pressed for means made this decree, and it may be considered certain that he never considered the effect it would have upon that business, which was pending in another ministry, and of which, perhaps, he knew nothing.

Q. 265. But of course you know that the decree of the 2d May, and the approval of the 20th May, both came from the President, General Paredes, and were his acts, and not those of the Ministers through whom they were published; what I ask you is, to explain, if you can, how it could be possible that President Paredes on the 2d May appropriated this fund to the army, and on the 20th appropriated it to Andres Castillero, and a few days after the reply to the doubts of the Junta de Fomento, recalled the last appropriation and let the first stand; I wish you, if you can, to show us here in California how we can believe such a story as that?

A. It is very true that the first decree is dated 2d May, 1846, but that decree is a general one, and intended to have a general operation, and it is almost certain that the President had not at that time any conception of what its effect would be on the Fondo de Azogues.

The approval was a private or particular matter, and when the President made it, I do not think he could have had any idea that it would be inconsistent with the decree of the 2d May, or that he thought of the relation between them at all; it was only when it was represented to him that the approval was inconsistent with the decree of the 2d May that he saw the contradiction and ordered that the Junta should not disburse the amount. In confirmation of this statement, if the United States Attorney will look over the decree of the 2d May, he will see there is nothing in it about the Fondo de Azogues.

Q. 266. At that date I understand that the Fondo de Azogues was payable out of the revenue from the Custom-houses; would it not therefore be comprehended in the first clause, which suspends payments of all descriptions chargeable upon the revenues of the Government?

A. It is true that the Fondo was collected in that way at that time, but I do not think it possible that the President or the Minister could have given the decree the interpretation claimed for it by the question.

Q. 267. Was there more than one assay made in the College of Mining of specimens from this mine, within your knowledge, and if there had been, would you not have been likely to know it?

A. There is always more than one assay made of all specimens. There are always two assays.

Q. 268. In this case then, I understand you to mean that there were two assays made about the same time, and both of specimens which Don Tomas Ramon del Moral had brought to your room in a box as you have before said?

A. Yes.

Q. 269. And these assays were made of these specimens and the results ascertained before Andres Castillero had arrived in Mexico, were they not?

A. Yes, sir.

Q. 270. I wish you to be very sure of this. Have you no doubt at all of what you say?

A. I have no doubt of it.

Q. 271. The reason why I am so particular is, that according to my reading of the paper on file in this case, purporting to be the propositions which Andres Castillero submitted to the Junta, he says that he brought the specimens which were assayed in the College of Mining, by the order of the Junta Facultativa.

Look at that document and state if you still persist in that answer, and say that Andres Castillero did not bring those specimens which were assayed in the College of Mining, by order of the Junta Facultativa, which gave that result of 35½ per cent., etc.?

A. I do undoubtedly persist in what I have said in regard to the receipt of the specimens at the College, and in the mode of their assay. Castillero was not in Mexico when we received the box of specimens at the College, nor when we made the assay which I have mentioned.

Q. 272. And also, that the assays which you have just mentioned were the only assays of specimens from this mine, which were made by order of the Junta Facultativa, or which were reported officially by them to the Junta de Fomento?

A. The assay mentioned in the communication from the Junta Facultativa to the Directors of the College was the only one that was made.

Q. 273. After Andres Castillero arrived in Mexico, was there ever any assay made of specimens from this mine in the College of Mining?

A. I don't remember; I am certain that none was made by order of the Junta Facultativa, and I do not remember any assay for Castillero himself.

Q. 274. Did you not say that Velasquez de Leon is now the Director of the College of Mining?

A. He was when I left Mexico.

Q. 275. Who was then the Secretary of the Junta Facultativa?

A. Don Augustin Barroso.

Q. 275. Have you any information when the traced copy of the actas of the Junta Facultativa, dated 24th March (April), was made—I mean "Exhibit Bassoco No. 11;" was it not a short time before you left Mexico?

A. I do not know, but from what I have heard it was a long time ago, or about a year ago.

Q. 277. You say that you have been informed that the reason why this traced copy has not the signature of the Secretary to it is, that the Secretary had not signed the original when the copy was made, that is, something like a year ago. Was the signature there when you compared the traced copy shortly before leaving Mexico?

A. Yes, when I made the comparison the signature of the Secretary was on the original, and I therefore so stated before.

Q. 278. You also say that the present Director, Velasquez de Leon, within a year past caused the original to be signed by Antonio Castillo, who was the Secretary in 1846?

A. I don't know when he ordered the Secretary to sign it. I only know he did so order. Undoubtedly it was signed after the traced copy was made.

Q. 279. Can you suggest to me any guaranty under such circumstances that the paper signed within a year past was the same which had been drawn up in 1846, seeing that Castillo, the Secretary, could not be expected to remember a particular paper for thirteen years, and that Velasquez de Leon had had nothing to do with the transaction so far as appears from the paper?

A. These papers, as well as others connected with the college, have been in my possession since they were first placed there until I ceased to be Director, when I delivered them to the present Director, Velasquez de Leon.

Examination adjourned until Monday, at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., July 11, 1859.

Examination resumed from Saturday, the 9th inst..

Present: A. C. Peachy, Esq., for claimant; and Edmund Randolph Esq., for the United States.

Q. 280. What do you mean by saying the paper, viz.; the *actas* of the 24th March, (April), had been in your possession since they were first made, until you ceased to be Director, and delivered them over to Velasquez de Leon, your successor?

A. I mean that when Mr. Tornel was banished, that paper and all the others which formed the *actas* in the college were handed over to me, to be by me delivered to his successor, the next Director, and as the next Director, Mr. Tornel's successor, did not live in the college, those papers remained in my possession.

The *actas* of all the succeeding years, also came into my possession.

Q. 281. Which banishment of Tornel, and what successor do you refer to?

A. I speak of his banishment during the administration which I have before referred to, and the successor I refer to was Mr. Moral.

Q. 282. But did not Tornel soon return and hold this dictatorship again, up to the time of his death?

A. No, sir; he returned to Mexico about February or March, 1847, and left again in consequence of the occupation of the capital by the Americans. During his banishment I was director for a short time, and Mr. Velasquez de Leon was also director for a short time, as I have before explained.

Mr. Tornel returned to Mexico after the American invasion, became a director again, and remained so till his death.

Q. 283. Did neither Moral nor Velasquez de Leon reside in the college when they were directors, and did not Tornel when he came back, reside in the college as before?

A. While they were directors during that time, they did not live in the college. Tornel always lived in the college when he was director.

Q. 284. Why then did you not give the papers back to Tornel when he returned, seeing that you only took them because his immediate successor did not reside in the college?

A. The reason was that General Tornel, seeing the vicissitudes to which he was liable, and his many occupations in the Ministry, saw the necessity of leaving those papers in my possession; and, in addition to that, he subsequently gave me a great many papers connected with the Direccion, as I before stated.

Q. 285. What had the Director to do with the keeping of the actas of the Junta Facultativa?

A. All the actas and other papers of the Junta Facultativa were always kept together with the papers belonging to the Direccion.

Q. 286. But does not the decree of 1843, reorganizing the College, and to which you have referred in a former part of this deposition, provide that the actas of the Junta Facultativa shall be kept by an escribiente in their employment?

A. Yes, and that very escribiente was the escribiente of the

Direccion; and the vicissitudes to which the Director was liable also affected the escribiente; and it was to guard against them and prevent the loss of any papers that I kept them in my possession.

Q. 287. How could the banishment and political vicissitudes of General Tornel affect the escribiente, or mere clerk, who had charge of these papers? How any more than it should affect you, who held the more conspicuous place of a professor in the College?

A. Not only did the vicissitudes and banishments of General Tornel affect this escribiente, but even while Mr. Tornel was Director, the escribiente would frequently be changed, he holding the place at the will of the Director; and, as the occupations of General Tornel in the Ministry and in the discharge of other public duties entirely distracted his attention from the affairs of the College, and as I was the person most conversant with them, and permanently there, and frequently had occasion to look into those papers to furnish information required of me and the like, it was deemed necessary to place those actas and papers in my possession—not that I was escribiente, or had anything to do with his duties.

Q. 288. By law, as you admit, the escribiente was charged with the custody of these papers; but, as you say, for the reasons you have mentioned, you had the custody of them. Is not this having a great deal to do with the duties of escribiente, and is it not a complete change of the law for all that concerns us in this case?

A. It is true the escribiente was charged with the arrangement, the keeping in order of the archives, but as he had no habitation in the College, nor any place there in which to deposit them, I certainly did not think that I was performing any of his duties, when I, who was there permanently, and frequently had occasion to recur to those papers, took the custody of them to prevent any from being lost or mislaid, it having been observed, moreover, that some communications were sometimes missing or mislaid.

Q. 289. Was not the escribiente referred to the legal custodian of the actas of the Junta Facultativa, and was he not provided with a place, and with cases, boxes, shelves or trunks, or something else, for the purpose of keeping them safely?

A. I think that of right all those papers should have been kept in the Direccion. I think the escribiente was only required to engross and keep those papers in order. He had no box or anything else in which to deposit them. They really should have been kept in the office of the Direccion, but for the reasons I have mentioned, I had the custody of them.

Q. 290. Then General Tornel, from whom you received these papers on his banishment in 1846, must have had them in his keeping with the papers of the Direccion?

A. He had them in his possession.

Q. 291. Had the Director of the College anything in the world to do with the keeping of the archives of the College? Was there not an Archivero for that Institution?

A. It was not necessary to have a person specially employed to take care of the papers; there were not many of them. I don't remember whether the Reglamento provides for the appointment of an Archivero. I know there never was one.

Q. 292. By what authority did the Director take charge of the actas of the Junta Facultativa and other papers of the College? Was there any law making it his duty more than the duty of any other person connected with the Institution, and was there any law by which that duty was transferred to you upon the banishment of Tornel?

A. There was no law which said the Director should have charge of these papers, but as the escribiente of the Junta was the escribiente of the Direccion, the papers were usually handed to him to be copied and arranged, and moreover the Director was *ex officio* President of the Junta; and I see no objection to the president of a body having charge of its archives. There was no law authorizing him to transfer them to me; it was done for the convenience and benefit of the College.

Q. 293. There being no law which made it the duty of the Director to keep these actas of the Junta Facultativa, and no law which required them to be delivered over to you, I suppose there was no law prescribing the manner in which you should keep them, or imposing any penalties to insure their safe keeping?

A. No, there was not.

Q. 294. Will you please explain very particularly, now, in what manner you did keep these actas, and how it is that you are able to identify any particular one of the papers of which they may be composed?

A. I kept them in a recess (alacena) in the wall, which had a door and lock and key, in my room in the College; it was fitted up with shelves like a book-case, and I always kept the key; I might identify one of them by the subject to which it might refer and the signatures to it.

Q. 295. Would you venture to swear that during the time these papers were in your charge, and more particularly since they have passed out of your charge, no paper falsely purporting to have been made in 1846, could have been inserted among these papers in the recess, and that no paper actually made in 1846 could have been taken out, altered and returned, without the possibility of your detecting the fraud at this day?

A. I am willing to swear that nothing of this kind occurred while the papers in the recess were in my custody; with regard to the particular papers which are here, I can swear there has been no such fraud.

Q. 296. Do you not understand that all of your answers in this examination are given upon your oath?

A. Of course I do; but when I am asked in terms, whether "I will swear," my reply is that I will swear to what I know; I know that I am under oath, of course, since I commenced my deposition.

Q. 297. You received, you say, a certain bulk of papers from General Tornel; what I ask you is, whether you have now such a clear recollection of each and all of those papers, that you could detect a forged paper, which had been inserted amongst them, or detect an alteration of one of the genuine papers, if any such alteration had been made?

A. Speaking of them generally, I think I would detect a forged paper if any had been inserted, and that I would have detected an alteration if any had been made.

Q. 298. As there was no archivero in the College of Mining, and as Tornel, as Director, kept all the papers of the Institution, and afterwards delivered them over to you, do you not think that your last answer would be an incredible feat of memory?

A. I based my last answer upon the fact that I have attended all the sessions of the Junta Facultativa since 1845, and consequently am acquainted with all the subjects which were discussed thereat, and there was hardly one of the matters which belonged exclusively to the Direccion, with regard to which I was not consulted by the Director before he took final action upon it.

Q. 299. You say that the recess in which the papers were kept was in your room in the College; do you mean in your private room?

A. It was one of my apartments in the College which I used as an office and reception room; it was the room in which I did all my business as Professor, and all other business, except that of teaching my class.

Q. 300. You say you had certain rooms for your habitation or private residence in the College; were there any other rooms in the College used for other purposes, such as lecture-rooms, recitation-rooms, halls, etc.?

A. Yes, sir. There was a hall for public examinations, and in which were held nearly all the meetings of the College.

Besides, each department or professorship had its apartments or rooms.

Q. 301. Did you keep anything else in the recess in that room of your private habitation in the College besides the papers of which you have spoken?

A. Books only—scientific works.

Q. 302. You mean that it was your library, as well as a place for keeping these papers.

A. No, sir. I only kept a few books there, which I desired to have more handy.

Q. 303. You have mentioned that you were a member of the Constitutional Congress, in the year 1856–'57—do you not belong to the Conservative, or Church party, of which Miramon is now said to be the chief?

[Question objected to by Mr. Peachy, as irrelevant, and as being an unwarrantable interference with the private opinions of a gentleman.

Counsel for the United States thinks it proper to put this question to the witness, deeming it not irrelevant to know whether the witness belongs to a party of avowed hostility against the United States, or to a party of friendly sentiments towards the United States.]

A. My answer to this question is merely that I am a Republican, and a Liberal.

Q. 304. Do you, or do you not, belong to the party to which I have referred?

[Mr. Peachy here requests the interpreter to state to the witness that if he has any personal objection to answering this question, he need not do so until the Judge has decided whether the question is a proper one.]

A. I have some reasons for wishing not to answer the question until the Judge shall have decided whether I shall do so. The reasons why I decline to answer this question are, that by answering it I would compromise my interests, and even my person.

[The matter having been referred to the Judge, and the foregoing reasons having been assigned by the witness, the Judge excused him from answering the question.]

Examination concluded.

W. H. Chevers,
U. S. Commissioner.

San Francisco, Aug. 11, 1859.

Witness desires to correct the first part of his answer to the 50th question, which, as originally taken down by the Commissioner reads as follows: "I know from conversations which I had with the director, Mr. Tornel," by making it read—I know from conversations which I had with Mr. Moral; the witness stating that the answer as corrected is what he testified.

BLAS BALCARCEL.

Sworn to and subscribed this 11th day of August, A. D. 1859, before me.

W. H. Chevers,
U. S. Commissioner.

—

Note by the Commissioner.—The witness signs his deposition at this date, because the interpreter has hitherto been engaged interpreting for other witnesses in this cause, and had not time to read over this deposition with the witness.

W. H. Chevers,
U. S. Commissioner.

Filed August 11, 1859.
W. H. Chevers, Clerk.

# DEPOSITION OF ANTONIO DEL CASTILLO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 15, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Antonio del Castillo, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being intrepreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., of counsel for the claimant; and Mr. Randolph, for the United States.

Questions by Mr. Peachy, of counsel for claimant,

QUESTION 1st. Your name, age, and place of residence?

ANSWER. Antonio del Castillo; I am thirty-seven years of age; my residence is in the city of Mexico.

Q. 2. In what part of Mexico were you born?

A. I was born at a town south of Morelia, the capital of the State of Michoacan, a town named Cutzamala.

Q. 3. Where were you educated?

A. I received my early education at the French schools in the city of Mexico, during the years 1833-'34-'35, after which I entered the National College of Mining at the beginning of 1836, and remained there until 1840. I entered that College to be educated to the profession of Mining Engineer.

Q. 4. What diplomas did you take, and what public employments have you held under the Mexican Government?

A. In 1840 I received the diploma of Assayer, and then I went to the Mining district of Fresnillo, as an employé, and also for the purpose of learning the practical part of my profession. I remained there two years. I returned to the city of Mexico in 1843, and in 1844 I was appointed general substitute Professor, and Professor of Mechanics applied to Mining, and

I also received in that year my diploma as Mining Engineer and Surveyor.

In 1846, I was appointed special substitute Professor of the Mineralogy class, the professorship of which was held by Andres del Rio. I discharged the duties of substitute Professor of that class until the death of Mr. del Rio in 1849, when I obtained the professorship of that class as the successful competitor for it.

In 1850, I was elected a deputy to the general Congress from the State of Mexico, which office I held two years.

In 1853, I was appointed Professor to establish a practical school of mining at Fresnillo, which we established in 1854.

I left there in 1855, with the pupils, to visit the various mining districts, and to give the College a description of them.

In 1856, I returned to Mexico and entered the College to take charge of the class of Mineralogy and Geology.

In 1857, I was appointed to make an exploration of Lower California, and ascertain its mineral wealth; and in 1855 I returned and resumed the charge of the class of Mineralogy and Geolegy, in the College, and have remained there ever since.

Q. 5. At what time in the year 1846, did you begin to deliver lectures to the class of Mineralogy?

A. I commenced the course about the middle of January, and ended about the middle of November. The annual course began in January, and ended in November of each year. My first course of Lectures began in January, 1846.

Q. 6. Who were the *suplentes* of the *Junta Facultativa*, in the year 1845, and who the members of it, in 1846?

[Objected to by counsel for the United States, on the ground that the question is leading.]

A. My opinion is, that I was one of the *suplentes* in 1845, but I am not sure of it. I don't remember the name of the other one. In 1846, the *Junta Facultativa* was composed of Mr. Tornel, who was President (he was Director of the College), and Messrs. Moral, Balcarcel, Navarro, and myself, I being the Secretary.

Q. 7. In what room in the College of Mining, are you in the habit of delivering lectures to your class of Mineralogy?

A. Each of the principal classes has a particular locality, and I of course deliver my lectures to that class in the apartments used and occupied by it—the room in which is the Cabinet of Mineralogy.

Q. 8. How long have you been in the habit of lecturing to that class, in that room?

A. Since the year that I took charge of the class, *i. e.* in 1846.

Q. 9. How often do you lecture to that class?

A. Every work day, from half-past eight to half-past ten, A. M.

Q. 10. Who has charge of the minerals in the cabinet?

A. I have, as Professor of Mineralogy, and have had since 1846, when I took charge of the class.

Q. 11. In that cabinet are there any specimens of minerals from California?

A. There are. The first which were taken there are some specimens of cinnabar, rock crystal, stone coal and lead, sent by Castillera.

There are some brought by Mr. Salazar, of the Boundary Commission, of garnet and hornblende.

Q. 12. By whom were those specimens of cinnabar, rock crystal, coal and lead, deposited in the cabinet?

A. I placed them there.

Q. 13. From whom did you obtain them?

A. Mr. Tomas Ramon del Moral presented them to the class.

Q. 14. At the time these specimens were placed in the cabinet of minerals, were any labels put on them?

[Objected to by counsel for the United States, on the ground that it is leading.]

A. I put labels on them. I wrote the inscriptions upon the labels myself, and afterwards, when the cabinet was re-arranged some of those inscriptions were taken off, and new ones put on by one of my pupils.

Q. 15. In whose handwriting is the label on the specimens of cinnabar?

A. There are two cases (*aparadores*) in which the specimens of cinnabar from California are kept. The inscriptions on the specimens in one case, *aparador*, are written by one of my pupils; the inscriptions on the specimens in the other case are in my own handwriting.

Q. 16. When were those inscriptions written by you?

A. I don't remember the exact date, but it was about the month of April, 1846, the year in which I first took charge of the class.

Q. 17. Have you a copy of those inscriptions thus made by you?

A. I have.

Q. 18. When did you make that copy?

A. At the time I was leaving Mexico to come here, about the 20th of April last.

Q. 19. Please produce that copy.

[Copy produced by witness in a small memorandum-book. Copy reads as follows, viz.:

"Cinabrio. Mision de Sta. Clara en Californias. Criadero virgen.

"Ley comun, 35.5%.

"(5 pedazos.) Ejemplar No. 5."

A translation of which is as follows:

"Cinnabar. Mission of Santa Clara in Californias. Virgin deposit (*criadero*).

"Average yield, 35.5%.

"(5 pieces.) Specimen No. 5."

Objected to by counsel for the U. S., on the ground of irrelevancy.]

Q. 20. Is there any other label on those specimens; if yea, state in whose handwriting it is, when it was written, and whether you brought a copy of it with you?

A. There is another in the handwriting of one of my pupils, named Juan Orosco. I don't remember well when he wrote it, but I think it was in 1850. I have a copy of it here.

Q. 21. Please produce it.

[Copy produced by witness from the same memorandum-book. The copy reads as follows, viz.:

"Cinabrio de California. Mision de Santa Clara, 5 leguas al sur. Criadero virgen, descubierto en 1845 por el Sor. D. Andres Castillero, quien remitio las muestras al Sor. D. Ramon del Moral, Director del Colegio en esa fecha, por conducto del E. S. G'ral D. José Joaquin de Herrera.

"Ley comun de los minerales, 35.5%.

"(Un ejemplar, No. 5.)"

A translation of which is as follows:

"Cinnabar from California. Mission of Santa Clara, 5 leagues south thereof. Virgin deposit (*criadero*), discovered in 1845 by Don Andres Castillero, who transmitted the specimens to Señor Ramon del Moral, Director of the College at that time, through His Excellency General Don José Joaquin Herrera.

"Average yield of the minerals, 35.5%.

"(One specimen, No. 5.)"

Objected to by counsel for the U. S., on the same ground as the preceding.]

Q. 22. How came this inscription to have been written about the year 1850, by one of your pupils?

A. Because I renewed all the inscriptions in the general collection in that year; and as that pupil wrote a good hand, I got him to write them.

Q. 23. How did you make the copies which you have produced?

A. I took the originals, and copied them with my own hand.

Q 24. Are the copies which you have produced accurate and faithful copies of their respective originals?

A. They are.

Q. 25. After these specimens were placed by you in the Cabinet of Minerals, did you ever see them there, and how often?

A. I have seen them frequently. They are always there, and whenever I look over the collection I see them.

Q. 26. Are you acquainted with said Andres Castillero; if yea, when did you first see him?

A. I know him. I first saw him in that same year—1846—after having received the specimens.

Q. 27. About how long after?

A. I don't remember well, but it was about twenty days or a month.

Q. 28. Have you any recollection of any steps having been taken, by the Junta de Fomento y Administrativa de Mineria, for the development of this mine of Castillero; I mean, have you a personal recollection of any fact connected with that business, independent of documents you may have recently seen which treat of it?

A. I remember that while the business between Castillero and the Junta was pending, the decree of the Minister suspending payments was made.

We (the professors in the college) had been informed by Mr. Moral before that, that the Junta de Fomento was going to make a contract with Castillero, for the working (avio) of the mine.

I also remember, that the Junta Facultativa of the College met for the purpose of preparing a resolution to be sent to the Junta de Fomento, in reply to a communication from that body, upon the subject of the mine.

We (the professors) learned from Mr. Moral that, in consequence of the decree suspending payments, which I have before mentioned, the agreement between Castillero and the Junta de Fomenta could not be carried out.

Q. 29. Examine the documents now shown you, marked respectively, "Exhibit Bassoco No. 10, O. H." and "Exhibit Bassoco No. 11, O. H.," and say whether you have compared them with their originals; where the said originals exist; when, where, and in what manner were the comparisons made, and are they accurate copies of their respective originals?

A. I have compared them with the originals. The originals are in the office of the Junta Facultativa of the College, which office is in charge of the Director of the College.

I compared them thus: Mr. Pardo read the originals aloud, while I read these copies, and then we changed, and Mr. Pardo read the copies aloud while I read the originals. We afterwards laid the traced copies over the originals to see if they were accurate. We made the comparisons on the 23d of April last, in the College. These are accurate copies of their originals, in all respects, except that the document, a copy of which appears on page 1 of "Exhibit Bassoco No. 11, O. H." has my signature to it, and this signature does not appear upon the the copy.

Q. 30. When did you sign the said original, and why?

A. I signed it a few days before my departure for this place, because the Director of the College required me to sign all the actas which had not been signed by me while I was secretary. The present secretary had set apart all those which required my signature, and I signed them all.

Q. 31. What was your habit while Secretary of the Junta Facultativa, in regard to signing the actas of that body?

A. I wrote the borrador of each session, and handed it afterwards to the Escribiente of the Junta and of the Director to have it copied, and whenever he brought it to me and requested me to sign, I signed it. He generally brought me several copies of borradores to sign at once.

Q. 22. Why was not this signed at the proper time?

A. Because the Escribiente did not bring it to me to sign.

Some of the actas of that year (1846) were signed by the Director only, and others by the Secretary only. This resulted from the banishment of the Director Tornel.

Q. 33. In the copy found on page No. 1 "Exhibit Bassoco No. 11, O. H.," occur the words "*el q. subscribe;*" who is indicated by them?

A. I am the person indicated by them, as the tenor of the document clearly shows. I was the secretary, and the document itself mentions all the other persons who composed the Junta, and refers to the Secretary as "*el q subscribe.*" It could not refer to the signature of Mr. Moral, because his name is mentioned in the beginning of the document.

Q. 34. Did you examine the signatures and handwritings in the original documents of which these are copies? Do you know any of them; if yea, say how you know them, and whether they are genuine on said originals?

A. I did examine the signatures and handwritings referred to in this question. I know the handwriting and signature of Tornel, by whom was written and signed the original of the marginal note on page 1 of "Exhibit Bassoco No. 10, O. H."

I know the handwriting and signature of Ysidro R. Gondra, and Vicente Segura, whose signatures appear on the original, which is copied on the reverse of page No. 2 of the same Exhibit.

The signature of the same Gondra to the original document, a copy of which is found on pages 3 and 4 (of the reverse) of same Exhibit, I know.

I also know the said Gondra's signature to the original document which is copied on pages 5 and 6 (on the reverse) of same Exhibit.

I also know the signature to the original document, a copy of which appears on page 1 of "Exhibit Bassoco No. 11, O. H." It is the signature of Don Tomas Ramon del Moral.

I also know the signature to the original document, a copy of which appears on page 2 of "Exhibit Bassoco No. 11, O. H." It is the signature of the said Tornel.

I know all these signatures because I have seen Tornel, Segura, del Moral and Gondra sign their names, and their aforesaid signatures are genuine.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, July 16, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 35. I see on page 1, "Exhibit Bassoco No. 11, O. H." what purports to be a copy of the acta of the Junta Facultativa, at its session of the 24th of March, 1846; is that date right; if you suppose not, state your reasons?

A. There is a mistake in the name of the month; instead of being March it should be April. The true date is the 24th of April, 1846. This mistake will be clearly seen by reference to the date of the Acuerdo of the Directer Tornel, dated 23d of April, 1846, referring to the Junta Facultativa the matters considered by it at its meeting of the 24th of April, the acta of which meeting is erroneously dated the 24th of March, as already stated. Another fact which shows that the date of that acta is erroneous, is the date of the reply of the President of the Junta Facultativa to the Director of the College, communicating what had been done by the Junta touching the matters referred to it as aforesaid.

Q. 36. Examine the document now shown you, state whether you have compared it with its original, where the said original exists, when, where, and in what manner, was the comparison made, and whether it is an accurate copy of the original?

[Document shown to witness is "Exhibit Bassoco, No. 7, O. H."]

A. I have compared it with its original, which is to be found in the office of the *Administracion de Mineria*. I made the comparison in the same manner in which I compared the exhibits shown me yesterday with their originals. I made the comparison on the 20th of April, 1859, in the office in which the originals are kept. It is an acurate copy of the original.

Q. 37. Did you examine the handwritings and signatures in in the original; are you acquainted with any of them, and are they genuine?

A. I did examine the original documents and the signatures to them; I will state those with which I am acquainted; I know the signature and handwriting of Ysidro R. Gondra, Vicente Segura, José Maria Tornel, and the signature of Becerra; these handwritings and signatures are genuine as they appear on the original documents, of which these are copies.

The handwriting in the original document, a copy of which appears on the first leaf of this exhibit, is that of the said Gondra.

The handwriting in the original document, a copy of which appears on page No. 1, in red ink, of this exhibit, is that of the said Gondra.

The handwriting in the original of the second marginal note, a copy of which appears on page 5, in red ink, of this exhibit (beginning with the word *Mayo* four), is also that of the said Gondra.

The handwriting in the original document, a copy of which appears on the reverse of page 8 and on page 9, in red ink, of this exhibit, is also that of the said Gondra.

The handwriting in the original marginal note, a copy of which appears on page 11, in red ink, of this exhibit, is also that of the said Gondra.

The interlineations which occur in the original document, a copy of which appears on pages 11 and 12, in red ink, of this exhibit, are also in the handwriting of the same Gondra.

The original interlineations, copies of which appear on the reverse of page 14, in red ink, of this exhibit, are also in the handwriting of the said Gondra, except the interlineations, copies of which appear at the foot of this page (14 in red ink).

The original interlineations, copies of which appear on pages numbered 15, and on the reverse of page 17, in red ink, of this exhibit, are also in the handwriting of the said Gondra.

The original signature, a copy of which appears on the reverse of page 22 in red ink, is the genuine signature of the said Gondra.

The first original marginal note, a copy of which appears on page 5 in red ink of this exhibit, and the signature thereto, is the genuine handwriting and signature of Vicente Segura.

The original signature, a copy of which appears on page 7, in red ink, of this exhibit, is the genuine signature of José María Tornel.

The original signatures, copies of which appear on page No. 10 in red ink, and the reverse of page 24, in red ink, of this exhibit, are the genuine signatures of Becerra.

I know Becerra's signature because I have in my possession, in Mexico, a communication which he addressed me.

Q. 38. Examine the certificates affixed to the following documents, to wit: "Exhibit Bassoco No. 1, O. H.;" "Exhibit Bassoco No. 5, O. H.;" "Exhibit Bassoco No. 6, O. H.;" "Exhibit Bassoco No. 7, O. H.;" "Exhibit Bassoco No. 8, O. H.;" "Exhibit Bassoco No. 9, O. H.;" "Exhibit Bassoco No. 10, O. H.;" "Exhibit Bassoco No. 11, O. H.;" "Exhibit Bassoco No. 12, O. H." Say if you are acquainted with the signatures of the various persons, to the said certificates, and whether, at the date of the same, they held the respective offices which in their certificates they are said to hold?

A. I have examined them. I am acquainted with the signatures of all those various persons, except those of Anievas, Couto, and Alegria. All the persons referred to held, respectively, the offices which they are represented, in their several certificates, to have held at the date thereof. I know all those signatures to be genuine, with the exception of the three to which I have referred, and which I do not know.

I do not refer at all to the signatures attached to the certificate of the American Consul. I know nothing about them.

I know the signatures of Valasquez de Leon, P. Almazan, and J. Miguel Arroyo, because I have seen each of them sign his name.

Q. 39. Have you a personal recollection of having been present at the session of the Junta Facultativa, a copy of the Acta of which is found on page 1 of "Exhibit Bassoco No. 11, O. H.;" if you have, state what you remember about it?

A. What I remember most distinctly is, that I drew up the borrador of that session, and that the President requested me to subjoin the last few words relating to the keeping of copies of the documents in the office of the Secretary. The President I refer to was Mr. Moral.

I also remember that meeting of the Junta, because it was called for the purpose of making a report upon the matters which had been referred to it, and because it was after the assay had been made, and after the specimens had been placed in my custody, and deposited by me in the Cabinet of Mineralogy.

Q. 40. Is the original *Acta* of which a copy is found on page 1 of "Exhibit Bassoco, No. 11, O. H.," in your handwriting?

A. It is not. It is in the handwriting of the *escribiente.*

Q. 41. Who was the escribiente?

A. I think he was Mr. Tornel's son.

Q. 42. What is the technical name of the mineral that you call "Rock Crystal?"

A. It is Silica, or the oxide of Silicium.

Q. 43. Describe the coal, specimens of which were deposited by you in the cabinet with the cinnabar?

A. I remember that it is bituminous coal—one of the numerous kinds of bituminous coal.

Q. 44. Describe the specimens of lead, which were deposited at the same time?

A. It was a small piece which has imbedded in it some quartz, slate, pebbles, small pieces of clay, and some shells, etc. It was presented to us as native lead. I had it assayed, and I found a very small proportion of silver in it.

Q. 45. Were you well acquainted with Mr. Moral, and how long did you know him?

A. I knew him well. I knew him from 1836 till he died. His death occurred at Toluca, in 1847, I think, while he was Deputy to the Congress of the State of Mexico.

Q. 46. Were you acquainted with Mr. Herrera, the Professor of Chemistry in 1846?

A. I knew him from 1836 until he died. He had been my teacher, and was afterwards my associate, and so had Mr. Moral.

Q. 47. Did you ever have any conversation with Professor Herrera on the subject of his assay of those specimens of cinnabar?

A. I had several, because we never before had assayed at the laboratory such rich ore.

Q. 48. To what extent was this discovery of Castillero's known in the city of Mexico, about April and May, 1846?

A. It was generally known, but miners especially were informed of it, because it was only the year before that I had published a resumé of all that had been done by the Commissions appointed by the *Junta de Fomento,* touching the discovery of quicksilver mines, and the examination of such as had already been discovered, from which it appeared that the quicksilver mines which had theretofore been discovered were very poor; and when it became known that a mine had been discovered which was twice as rich as the old Almaden mine of Spain, it attracted general attention.

Q. 49. Why do you, say twice as rich as the old Almaden mine in Spain?

A. Because the Almaden mine in Spain yields, according to the reports, from ten to fourteen per cent., and the specimens from Alta California which we assayed, yielded thirty-five per cent., from which we made the usual deduction of one-fifth, as an allowance for the difference between the results of practical mining and those of a particular assay.

Examination adjourned until Monday next, 18th inst., at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal.,
Monday, July 18, 1859.

Examination resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 50. You said on Saturday, that you published a resumé of all that had been done by the *Junta de Fomento*, concerning the discovery of quicksilver mines, and the examination of such as had already been discovered: have you a copy of that publication?

A. I have; here it is.

Q. 51. When was that resumé written, and when published?

A. I wrote it in October, 1845, and it was published shortly after in the same year.

Q. 52. Do you remember the greatest ley of any quicksilver mine which had been worked in Mexico for several years before your said publication?

A. There were no quicksilver mines worked for a few years immediately preceding this publication.

The quicksilver mines of Guadalcazar began to be worked shortly after this publication, or in the same year, perhaps.

There were some old quicksilver mines which had been worked long before this publication.

Q. 53. Are the professors in the College of Mining in the habit of delivering public annual discourses?

A. They are. They occur about the month of November of each year, at the public examinations.

Q. 54. When was your first public lecture delivered?

A. In November, 1846.

Q. 55. Was it printed and published; and when?

A. It was published in the "Annual" of the College, of 1848, because there was no "Annual" published for the year 1846. The "Annual" of 1848 may not have been published until 1849.

Q. 56. Was your entire discourse, delivered in 1846, published in the "Annual" of 1848?

A. No: there were only some notes of that discourse, which I considered important. By notes, I mean extracts from that discourse, consisting in the description of certain minerals.

Q. 57. Did you deliver a discourse in the year 1848?

A. I did. It is inserted in the "Annual" of that year.

Q. 58. Have you a copy of the "Annual" of 1848, or, as it is called in Spanish, "Anuario del Colegio Nacional de Minería"?

A. Yes, I have. Here it is.

[Witness produces the copy.]

Q. 59. Point out in this "Anuario," by reference to pages, your discourse delivered in the year 1848, and the notes concerning certain minerals, taken from your discourse delivered in the year 1846.

[Objected to by counsel for the U. S., as irrelevant.]

A. The discourse of 1848 begins on page 53, and ends on page 64, of this "Anuario." The notes taken from the discourse of 1846 begin on page 65, and end on page 69, of the same.

[Counsel for claimant here offers in evidence the printed *resumé* mentioned in the answer to the 50th question, with the exception of the plates annexed to the same, which he does not offer, because he considers them useless in this case, but submits them to the counsel for the U. S. for his disposition.

This document is marked "Exhibit Castillo No. 1, W. H. C.," to be filed with the witness' deposition.

Counsel for claimant also offers in evidence so much of the said "Anuario del Colegio Nacional de Minería," for the year 1848, as contains the discourse delivered by the witness in that year, and the printed extracts taken from the annual discourse delivered in the year 1846. He does not offer the entire "Anuario" of 1848, because it contains 116 pages of printed matter, but submits the same to the counsel of the U. S., to be offered in evidence by him, if he should think proper.

That portion of this "Anuario" offered in evidence as above is marked "Exhibit Castillo No. 2, W. H. C.," on its first page. The following pages are marked with the initials "W. H. C."

Objected to by counsel for the U. S., on the ground of irrelevancy.]

Q. 60. When did you arrive in San Francisco?

A. On the 14th May last.

Q. 61. In whose company did you travel from the city of Mexico to San Blas, and thence to the city of San Francisco?

A. In company with Messrs. Castillo y Lanzas, Bassoco, Martinez Negrete, Balcarcel, Miranda, Yrisarri, Villalon, Velasco, Billings, and Wm. Barron.

Q. 62. Did you obtain leave of absence from the Government?

A. I did. I obtained permission from the Government through the Ministerio de Fomento.

Q. 63. For what purpose did you come to San Francisco?

A. For the purpose of testifying to what I knew with regard to the mine of New Almaden.

Q. 65. What compensation have you received, or are you to receive, for coming to San Francisco on that business?

A. I am to receive in all, six thousand dollars, of which I have already received five thousand six hundred dollars.

Q. 65. During your absence from Mexico, will you be paid your salary as professor?

A. I am not to receive any salary for the time I may be absent. My leave of absence is for three months.

Q. 66. What is your salary as professor?

A. Two thousand one hundred dollars per annum.

Direct examination closed.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, July 19, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

### Cross Examination.

Q. 67. Before leaving Mexico to come to San Francisco, did you obtain a passport?

No, I did not obtain one, because I did not think it necessary.

Q. 68. Is there any one in San Francisco, besides the party you came with, that you have formerly known in Mexico?

A. There are several; Mr. Chittenden, the lawyer; Mr.

Schleiden, and some of the persons who were banished from Mexico, now here.

Q. 69. Do you not belong to the "Church party" in Mexico, of which Miramon is chief?

[Counsel for claimant requests the interpreter to state to the witness that if he has any reasons for desiring not to answer this question, to make them known.]

A. I desire not to answer this question, because, being a professor in the College and subject to the authority of the Ministerio de Fomento, my answer to the question might affect me injuriously.

Q. 70. Who was the Minister of Fomento who gave you leave of absence from the Capital?

A. Don Octaviano Muños Ledo.

Q. 71. Did he give you the permission in writing, and if so, where is it?

A. He gave me the permission in a dispatch addressed to me in reply to my request for such permission. I have left the dispatch at home in Mexico.

Q. 72. Did you inform the Minister for what purpose you wanted the leave of absence?

A. I did.

Q. 73. Did you make known to him that you wanted a leave of absence to come to California to testify in behalf of Andrés Castillero, against the United States, in the present case, wherein Andrés Castillero is asserting a title to the New Almaden Mine?

A. In my request for leave of absence, I stated simply that I had been requested by the house of Barron, to come to California to testify before the United States Court to what I knew touching the mine of New Almaden; not knowing who was the adverse party in the suit.

Q. 74. Had you not heard from Mr. Barron, Manuel Couto, or somebody else, that the house of Barron, and others, were, in the name of Andrés Castillero, claiming the New Almaden Mine against the United States?

A. No, sir. Mr. Barron did not inform me of the nature of the case, and although Mr. Couto did speak to me on the subject, I did not pay particular attention to what he said, feeling no interest in the matter. I learned merely that there was a suit, and I supposed the points in controversy were as to certain requisites of the mining ordenanzas.

Q. 75. Which one of the Barrons was it that spoke to you about the business?

A. Mr. William Barron, who is here.

Q. 76. Did you not know before you left Mexico that the question on which your evidence was wanted was, not as to the construction of the mining ordenanzas, but whether certain documents alleged by the claimants to be existing in the City of Mexico, and to constitute their title to the New Almaden mine, were genuine or forged?

A. I did not. It was only a short time before I left Mexico that I was requested to examine those documents, to see if they were genuine. I did not know what the question was with regard to which I was to testify.

Q. 77. How was it possible, after you were requested to examine those documents to see whether they were genuine, and then were requested to come to San Francisco to testify, that you did not know that the genuineness of those documents was that which you were brought here to prove, and was the question in dispute?

A. I was not requested to come after I had examined the papers, but long before. The idea which I had entertained was, that I was to come here to testify to the facts which had occurred, of which I had knowledge. It was after I had agreed to come, that I examined those documents, and made the comparisons which I have heretofore described.

Q. 78. Did you not speak with one Emilio Pardo, a lawyer in the city of Mexico, about this business?

A. The only conversation I had with him about this business was, that he and Mr. Billings came to see me about the specimens of cinnabar, and asked me some questions about them, whether I had the custody of them, and whether I remembered the date which I had put on the labels attached to the specimens of cinnabar sent by Castillero; as I did not remember this, I looked at the specimens and showed them to Mr. Pardo and Mr. Billings.

Q. 79. Is not Mr. Pardo, of whom you have spoken, attorney for the house of Barron, in this matter, in the city of Mexico?

A. I heard that he had come here to California, and I infer that he is the attorney for the house of Barron.

Q. 80. Did not the conversation you have spoken of, occur after the return of Mr. Pardo from California?

A. It did.

Q. 81. How long before you left Mexico to come to California yourself?

A. A little over a month.

Q. 82. Did you not remember, when Mr. Pardo spoke to you, that you had the custody of the specimens of cinnabar from the New Almaden mine of California?

A. I certainly did remember that I had the custody of them.

I knew I had them since they were presented by Mr. Moral in 1846. I had seen them nearly every day. All the specimens in the cabinet were under my charge.

Q. 83. What was it then, that you did not remember when Mr. Pardo spoke to you about these specimens?

A. I did not remember whether I had written on the labels the date of the receipt of the specimens. I found I had not.

Q. 84. How was it then, that you ventured to write the date upon these labels, after Mr. Pardo spoke to you?

[Question objected to by counsel for claimant, on the ground that there is no proof that the witness did write on these labels any date, after the conversation with Mr. Pardo, but on the contrary, the supposition in the question is directly contradicted by the copies of the labels produced by the witness, from which it will appear that the date of their receipt is not given.]

(Question withdrawn.)

Q. 85. You had then no writing to show the date at which you received those specimens of cinnabar now in the Cabinet of Mineralogy?

A. I have no paper by which the date appears.

Q. 86. Do you swear then from memory alone, to the time at which you wrote these words: "Cinnabar, Mission of Santa Clara, in California, Virgin Deposit, (*Criadero*), average yield, 35.5$^{c}_{o}$, specimen No. 5," now ticketed on the specimens of cinnabar in the Cabinet of Mineralogy?

A. I do. There is also a circumstance which goes to prove that my recollection is correct, viz: that my handwriting at that time, as is shown by the original inscription on the label, was very different from what it is now.

Q. 87. Can you write both of those handwritings now?

A. I cannot. All the labels written by me at that time are written in the same style of writing.

Q. 88. Did the change in your handwriting occur all at once on a certain day, or has it taken place gradually; and if the the latter, can you fix a time up to which you may be said to have used the handwriting of 1846, and since which you have used your present handwriting?

A. The change in my handwriting has occurred gradually, insensibly. I cannot state the particular time at which the change was completed.

Q. 89. Can you then swear that you did not use the handwriting in which this label was written, as late as the year 1850?

A. There is a resemblance between the handwriting I used in 1846, and my handwriting in 1850. I could distinguish my handwriting in 1846, from my handwriting in 1850.

Q. 90. Can you swear that you are able now to distinguish your handwritings, in the years 1849, 1848 and 1847, or any of them, and if so, which, from your handwriting in 1846?

A. That would be very difficult for me. The reasons why I remember my handwriting in 1846, are that I have preserved the *borrador* of an interesting *acta*, written by me in that year, and I have compared it with my writing on the labels, and find it exactly similar, and that I have compared the signatures which I signed in that year to the *actas*, with signatures which I have signed this year to the *actas* which I had omitted to sign in that year.

Q. 91. What *borrador* is this of the year 1846, that you have preserved; why did you preserve it, and have you only one *borrador* of that year?

A. It is the *borrador* of the *Acta* of a session of the *Junta Facultativa*, at which, one of the members acted as President, and which we, the Professors, held for the purpose of recommending to the Government the abolition of the office of Director of the College. This was during the banishment of General Tornel. There was another *borrador* of that year, which I tore up shortly before I left Mexico to come here, because it had been properly engrossed—a clean copy of it had been made. I think there still exists some additions to, or corrections of, the *Actas* of that year, in my handwriting. I tore up the *borrador* I have mentioned, in presence of the present Director and Secretary, after having signed the engrossed copy.

The *borrador* of the *Acta* of a session of the *Junta Facultativa*, at which one of the members acted as President, and which we, the Professors, held for the purpose of recommending to the Government, the abolition of the office of Director of the College, is the one I have preserved.

Q. 92. Have you brought that *borrador* with you; and among the traced copies brought from Mexico, is there any traced copy of these labels on the specimens of cinnabar in the Cabinet of Mineralogy, so that we may make a comparison of the handwriting between them?

A. I have not brought the *borrador*, nor was any traced copy of the labels taken.

Q. 93. Are there many specimens in the Cabinet of Mineralogy, with labels in your handwriting?

A. There are.

Q. 94. Can you tell, now, from memory alone, and without the aid of any writing, at what time you put the labels on these other specimens?

A. I can state the year, but not the precise date.

Q. 95. Why is it that you can state so much more precisely when you wrote the inscriptions on the labels on the specimens of cinnabar from this mine?

A. For the reason that they were the first rich specimens received in the class, and since 1845 I have received many specimens of other cinnabar, but the specimens from this mine being the richest, I remember them better than the others.

Q. 96. Does this enable you to remember, that you first saw the rich specimens from this mine about the month of April, and not May, or June, in that year (1846)?

A. This, and the presentation of them by Mr. Moral, and the meeting of the *Junta Facultativa*, all of which happened about the same time, enable me to remember when I first saw and labelled them.

Q. 97. Notwithstanding all the circumstances you have mentioned, it seems to me, that you might have put these labels on these specimens at a much later period: for example, why might not these labels still have been written in 1849, up to which time, you admit, that it would be very difficult to distinguish your handwriting from that of 1846?

A. There is another circumstance which shows that my statement, with regard to these labels, is correct, which is, that the students of the year 1846, were shown these specimens, as well as others, by me, when describing the different kinds of ores and sulpherets (*sulfuros*); and besides, as I spoke of them in my discourse of that year, it is evident that I must have attached the labels to them at the time I have stated.

Q. 98. How can those circumstances make it evident, that those specimens, in 1846, bore labels in your handwriting, or any labels at all?

A. Because all the specimens that were shown to the students have tickets which show the name of the ore, the place whence it came, whether from some part of Mexico, or Europe. Specimens that come from Europe are generally classified, and specimens taken out in the country (Mexico) are not, but have to be classified by the Professor.

Q. 99. Is there any classification in these labels; do you call such a memorandum as this a classification?

A. The classification consists in labeling and inscribing the labels as I have stated, and properly allocating the specimens as sulphurets, native metals, etc., according to the system which regulates the collection.

This is a classification: A specimen is presented; the professor ascertains what it is—for instance, whether it is a sulphuret, selenide, or native metal, etc.; then a ticket is placed upon it, inscribed as I have before stated, and it is deposited then in its corresponding place in the collection.

Q. 100. The label expresses the classification in full, does it not; not only the name of the substance, and the place from which it was obtained, but also its scientific designation and distinctive qualities, as you have explained above; this, I presume, must necessarily be expressed on the labels of those specimens which came from Europe already classified, and hence that you put a similar label on those which you classified; is not that so?

A. No, sir. The name of the substance is stated on the label: for instance, if it is cinnabar, that name is given it; but its distinctive qualities are not stated on the label; it is not stated to be a sulphuret, because every mineralogist knows that cinnabar is a sulphuret. The place whence it came is also noted on the label, and then the specimen is placed among the class of minerals to which it belongs.

Q. 101. Is there not more than one kind of cinnabar, and should not a label express to which kind it belonged?

A. There is more than one kind of cinnabar; but that is the name of the species, and when that is stated, the class of minerals to which the specimen belongs is known.

Q. 102. In labeling a specimen of cinnabar, so as to classify it for the instruction of students, would you not, as a professor, have expressed the particular kind of cinnabar to which that specimen belonged, seeing that there are several kinds of cinnabar?

A. Yes, sir; and that was what was done, because we put what is called the mineralogical formula, which expresses the substances which compose the specimen.

These specimens were numbered "5," because they were the fifth set of specimens which had been received at the College. There were other specimens received from Ydria, Almaden in Spain, and some places in Mexico.

This mineralogical formula was placed upon the earlier specimens, but it was deemed unnecessary to repeat it, and it was therefore subsequently omitted.

The mineralogical formula is this: Hg. S. or Hg.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, July 20, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 103. What mineralogical formula or other memorandum is there on this label, (which label, you say, you put on these specimens in 1846,) to show which kind or class of cinnabar they belonged to?

A. As I stated before, this was the fifth set of specimens; the first specimens had a mineralogical formula attached to them, and it was deemed unnecessary to repeat it upon the subsequent specimens, because they were of the same species as the first. It was thought sufficient to state the name of, and to number, the subsequent specimens.

When the specimen is a different kind of the same species, the label shows it to be so; but if it is the same as the first specimen, the label only shows the name and number of the specimen.

Q. 104. I wish to know what words on this label show what kind or class of cinnabar this specimen belonged to. Please look at it, and answer the question.

A. The word "cinabrio" indicates that it is a pure sulphuret; that it is a specimen of that species.

Q. 105. In your answer to question 101, you said there was more than one kind of cinnabar. My object in the present question is to ascertain what words on the label show to what kind these specimens belonged.

A. The word "cinabrio," on the label, means that the specimen is one of sulphuret of mercury, of the pure species; if the specimen had been of any other kind of cinnabar, a different name would have been written, such as "Cinabrio Hepatico," "Cinabrio Acolorado," etc.

Q. 106. That being the case, why, in answer to question 102, did you say that you put the mineralogical formula on the first of the series of specimens, of which these were No. 5, in order to express the substances of which they were composed, if, as you now say, the elements of the mineral were expressed by the word "cinabrio" alone?

[Question objected to by counsel for claimant as irrelevant.]

A. The mineralogical formula is an abbreviation of the names of the substances of which it is composed, for instance, "*Hidrargirum Sulfur*" is abbreviated thus "Hg. S.," which is equivalent to the word *Cinabrio.*

The formula gives the scientific name of a substance which the miners call *Cinabrio*, and indicates the several quantities of its component parts.

Q. 107. Have you generally in the College of Mining a numerous class of Mineralogy, and in what manner do you instruct your class?

A. There are, in all, about eight or ten students in that class every year. The lessons are given them from works written expressly for the College, by Don Andres del Rio.

Q. 108. What use do you make of the Cabinet of Mineralogy in your course of instruction?

A. The specimens are shown to the pupils in describing the different kinds of minerals.

Q. 109. Are not the pupils also freely permitted to examine these specimens, as aid to their studies?

A. There is a separate collection for them, with which they rehearse what has been taught them in the class.

Q. 110. And, I suppose, you frequently exhibit the minerals in the cabinet to visitors also, do you not?

A. Yes, sir. All the collections in the College are frequently shown to visitors who are introduced to the Professors, or to the Director.

Q. 111. As these labels are but slips of paper, attached to a piece of stone, and as you have been in the habit of handling them so constantly, in giving instruction to your class, and exhibiting your collection to visitors, how is it possible that you can swear that they are the same labels that you put on in the year 1846; is it not altogether probable that the old labels have been lost or destroyed, and new ones put on in their place, a great many times during the last thirteen years?

What is it that could have preserved these slips of paper for so long a time, and under such circumstances?

[Question objected to by counsel for claimant, on the ground that there is no proof that both of these labels were written in 1846; but, on the contrary, the witness has declared that only one of them was written in 1846, and that the other one, he thinks, was written in 1850, and copied from that which the witness wrote in 1846.

Counsel for the United States requests the interpreter to instruct the witness to answer with reference to the label mentioned in his answer to Question 19.]

A. It is a mistake to suppose that the labels are attached to the specimens; they are not. Each specimen is kept in a pasteboard box, the label (being a sheet of paper, with the inscription I have mentioned) laid in the box under the specimen, as is usual in Museums. These boxes are kept in cases with glass doors, and, when the collections are shown to visitors, the specimens are not taken out, but are seen through the glass. The Professor always keeps the key of those cases.

I can assert with certainty, that there are some labels as old as the foundation of the College.

In addition to the labels being all numbered, there is a catalogue, in which copies of all the labels are kept, so that, in case of the loss of a label, it can be immediately replaced. The number is also pasted upon the stone itself.

Q. 112. All this being so, why, when the counsel for the claimant asked you if any labels were put on the specimens, did you answer, "I put labels on them;" and, then, when you re-arranged the cabinet, some of the inscriptions were off, and new ones put on?

A. Then I believe I had not been understood. When I stated that I had put labels to the specimens, I meant that I had written the labels aad placed them in the boxes with the specimens. I did not state that there were any *off* when I re-arranged the cabinet; what I stated was, that when the cabinet was re-arranged, the labels on the specimens in one case (*aparador*) were taken off, and new ones, in the handwriting of my pupil, were put on.

This case (*aparador*) in which the labels were renewed, contains part of the collection which is shown to visitors.

Q. 113. The 14th question is in these words, viz: "At the time these specimens were placed in the cabinet of minerals, were any labels put on them?" and your answer was:

"I put labels on them, I wrote the inscriptions upon the labels myself; and afterwards, when the cabinet was re-arranged, some of those inscriptions were taken off, and new ones were put on by one of my pupils."

Do you now say that that answer is not correct, and does not express what you intended to convey?

A. That was my answer, but it was not correctly understood.

The word which I used, and which is translated "label," was "*etiqueta*," by which I meant, the piece of paper which is placed in the box with the specimen, in a perpendicular position, between the side of the box and the specimen, and sufficiently exposed to show the inscription upon it, part of the ticket being under the specimen, the part which has the inscription, exposed.

Q. 114. You say that the specimens in the Cabinet are shown to visitors through the glass, and are not taken out of the case; is not that a very unnecessary precaution, and a singular mode of exhibiting a specimen of ore; why do you not suffer the visitors to look at them more closely, to take them in their hands to feel their weight?

A. I stated that as the course that was generally pursued; sometimes, when a distinguished foreign, or other person, possessing special knowledge upon the subject of mineralogy, visits the cabinet, the specimens are taken out and handed to him. This is not generally done, because there are many persons who don't even know how to handle a specimen, and if all visitors were allowed to do so, the specimens would soon be spoiled.

Q. 115. Do you remember about what time of the year it was that you renewed the inscriptions in 1850, and that Juan Orosco wrote the inscription for the other specimen of cinnabar, and which, you say, you think he wrote about the the year 1850?

A. During the whole of that year Orosco was writing the inscriptions, as he found time. Orosco renewed this one when be renewed all the others. I judge from the order in which the specimens are placed, that this must have been one of the first which he renewed.

Q, 116. Can you state upon your oath, that you have the least recollection at what time of the year Orosco renewed the inscription for this particular specimen from the mine of New Almaden?

A. Taking it for granted that I am right about the year (for I stated that it was about 1850 that it was done), I infer from the order in which the specimens are placed, that he did it in the early part of the year. This is my only reason for thinking so.

Q. 117. What is there about that Cabinet of Mineralogy which would require this pupil (Orosco) to commence at one place, and pursue one certain order more than another, when renewing the inscriptions; and if he had done so, how could you at this late day remember so insignificant a circumstance?

A. As the study of Mineralogy proceeds in a certain order, according to the different kinds of minerals, it would be easier for the pupil to proceed with the renewal of the inscriptions according to the order of his studies, than to renew them at different places, and without regard to such order.

Q. 118. Is quicksilver one of the first subjects treated of in your course of mineralogy, and are these specimens from the New Almaden mine among the first specimens exhibited to your pupils?

A. The order prescribed in the works of Mr. del Rio is first, native metals, and next, sulphurets, to which class cinnabar belongs; so that it would be the second class of ores. These specimens are among the first exhibited to the pupils.

Q. 119. How can you discover any connection between the order of studies, and the order in which a man would copy the little tickets deposited in the boxes with the specimens?

A. I instructed Mr. Orosco to renew the tickets about the beginning of the course; some of the inscriptions which he had to renew belonged to specimens that were being used in the class, and these he renewed in the order in which used them in my lessons to the class; the other inscriptions he renewed when he was at leisure.

Q. 120. With only such circumstances as you have mentioned to aid your memory, do you not feel constrained to admit that you know no better the time of the year when this particular inscription was renewed, than you do in what year it was done?

A. I am uncertain whether it was in the year 1849 or 1850, but I am certain that it was during the first three or four months of one of those years, during the early part of the course.

Q. 121. I suppose that Orosco in that year renewed a great many inscriptions, did he not?

A. He did.

Q. 122. Why did he not renew the inscription which you say you put on some of the specimens from this mine, in 1846, about the month of April. I mean this one, "Cinnabar, Mission of Santa Clara, in California, virgin deposit, (criadero) average yield, 35.5%. Specimen No. 5"?

A. Because he did not renew any of the inscriptions except such as are in the collection called *coléccion general.* This inscription written by me was not in the *coléccion general*; it was in a separate case (aparador) in one of the compartments of the aparador, which had the words "States of Chihuahua, Sonora, Sinoloa," painted upon it. There is one aparador in which is kept the general collection (coléccion general); there are other aparadores in which are kept collections from particular States.

Q. 123. Was there any aparador, case, shelf, or anything else, appropriated exclusively to specimens of minerals from California?

A. There was not. They were kept in the aparador before referred to, which had the words "States of Chihuahua, Sonora, and Sinaloa" on it.

Q. 124. Are there many specimens from California in the cabinet?

A. Not many from Upper California.

Q. 125. Are there any others than those you mentioned in your direct examination?

A. There are not.

Q. 126. Which are the most extensive and complete; the separate collections of the various States, or the general collection?

A. The general collection contains specimens from all parts of the world, and the others contain specimens from each State only; but the particular collections from the various States are more complete for those localities, because the most striking and remarkable specimens only, are placed in the general collection.

Q. 127. In instructing your class, do you exhibit to them both of these collections, or only one; and if so, which?

A. I first show them the general collection, and afterwards we cursorily examine others.

Q. 128. As you are engaged in teaching a class, intended to become practical miners in the Republic of Mexico, are you not quite particular in giving them the fullest information of all the peculiarities and shades of difference to be observed in the specimens from the various parts of the Republic, and for that purpose do you not make them well acquainted with the contents of the special collections of which you have spoken?

A. In the works of Mr. del Rio, some of which have been corrected by myself in manuscript notes, which are copied by my pupils, a description is given of the different minerals of the country, and there is a collection of specimens of those minerals kept for the use of the students, called the *colèccion de estudio.* The special collections I refer to for the purpose of ascertaining what progress the students have made, and I do so by taking up a specimen here and there, in the special collections, and questioning them about it. The students, in their general course, use specimens of the same description as those found in the special collections, for there is a collection for the use of the students, as I stated before.

Q. 128. As I understand you then, you mean that you exhibit to your students, sometimes the striking and remarkable specimens in the general collection, and sometimes the more extensive varieties of the same minerals, to be found in the special collections?

A. Yes. But the pupils are never shown the specimens in the general collection, nor in the special collections, except at the lecture when I am present. The students' collection they always have access to.

Q. 129. As both collections were sometimes shown the students, and as you say that Orosco pursued the order of his studies in renewing the inscriptions, how does it happen that he renewed the inscriptions on the specimens in the general collection, and did not renew that on the specimen in the special collection. I mean, why was it that he renewed this inscription, "Cinnabar from California, Mission of Santa Clara, 5 leagues south thereof; virgin deposits (criadero), discovered in 1845, by Don Andres Castillero, who transmitted the specimens to Señor Ramon del Moral, Director of the College at that time, through his excellency, Gen. Don José Joaquin Herrera. Average yield of the minerals 35.5°/o. One specimen, No. 5," and not this, "Cinnabar, Mission of Santa Clara, in California. Virgin deposit (criadero). Average yield, 35.5°/o. Specimen No. 5"?

A. It was because that I desired that he should first renew the inscriptions in the collection which scientific men were most in the habit of examining, and I wished those inscriptions to be written in a legible handwriting. He would have renewed the other inscriptions also, if he had had time.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., July 21, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

Q. 130. Did Orosco renew any inscriptions besides those in the general collection?

A. No, sir.

Q. 131. What is the reason that the inscription accompanying the specimens of cinnabar from this mine, deposited in the general collection, and which you were in the habit of showing to visitors, is so much more minute and specific than the inscription on the label accompanying the other specimens?

Why does it contain so much more of the history of this case in which you are now being examined, viz: That the mine was discovered in 1845 by Don Andres Castillero, who transmitted the specimens to Señor Don Ramon del Moral, etc. etc.?

A. When we received these specimens, I divided them into three parts, one for the general collection, one for special collection, and one for the students' collection. I wrote three labels, one for each set, and on the label which I intended for the specimens in the general collection, I wrote all the details which Mr. Moral gave me; on the others, I wrote only the name, place, whence the specimens came, and the number of pieces.

Q. 132. What is the reason you were so much more specific in one case than the other?

A. Because it was unnecessary to write them on all three.

Q. 133. When was the first time that you remember to have had your attention called to the fact that Orosco had copied the inscription accompanying the specimens in the general collection, and had not copied the other inscription?

A. Orosco copied the inscription in my presence, and did not copy the others. The first time I saw the inscription after it was copied by him, was in the early part of the same year in which he copied it, 1849 or 1850, at the lectures.

Q. 134. When, after that, was the first time that you now remember to have had your attention called to the fact that he had copied one, and not the other; I do not mean in a general manner, and casually, when you were handling the specimens, in the course of your lectures or otherwise; but when, if ever, you had both of the inscriptions before you, and noted specially that one had been copied by Orosco, and the other had not?

A. I knew that that was the condition of the inscriptions all the time; and I have had occasion, during each year, to observe that the one inscription was more specific, and gave more details, than the others, because the one copied by Orosco is that which accompanies the best specimens which we showed the pupils and friends who visited the College.

Q. 135. As a professor, instructing your class, or exhibiting the cabinet of minerals to visitors, it is insupposable that you would be paying a very particular attention to the handwriting of the slip of paper at the bottom of a box in which the specimens were kept: I ask you again, when, if ever, you remember to have made a comparison of the handwriting of these inscriptions, and to have specially noted the fact that one or more was in your own handwriting, but that the other was in the handwriting of Orosco?

A. At the beginning of each year, the professor takes as many specimens from the general collection as he desires to exhibit to the students during his lecture, which lasts about two hours, the students' collection being also before him; and on these occasions, I (being the professor) have observed that the inscription in the general collection was in the handwriting of Orosco, besides which, I have the distinct recollection of his having copied it, which I before stated.

Q. 136. I understand you then to say, that from the time this inscription was copied in 1849 or 1850, you do not remember to have made any more particular comparison of the two handwritings than you have expressed in your last answer?

A. I have never compared them otherwise. I have seen the difference in the handwriting every year.

Q. 137. But after Mr. Pardo had spoken to you, and asked if you remembered the dates which you had put on the tickets accompanying these specimens, and after that, you copied into your note book both of these inscriptions, as you have produced them here in evidence, you had occasion to observe very particularly that the one is in the handwriting of Orosco, and the other in your own handwriting, did you not?

A. I did not observe it then with more particularity than before. I observed it the same as before.

Q. 138. How is it possible for you to remember with certainty, and be able to swear so positively to, such minute facts, after so long a time, as that in 1846, you wrote with your own hand tickets for certain specimens in the cabinet of mineralogy, and that they were not written by the hand of any pupil or employé; also that, in 1849 or 1850, you saw Orosco copy the ticket for one of these specimens; seeing that, in that cabinet, there must be a great many such tickets which must have been made by you, or some one under your order, in the last thirteen years; and seeing that Orosco was engaged in copying such tickets during a whole year, and must doubtless have copied a great many during that time?

A. I speak with so much certainty because I remember the facts. I remember the receipt of the specimens, and that I wrote the tickets for them, because they (the specimens) were the richest that had been seen, and because it was my duty to classify and write tickets for them, and all other specimens of minerals which were not already classified when received. With regard to the copy made by Orosco, I remember it, because it was for the finest specimen, and one which I used in my lectures to the class. No one can touch any of the tickets or labels without my consent.

Q. 139. Notwithstanding that these specimens might have been the richest that ever were seen, &c. &c., why might not any pupil or employé have written the tickets under your direction, or have copied them from some rough memorandum made by you on the moment of their receipt, just as you say the escribiente of the Junta Facultativa copied your *borrador* of the *actas*?

A. The evidence furnished by facts cannot be done away with by argument. There is no escribiente or employé in the class. It is the duty of the Professor to write the tickets.

Q. 140. What fact is there, or what other evidence than your mere memory at this late day, to show that the ticket which you say was copied by Orosco in 1849 or 1850, was an exact transcript of another ticket in your own handwriting?

A. All the tickets which were copied by him from original tickets in my handwriting, were compared by me with the original tickets, and when found to be correct copies, I tore up the originals.

Q. 141. When tickets are renewed, is there any obligation, and if so what, to renew them in precisely the same terms as the old ones? Why might you not, if you thought proper, make the new ticket more specific and circumstantial than the old one?

A. The inscription could not be changed without falsifying it and destroying its value, because the original inscription contains a true statement of the information given with regard to it at the time of its reception; for example, if you present a specimen, you state where it came from, by whom it was discovered, and what is its *ley;* and if I should not write down these particulars at once, they would escape my memory.

Q. 142. But as you retain to this day a personal recollection, as you say, that these specimens were presented to you by Don Tomas Ramon del Moral, and also a personal recollection that you were present at the meeting of the Junta Facultativa, and drew up the *borrador* of the *acta* of the same, by which it appears that the mine was discovered by Andres Castillero, and the specimens by him transmitted to Señor Ramon del Moral, and even that you inserted certain words in the *acta* of that session, at the request of the President of the meeting, and so many other like particulars; why might you not in 1850, when the matter must have been so much fresher in your mind, have inserted, or caused to be inserted, some of the same details in the copy which Orosco was then making of the said ticket, and which appear there now?

A. I never change or vary the inscriptions on the tickets, except for scientific purposes; for example, if it should turn out on examination that what was called cinnabar, was in reality red oxide of iron, I would scratch out cinnabar and insert the true name, but I never change the inscription in the other particulars I have mentioned.

Q. 143. In your answer to question 141, you say that if you did not write down the particulars at once, they would escape your memory. If you could not trust your memory to write these particulars on a ticket a short time after you had received them, how can you now trust your memory to swear to the very same particulars in this deposition, as you have done?

[Question objected to by counsel for claimant, for the reason that he has not sworn to the same particulars in this deposition which are stated in the labels.]

A. I can do so perfectly. When I spoke of writing down the particulars, I was describing the general practice, and had no reference to this particular case. If something had been presented to you which you had been looking for, for years, you would remember it whether you wrote down the particulars or not, and so it is with me. I would have remembered these particulars without having written them down.

Q. 144. Then with respect to these specimens from the New Almaden mine, you would have been able, in 1849 or 1850, to write down from memory all the particulars which appear on that ticket, that you say Orosco then copied?

A. Certainly, I could have done so at any time, but I never would do so for the reasons I have already given.

Q. 145. As your memory in regard to these specimens from the New Almaden mine is so clear and certain, that you have a personal recollection of all the minute circumstances which you say occurred in the year 1846, and even that you wrote three tickets with your own hand, and that afterwards you saw Orosco copy one of these tickets in 1849 or 1850, and can swear that he made no change from the original, how does it happen that, when Mr. Pardo asked you, you did not remember the date when you made these tickets for these specimens?

A. What I did not remember, when questioned by Mr. Pardo, was, whether I had stated on the tickets the date of the receipt of the specimens or not. The general facts I had not forgotten.

Q. 146. As you have paid so much attention to these tickets that you are able to swear you have had the fact present to your mind ever since 1849 or 1850, that one of the tickets was in your handwriting, and that the other was in the handwriting of Orosco, and have kept your recollection of that circumstance alive by continual reference to the two tickets, how does it happen that you had failed to observe, or forgotten, that neither ticket bore a date?

A. Because the date of the reception of the specimens was a matter of no consequence to me, and might well have escaped my attention in looking over the inscriptions.

Q. 147. Perhaps that consideration might account for your not recollecting precisely what the date was, but would it account for your not observing that there was no date at all?

A. It was for that same reason that I did not observe whether there was a date or not; I knew that the date of the discovery was stated, and I remembered the year in which it was made.

Q. 146. In that cabinet, is it not the practice always to put upon the descriptive ticket which you have spoken of, the date of the reception of a specimen?

A. It is not always done; it happens rarely that the person who presents a specimen himself states the date of the presentation of the specimens on the paper sent with them.

Miners sometimes send specimens, and send a letter or paper with it, stating that the specimen was presented by the person sending it, on a certain day, etc.

Q. 149. As the cabinet of minerals in the National College of Mining in the Republic of Mexico, must I suppose be a very large one, does not this absence of dates on the descriptive tickets accompanying the specimens create a great deal of confusion in your chronology, and render the collection useless as a history of the progress of discoveries in the mines of the country? Without dates, how can you tell, after a little while, whether a certain specimen was presented at the first foundation of the College, or a generation or so afterwards?

A. The date of the reception is not stated on all the tickets; it is on some; but we keep a catalogue in which is recorded a description of all the specimens received during each year.

Q. 150. In what manner is the descriptive ticket identified with the catalogue?

A. By numbers, and the name of the substance; and also by reference to the catalogue of the particular collection. There is a particular catalogue for each collection, and a general catalogue composed of all the others.

Q. 151. Then there is in the Cabinet of Mineralogy a memorandum of the date of the reception of these specimens from the New Almaden Mine, and you could have found it by referring to the number of the tickets in the catalogue?

A. I have not stated that the catalogue contained the date of the reception of the specimens, but that it merely stated the year in which the specimens were received.

Q. 152. Then with the aid of both tickets and catalogues, as kept in the Cabinet of Mineralogy, you cannot come nearer than a year to the date of the making of any remarkable discovery of minerals in Mexico?

A. No, I cannot. If it were a very extraordinary discovery, the professor would mention it in his lectures.

Q. 153. As it would be so easy to put the day and month before the year, and is of such universal practice in all the affairs of life, how do you account for its omission from the tickets and the catalogues in the Cabinet of Mineralogy?

A. The substantial matter with us is merely to know the year. Dates are not considered in the same light with us, in a Cabinet of Mineralogy, as they are in commercial affairs. I have already stated that the professor would mention it in his lecture if it was a very important discovery.

Q. 154. How would the professor be able to ascertain the date?

A. By the advices which the discoverer might send him.

Q. 155. Would he make no record in the College of this information, that he might not forget it when he came to lecture the next year?

A. That would not be necessary, because it would appear in his lecture book.

Q. 156. Was there ever, in recent times, a more important discovery of minerals made in Mexico, than this by Andres Castillero of the New Almaden Mine?

A. There has been no discovery of quicksilver mines more important than that of Castillero's. There have been important discoveries of other mines, which were not however as important as Castillero's discovery (not quicksilver mines).

Q. 157. Is there then any book kept or used in the Cabinet of Mineralogy which shows the date of the reception of these specimens from this mine, which constitutes the most important discovery of minerals made in the Republic of Mexico in this age?

A. There is no book which contains the precise date of the reception of those specimens. The discovery is mentioned on the ticket, and is also referred to in a lecture delivered by me in 1846, extracts from which were subsequently published.

Q. 158. By looking at the extract to which you refer, I find nothing to show the date of the discovery of the delivery of that lecture by yourself: Am I to conclude that in your department of the College of Mining, the year in which these specimens were received is noted in a catalogue, but that there is no memorandum anywhere of the day or the month of their reception?

[Question objected to by counsel for claimant, for the reason that the extract referred to is one of notas or notes, appended to the witness' lecture, purporting to be delivered on the 17th day of November, 1848, which notes have the following superscription: "Notas sobre algunos minerales, Tomales del discurso anual de 1846, del profesor Antonio del Castillo, encargado de la clase de mineralogia del Colegio de Mineria de Mexico."]

A. The year of the discovery appears on the ticket, but there is nothing to show the precise date of the reception of the specimen. The catalogue shows the year in which the specimen was received.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., July 22d, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Examination adjourned by consent, to Monday next, 25th inst. at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

San Francisco, Cal., July 25th, 1859.

Examination resumed from the 22d inst.

Present: All the parties except the counsel for the United States, who having informed the Commissioner of his inability to attend to-day:—

The examination is adjourned until to-morrow at twelve o'clock, M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, July 26, 1859.

Examination resumed from yesterday, 26th inst.

Present: A. C. Peachy, Esq., for claimants, and Edmund Randolph, Esq., for the United States.

Q. 159. After having taken copies of the two tickets of which you have spoken, and compared the traced copies of all the documents to which you have testified, how was it possible for you not to know that the question upon which you were to be examined here, was as to the genuineness of the alleged title papers of the claimants in this case; seeing that some of those title papers were contained in a document which you compared?

A. I have already answered upon this point. When I was requested to come here, I formed the idea that I was to testify with regard to occurrences within my knowledge, and some of which I had been an actor in. As this was my idea, I made no effort to ascertain what the question in controversy was, nor had I time to do so.

Q. 160. In answer to question 74, you said, "I learned merely that there was a suit, and I supposed the controversy was as to certain requisites of the mining ordenanzas." How could you suppose that the facts which had passed before you, the tickets on the specimens, and the documents from the various departments, etc. etc., were to throw any light upon the requisites of the mining ordenanzas?

A. That was merely a supposition of mine, arising from the fact that, in Mexico, nearly all the lawsuits about mines arise out of omissions to fulfill the requisites of the mining ordenanzas; at least, that is generally the question in controversy.

I did not consider it strange that my testimony would be required with regard to the specimens, because it sometimes happens that parties resort to that method of showing when the mine was discovered, the first discoverer being always preferred.

Q. 161. Have you never read the Ordenanzas de Mineria?

A. I have, several times.

Q. 162. To which of the ordenanzas would it be possible to make the papers to which you have testified apply, for or against any construction which might be pretended?

A. They might relate to denouncements, or possession, which are general points.

Q. 163. Please explain how specimens and tickets in the Cabinet of Mineralogy of the city of Mexico, and expedientes in the various departments of the Government in that city, could apply to the denouncement or possession of a mine, under the *Ordenanzas de Mineria;* do you not know that they would be wholly irrelevant?

A. When a denouncement is made, and the party asks that it be properly noted or recorded, at a place where there is no Mining Deputation, the judicial authorities at the place are applied to, and the party may present, with his denouncement, specimens of the mineral. My opinion is, that Castillero sent those specimens to Mexico, to show the authorities, from whom he was seeking protection for his mine, that he had discovered it, and as proof of his having complied with the ordenanzas.

I suppose that it was for the same purpose that I was to compare the documents which show the discovery.

Q. 164. By which of the *ordenanzas* do you understand that it is provided that a mine may be denounced before the local judicial officer, in those places where there is no mining deputation?

A. I think it must be in the sixth title, in a note upon the subject of denouncements. Upon looking at the ordenanzas now shown me by the counsel for the United States, I don't find the note to which I refer. I think I have seen such a provision, but at all events, the practice is as I have stated.

Q. 165. In what manner could specimens and tickets in the Cabinet of Mineralogy at the city of Mexico, tend to prove a compliance with the requirements of the ordenanzas in making the denouncement of a mine before a judicial officer in California?

A. That is my inference. I presume that, as he sent those proofs there, he had made similar proofs before the authorities here.

Q. 166. As you were a Professor in the College of Mining, assayer and practical miner, did you not know perfectly well, that any number of specimens in the Cabinet of Mineralogy of the city of Mexico, could have not the slightest effect in the world towards establishing in proof, that an individual had complied with the requisites of the Mining Ordenanzas, in denouncing any species of mine, in any part of the Republic of Mexico?

A. I know that very well. That would be true as a general statement, without reference to any particular case, but here we are referring to this particular case. I presume that Castillero considered that his having complied with the custom among miners with regard to denouncements, would be proven by the Junta de Fomento ordering an assay of the specimens; this is merely my supposition.

Q. 167. Why did you presume that proof of this nature, wholly unknown to the Mining Ordenanzas, and inadmissible in any other case, would be received in this case of Andres Castillero for the New Almaden mine, and that it was for the purpose of making such proof that you were brought from the city of Mexico at an expense of six thousand dollars?

A. It was not for this only that I came, but also for the purpose of proving the genuineness of the actas of the Junta Facultativa, and the former Junta de Fomento.

With regard to the six thousand dollars, I will state, that it is less than I have received for some other business in which I have been engaged, considering the length of time which I have devoted to it. I would not have come at all, if I had not been solicited to do so.

Q. 168. What I wished to know was, the grounds of your presumption that what you would testify concerning these specimens and tickets in the Cabinet of Mineralogy, would tend to prove that Andres Castillero had complied with the Mining Ordenanzas in denouncing this mine before the Judge in California; and I ask you now, further, how the genuineness of the papers you have just referred to would tend to establish the same point?

A. It was a moral inference or presumption that Castillero did, what I would have done under the circumstances, viz: endeavored to have the denouncement all regular, and take all the proofs of it to the authority or corporation from which I was seeking protection.

With regard to the documents which I compared, they were sufficient, in my opinion, to secure the possession, as soon as the concessions petitioned for were made by the competent authority.

Q. 169. Please express distinctly, what are the concessions you referred to in your last answer?

A. The concessions asked for, in addition to, or over and above the concessions provided for by the Ordenanzas de Mineria. I mean a larger number of pertenencias.

Q. 170. By whom were these concessions to be made?

A. The Government (Gobierno) as representative of the Sovereign, referred to in the Ordinanzas de Mineria.

Q. 171. After these concessions were made, then it was your understanding that they would amount to a title to Andres Castillero, was it not?

A. Yes, sir.

Q. 172. Then part of your mission here was to prove that some of the papers in the series, by which it is alleged by the claimants that the Government at Mexico had granted to Andres Castillero a title to the mine of New Almaden, were genuine papers, and not forged, was it not?

A. If this is what is to be deduced from my comparisons of those papers, as, in the nature of things, it appears to be, then that is part of my mission; but I did not know what use was to be made of my testimony, whether to prove that, or something else.

Q. 173. You must have had an idea what it was that your testimony was to prove, and you undoubtedly now remember it; please state to me, without qualifications and suppositions, whether, when you left the city of Mexico to come to San Francisco as a witness, you understood that your testimony was to go to prove that Andres Castillero had complied with the requisites of the Mining ordenanzas, and so obtained a good title to the mines before he left California; or to go to prove that he had obtained a title to the same from the Government at the city of Mexico, or both?

[Question objected to by counsel for claimant, for the reason that instead of asking the witness (which would be proper) what fact he supposes he came here to prove, it requires him to say what is the legal effect of those facts.

Counsel for the United States, withdraws the question.]

Q. 174. Do you understand English?

A. A little.

[Counsel for the United States, renews question 173.

Counsel for the claimant renews his objection, and adds, that so long as the counsel for the United States propounds questions to the witness which, in his opinion, are improper, he will make the necessary objection.]

A. I state frankly that I had no idea as to that. I presumed that the suit had originated from omissions of some of the requisites of the Ordenanzas de Mineria, because that is generally what causes lawsuits about mines in Mexico. I left so suddenly, that I had no time to think of the suit until after I set out for this place.

Q. 175. Was it on the journey hither, in company with Mr. Barron and others, that you framed your notions as to what was the point of the dispute in this case; I mean the opinions that you have expressed?

A. It was not. It was after I arrived here and visited the mine, and after I saw some papers, that I began to comprehend somewhat of the questions.

Q. 176. Now please specify (that there may be no mistakes) what papers you refer to in your last answer, and what opinions?

A. I refer to a pamphlet, which contains, I believe, printed copies of the documents which I examined in Mexico, and which were presented here by Mr. Bassoco, and which are in evidence in this cause.

When I say, in my last answer, that I began to comprehend the question, I mean that I began to understand what the question in controversy was, and that it was not as to whether the requisites of the Ordenanzas had been complied with. My presumption in Mexico, was, as I have stated before, that the question in dispute was as to some omission of the Mining Ordenanzas.

Q. 177. How was it that, upon visiting the mine, and reading in a printed pamphlet the same papers which you had read, examined, and compared in Mexico, you formed an idea for the first time as to the nature of the issue in this case?

A. Because I came preoccupied with the idea that the question was as to the defects in the denouncement, as I have stated; and when I visited the mine, I examined the map of the hills in which it is situate, and the boundaries of the "pertenencias;" and in conversations upon these points, I ascertained that the question was not as to the boundary of the land, or as to whether the land where the mine is situated belonged to somebody else, but as to whether the title papers were genuine, or not. And, afterwards, I examined the pamphlet here, and then I understood why we had been made to carefully examine those papers in Mexico.

Q. 178. Were there not other papers in that pamphlet, besides the documents that you compared in Mexico; and who was with you when you examined the map and the ground about the mine?

A. The only other papers in the pamphlet, are a letter from the Alcalde at Santa Clara (Pio Pico, I believe) to the Minister, and the certificates to the documents from Mexico.

The person in charge of the Hacienda was with me when I was on the land about the mine, and Mr. Young showed me the map.

Q. 179. Was it not a matter well known and much spoken of in scientific and mining circles, at the city of Mexico, that the United States were contesting the right of the claimants to this mine of New Almaden, upon the ground that the alleged title papers existing in the various departments of the government at the city of Mexico, and as to some of which you have testified, were not genuine: And that the United States had obtained an order from the court, putting a stop to the further working of the mine, until the question of the genuineness of these alleged title papers had been tried and determined?

A. I knew nothing of it. When the price of quicksilver rose, we knew that the working of the mine had been suspended, but we did not know who had caused the suspension.

Q. 180. If it had been generally known, in well-informed circles in the city of Mexico, that the United States were contesting the title, and had enjoined the working of this mine against these claimants on this ground, would you not undoubtedly have heard of it yourself?

A. I would not. I had no interest in ascertaining what party had enjoined the working of the mine, nor was there any person of whom I could inquire, as I had no intercourse with the house of Barron, nor any person connected with it.

Q. 181. Have you not sometimes spoken to other persons in the city of Mexico, or heard other persons speaking about this suit, in which the United States and these claimants were contesting the title to the New Almaden mine?

A. I heard people speaking about sending for quicksilver to the Old Almaden mine in Spain, because the price of quicksilver from here had risen. The only conversation I had myself was with an American named Edmondston, from Guaymas. I remember he gave me an erroneous idea, because he told me that the United States Government claimed the mine because it was on public land.

Q. 182. If the claimants in this case, or any other persons well known in the city of Mexico, had reported there that the United States were disputing their title to the New Almaden mine, on the ground that a long series of papers, existing in the various departments of the government at the capital, and purporting to be public acts of the government, were not genuine but forged, and that one of the courts of the United States, upon that presumption, had put a stop provisionally to the further working of the mine by the claimants, would it not have attracted much attention, have been the subject of remark in intelligent circles, and undoubtedly have come to your knowledge?

[Question objected to by counsel for claimant, for the reason that it merely asks the witnesses opinion as to the force of counsel's argument.]

A. If the matter had been published as supposed in the question, I would have known it; but nothing is known there of the cause of the suspension, nor by whom it was brought about. We knew only the fact that the working of the mine had been suspended.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 27, 1859.

Examination resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 183. If you had known that the Government of the United States was making in a court of justice such grave charges against the faith and credit of the offices of the various Ministries of the Government of Mexico, and the purity and honesty of the officials in charge of the same, would you not have been very much impressed by such a fact, and have been very apt to have spoken of it generally?

[Question objected to by counsel for claimant, for this reason: that it is not sufficiently clear in its meaning to admit an answer. And for the further reason that it is purely hypothetical, so far as understood by him, (i.e. counsel for claimant) inasmuch as it states, that in the suit referred to, the Government of the United States contended that this long series of papers did exist in the archives of Mexico; counsel for the Government in that suit denied the existence of said papers in said archives.

Counsel for the Government denies the genuineness of the documents wherever existing.]

A. Admitting the supposition in the question, and that I had been informed of what is there stated, I probably would have been surprised by it, but as it would be a question which would not affect me, I would not speak of it, pro or con.

Q. 184. Do you not regard it as certain, that every Mexican of intelligence who had any regard for the good name of his country, would have been impressed by such a story, if he had ever heard it, and that it would undoubtedly have been very generally spoken of at the capital?

[Question objected to by counsel for claimant, on the ground that it gives a purely hypothetical statement of facts. In the suit to which the question refers, the counsel for the Government denied that any original papers whatever existed in the Mexican Archives, relating to the title of the defendants in that suit, and took the ground that what purported to be copies of certain original papers alleged by the defendants to exist in the archives, were forgeries made by the defendants; therefore no imputation was made on the character of the Mexican officials, who were alleged by the defendants to have written and signed said original documents of title. The hypothesis set up in the question has originated since that suit.

Counsel for the United States understands the allegation of the United States to be, that the papers in question are forged, and that whether it reflects on the Government of Mexico or not, depends upon the fact, whether the Government of Mexico allege them to be genuine, and to constitute part of their archives.]

A. Supposing that such charges were made and I had heard of them, for my part I would have expressed a wish to see the culprits detected and punished. It is very likely that if such charges had been heard of, they would have been spoken of in society, or referred to in newspapers.

Q. 185. If the United States had been making such charges, and if they had not become the subject of remark in the Capital of Mexico, can you suggest any other explanation, than that those who were aware of the fact, thought proper not to make it known?

[Question objected by counsel for claimant as irrelevant.]

A. Two explanations might be given, according to my notion of the matter: One, that the parties in interest might consider it to their advantage not to publish the matter; and the other, that as the facts are well known in Mexico, and that such charges would be considered entirely without foundation, and that therefore, they would be deemed of too little importance to be generally spoken of.

Q. 186. Were you not very much surprised when, upon reading the printed pamphlet you have spoken of, examining the map of the mine, and reconnoitering the grounds about the mine, you learned that the real question in dispute was not the fulfilment of the requisites of the mining ordenanzas, but the genuineness of the title papers, that Mr. Barron should not have told you this before you left Mexico, or on your way hither?

A. I was not altogether surprised by it, because I supposed that they felt no interest in apprising me of the nature of the cause, nor did I care to inquire into it.

Q. 187. Have you never asked Mr. Barron why he did not inform you of this, before you left Mexico?

A. I never have. I was not sufficiently familiar with him to ask for any explanation of that sort.

Q. 188. About what time of the year 1846, did General Tornel order the publication of the Anuario, of which you have spoken?

A. There was no Anuario published in that year, and consequently there could have been no order.

Q. 189. Are you certain that there was no such order in that year?

A. I cannot answer as to whether there was an order or not, but it is certain that there was no Anuario published that year.

Q. 190. The reason that I asked you the question was, that I find in the introduction to the Anuario which you produced on your direct examination, the following words, being the commencement of the first sentence, as translated by myself: "This Anuario commenced to be published in the year 1846, by order of the Most Excellent Señor Director of the National College of Mining, Don José Maria Tornel y Mendivil," etc. Do you know nothing of that publication or order?

A. What was printed in 1846, were the lectures delivered in November 1845, just as the lectures [delivered in 1848, are printed in the Anuario published in 1849, and which I have produced. The lectures delivered in 1846 were not printed except as I have stated before.

Q. 191. In your answer to question 189, you say, "but it is certain that there was no Anuario published that year" (1846); in your last answer you say that what was printed in 1846 were the lectures of 1845, etc. How do you reconcile the two answers?

A. The explanation I have just given reconciles them. I stated that there was no Anuario published in 1846, meaning thereby that the lectures delivered by the professors in that year were not published either in that year or the next year, as is usual.

Q. 192. Did or did not an Anuario issue in the year 1846, containing the discourses of the year 1845?

A. There did.

Q. 193. How then could you have said in answer to question 188, that Tornel could not have given an order in 1846 for the publication of the Anuario?

A. Because, as there was no publication of the lectures of 1846, it was natural that I should infer there was no order, but I do not know whether there was an order or not. I only judge there was none from what I have stated.

Q. 194. But as you say that you know the discourses of 1845 were published in 1846, ought you not rather, by your own reasoning, to have inferred that there was an order for the publication of the Anuario in that year?

A. The lectures are collected by the director in November of the year in which they are delivered, and then the order is made for their publication, so that the order for the publication of the lectures of 1845 must have been made in 1845, when the lectures were collected.

Q. 195. Was there such a collection of lectures in 1845; was there such an order made, and if so, by whom, as director?

A. There was such a collection, and there must have been such an order, because they were published in 1846. I don't know who the director was, but I think Tornel was.

Q. 196. As I presume one of your own discourses was of the number published—was it not?—can't you recollect certainly and distinctly who was the Director of the College at that time?

A. I was not Professor of Mineralogy then, and delivered no discourse. Mr. Del Rio was the person who delivered the Lecture on Mineralogy that year. I am almost sure that Tornel was the director at that time.

Q. 197. Is there any circumstance by which you can fix your recollection of the fact that Tornel was the director at that time?

A. Yes, sir, there is: I now remember that it was he who first suggested the collection and publication of the lectures in the form of an Anuario. Before that, they were published in newspapers.

Q. 198. On the contrary, do you not know that Tornel was then in banishment, having been banished by the government of Herrera, and that he did not resume the directorship until afterwards, when Paredes seized upon the government?

A. That may be. The facts are not very fresh in my memory. The fact I have stated about his suggesting the publication of the Anuario is, however, certain, and that is the reason why I supposed he was director.

Q. 199. It is equally certain, is it not, that he gave his suggestion in the form of an order?

A. I don't remember.

Q. 200. Was it in the year 1845, or in the year 1846, that he made that suggestion, in whatever form it may have been expressed?

A. I can't state positively whether it was in 1845 or 1846; but I think it must have been in 1845.

Q. 201. Can you state any more positively, that there was an Anuario published in 1846, containing the discourses of 1845?

A. I have seen an Anuario, published before this one; but I cannot state positively when it was published.

Q. 202. When was the first Anuario printed, and what was the date of the discourses it contained?

A. I understand, as I stated before, that it must have been in 1846, and that it contained the discourses delivered in 1845.

Q. 203. Why were not the discourses of 1846 printed in an Anuario in 1847?

A. Because in that year there was no Anuario published, owing, as I understand, to the political condition of the country.

Q. 204. What was there in the political condition of the country that prevented the publication of an Anuario?

A. The permanent director, I believe, was out of the College, and the director *ad interim* incurs no extraordinary expenses. This publication is an extraordinary expense.

Q. 205. How so, if the publication is to be made every year?

A. It is not made every year, although it is called by the name of Anuario. When it was commenced, the intention was to publish it every year; but it has happened that it could not be done.

Q. 206. Is there anything in the constitution of the College, its charter, or its laws, which prevents the Director *ad interim* from exercising any one of the powers of the permanent director?

A. There is not, as I understand. The Director *ad interim* declines to incur any extraordinary expenses, because he is not so well advised as to the state of the funds as the permanent director.

Q. 207. Could not either of them, at any moment, inform himself of the state of the funds?

A. Yes, but the Director *ad interim* could not ascertain what charges there were against the fund for books or apparatus coming from Europe, or for other things.

Q. 208. Is there not a record kept in the College of all those charges—an account of debits as well as credits?

A. There is a person called a Mayor-domo who has charge of those accounts. It sometimes happens that articles are sent for from Europe which are not paid for till they arrive.

Q. 209. All these things then considered, might not the Director *ad interim*, by referring to the proper officers of the College, have gained just as much knowledge about its finances as the permanent Director could, and have been just as competent in 1847 to order the printing of the Anuario containing the discoveries of 1846?

A. The Director *ad interim* might have ascertained approximately the condition of the funds; he probably did, and perhaps found that the funds were not sufficient to justify the outlay. I don't know precisely what his reasons were for not printing it.

Q. 210. Then why did you say anything about the Director *ad interim* not being able to order the printing of the Anuario in the absence of the permanent Director, on account of its being an extraordinary expenditure which he had not the power, or was unwilling, to make?

A. I did not know what the reason was, but I inferred from the considerations which I have stated, that the Director *ad interim* failed to publish it for the reasons I have mentioned, not because he would not have the power, but, being an extraordinary expense, he would leave it to the permanent Director to attend to it.

Q. 211. Why did you go into further particulars, and suggest that he would not have a sufficient knowledge of the state of the finances, and not know the state of payments on contracts abroad, etc., when you afterwards admitted that he would have the same means of informing himself in the College as the permanent Director had?

A. I have been endeavoring to supply the gentleman's demand for information upon matters with which I had nothing to do, and with which I did not come in contact.

I have been making conjectures of what probably would be done, derived from my knowledge of what the practice has been, without being fully acquainted with the particulars.

The fact which I state positively is, that the discourses or lectures delivered in November, 1846, have not been printed, except so much of my discourse in that year as appears in the extracts to which I have already referred.

Q. 212. Is it any more than conjecture that the permanent Director was absent from the College at the time that the Anuario ought to have been published in 1847?

A. What I say is, that the discourses were delivered in November, 1846, and that at that time, the permanent Director was absent, and I do not know of any order made at that time for the publication of them.

Q. 213. Was not the permanent Director in charge in 1847, when the lectures ought to have been printed; and, if yea, what hindered him from making an order for that purpose?

A. I do not remember whether he was or not, but if he was, the conjecture is that there were no funds for that purpose.

Q. 214. Are you not able to say whether, in 1847, General Tornel, the Director of the College in which yon were a Professor, was at his post, or in exile?

A. As General Tornel was absent from his post as Director so often, either in banishment or on private business, it is difficult to say whether at a particular time he was acting as Director or not.

Q. 215. In fine, you are not able to assign any cause of your own knowledge why no Anuario was printed in the year 1847, and can offer only conjectures?

A. Yes, sir; it was not a matter I had anything to do with.

Q. 216. Do you not know that it was a fact, that which you have suggested, to the effect that at that time the College was without means to print such a volume?

A. I did not.

Q. 217. In the introduction to this Anuario of 1849, I find the following passage, the translation of which is as follows, as furnished me by the interpreter: "The College building which, at the beginning of 1847, was occupied by the revolutionary bands of that period, near the close of that year was used as a barracks by the invaders, and they have left such odious and bitter memories as might inspire the French poet with a second song to the Cossack's horse. For in reality, the stables of the victor profaned this asylum of the sciences, the tumult and din of arms scarcely left a place for study, and it will ever be worthy of praise, that the Superiors of the College, the professors, and many of the pupils mingling with undisciplined soldiers, with annoyances and frequent interruptions, have been able to devote themselves to those pursuits which pre-suppose the independence, repose, seclusion and quietude, so necessary to the cultivation of the sciences." Have you not a distinct recollection of these circumstances, and do you not regard them as a sufficient explanation why the College had not the means, the inclination or the time to publish a pamphlet containing the annual addresses delivered by the professors in 1846?

A. I think the essential reason why the Annuario was not published at that time, was the want of funds, as the discourses had been made, it was only necessary to print them, and all that was necessary for that purpose was money.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., July 28, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

Q. 218. Was not the want of funds which prevented the printing of this anuario, as pressing a want with all the branches of the Government throughout the year 1847, as it was with the College of Mining?

A. I don't know what the condition of the other branches of the Government was, but I suppose it was not prosperous, owing to the war with the United States. The endowment of the College was reduced during Paredes' administration by a suspension of payments from the Fondo de Azogue.

Q. 219. Was it not notorious, that during the whole of that year the Government was in the greatest want of funds for the most ordinary purposes?

A. It may have been, but as the College had its own private funds, it would not follow that, because the Government had no funds, the College should be unable, from a want of them, to publish the Anuario.

Q. 220. And yet you say that you think the essential reason why the Anùario was not published, was the want of funds. Please state to me distinctly and exactly, what you mean to say on the subject?

A. I mean to say, that if the College had any money to spare, over and above the amount required for its necessary expenses, it would have had the Anuario printed.

Q. 221. Was it not notorious that every branch of the Government, in the year 1847, was equally without any surplus of funds to print public documents of the year 1846, and especially, such public documents as, like the lectures, related to the mines of Mexico?

A. It may have been notorious, but I am not competent to answer with regard to those matters.

The lectures did not always refer directly to mines; each professor delivered a lecture upon the particular branch of instruction in which he was engaged.

Q. 222. Did not this want of funds for public purposes of every description become much more pressing after the Government moved to Queretaro, and was it not notorious that they had no funds to be applied to such purposes as printing public documents of the year 1846?

A. I am unable to state anything with regard to the government funds.

Q. 223. Was not the College in still greater lack of funds after that event, or was it in a state of complete destitution, both before and after?

A. The condition of the funds of the College was the same, before and after the removal of the Government to Queretaro. After the reduction of its funds during the administration of Paredes, they remained undiminished, as near as I can judge from the regularity with which the salaries of the professors were paid.

Q. 224. What was the nature and extent of that reduction by Paredes, and when did he make it?

A. I desire to state beforehand, that I was not acquainted with the facts of this matter, and that the only person who would be likely to know them, would be the person who was then Director of the College—either permanent Director or Director *ad interim*. If the gentleman wishes, I will state my recollection of the matter, which is confused and indistinct, and in which I may fall into errors.

Q. 225. Please give me all the recollections you have about it, under your oath of course?

A. I cannot swear to matters with regard to which I may be mistaken.

Q. 226. Are you unable to swear to a recollection of anything that occurred about it?

A. I can swear that the nature of the reduction was, that the payment made to the College out of the Fondo de Azogue was suspended, and then the Fondo Dotal paid a portion of the amount which had been paid by the Fondo de Azogue.

Q. 227. Can you not remember the month in which this reduction was made?

A. I cannot.

Q. 228. How is it then that you can remember the month in which you received the specimens that you deposited in the Cabinet of Mineralogy, and wrote the inscriptions for the same?

A. Because I was professor of the class having charge of that matter, and it was my duty to write the inscriptions, and a number of circumstances connected together, remind me of the facts; those circumstances are, that I was Secretary of the Junta Facultativa, and author of the Acta which treated of those specimens; as a miner I had given the country information of what had been done, with regard to explorations for quicksilver mines, up to October, 1845; and as those explorations gave but very slight hopes of the discovery of rich mines, I was naturally surprised, and much pleased, at the discovery of so rich a mine as that of New Almaden; it was therefore natural that I should easily remember that time.

Q. 229. How is it also, that you remember so distinctly the details of the business that was then going on between the Junta de Fomento and Andres Castillero?

A. Because it was intimately connected with what I have just stated.

Q. 230. Ought not your professorship in the College, your connection with the mining business of the country, and especially your solicitude about quicksilver mines, and your associations with the Junta de Fomento, especially in this business of Andres Castillero, to make you remember equally well the date and other circumstances connected with the entire suspension of the payments from the Fondo de Azogue, which occurred about that period?

A. I, as professor, was not directly affected by the suspension, because the payments for the classes continued as before. I felt an interest in it on account of its effect upon the mining business of the country, but not to such an extent as to be able to remember its date.

Q. 231. Out of what fund ought the printing of the Anuario to have been paid for, if it had been printed in 1847?

A. I cannot answer that precisely, because it is the duty of the Director to know out of what fund a particular expense is to be paid. I suppose it would have been paid out of any surplus that might have remained.

Q. 232. In the year 1846, when the Anuario was printed, containing the discourses of 1845, was there any surplus fund, belonging to the college; if yea, state exactly what you mean by a surplus, remaining after what expenses were paid?

A. It is not for me to answer that question either; the person who could answer it, would be the Director, or the Mayordomo who keeps the accounts, but I suppose there was a surplus fund. By surplus (sobrante) I mean the funds which remain after salaries of professors, and the expenses of furnishing food and clothing for the students, purchasing books and instruments, and other incidental expenses, were paid.

Q. 233. Will the books of the college show the fact whenever one of these Anuarios was printed, how much it cost, etc.?

A. Yes, sir. The accounts kept by the Mayordomo show it.

Q. 234. Have you here a copy of the Anuario printed in 1846, if not, where can I find it?

A. I have not a copy here, but I have one at home in Mexico, and there are many in the College Library.

Q. 235. In what year was the next Anuario printed, after this one of 1846?

A. In 1849, a copy of which is here.

Q. 236. And when after that, and so on up to the present time?

A. There has been none since that printed in 1849. That was the last; since then the lectures have been published in the newspapers.

Q. 237. Do the books in the college show the fact of this Anuario of 1849, being printed, the cost, etc.?

A. The accounts kept by the Mayordomo must show it.

Q. 238. Who was Mayordomo in 1846, and is he still living—who in 1849 and is he still living?

A. In 1846, the person who had theretofore been Mayordomo was discharged; his name was Miguel Moso, and he is still living; I am not certain whether it was in 1846 or 1847, that he was discharged, but after his discharge, Mr. Balcarcel and myself discharged the duties of Mayordomo, until the present one was appointed. The present Mayordomo held that situation in 1849, I believe, and his name is Antonio Colomo.

Q. 239. Was it in your time that the printing of the Anuario, of 1846, was paid for; did you enter the facts in the books of account in the College?

A. It was not; it was probably in Moso's time.

Q. 240. From all that you stated, I gather that this publication, that you call an Anuario, is not printed annually, but only when the College has a surplus fund on hand, and the Director thinks proper to make a special order for the printing of the same; further, that only two numbers ever were printed—one in 1846, and one in 1849. Do I state your testimony correctly?

A. You do.

Q. 241. Will you please look at this Anuario, and refer me, if you can, to any passage in the same which will fix the time when you received the specimens of cinnabar from this mine, at the Cabinet of Mineralogy; the person by whom you received them; the time at which you wrote the tickets; or the time of the arrival of Andres Castillero in the city of Mexico?

A. The object of referring to the matter in this discourse, was to give the miners information of the discovery, and consequently none of those things would be found in this Anuario.

Q. 242. Are all the notes of your lecture delivered in 1846, as contained in this Anuario, literal extracts from the manuscript of said lecture, as written out by yourself?

A. They are. If there is any change, it is merely a change in the phraseology, not in substance.

Q. 243. Have you got the whole of the manuscript of that lecture with you? if so, please produce it.

A. The manuscript was taken by the Director the same year in which I delivered the lecture, and I have no copy here.

Q. 244. Is that manuscript now one of the public documents of the College, and a part of the public archives of the same; and if so, where and in whose keeping is it to be found?

A. It was taken by the Director, Mr. Moral, and he must have placed it in the archives of the College, which are now in charge of the present Secretary, by virtue of a very recent regulation upon the subject.

Q. 245. When did you see that manuscript last; do you know whether it is in the archives of the College at all; have you ever seen it there?

A. I have not seen it since the Director took it.

Q. 246. Did you not take a copy of it, or some portion of it, before you gave it to the Director?

A. I kept the rough draft or borrador of it; it must be among my papers.

Q. 247. When did you see that borrador last?

A. I saw it about the beginning of this year, when I was looking for an acta of the Junta Facultativa, to which I have before referred.

Q. 248. Do you remember ever having seen that borrador before, from the time when you gave the manuscript of the lecture to the Director of the College?

A. I don't remember having seen it at any other time after the Director took the manuscript of the lectures; I remember having seen it on this occasion, because I was looking for the acta to which I have referred before.

Q. 249. Can you swear that this borrador was an exact literal copy of the manuscript lecture, which you delivered to the Director?

A. It is the original from which a clean copy was taken, and which copy was taken by the Director.

Q. 250. Might you not possibly have made some changes in the matter, arrangement, or phraseology of the borrador, when you wrote out the fair manuscript for the delivery to the Director?

A. I did not.

Q. 251. Then, as you have amongst your private papers an exact copy of the whole lecture or address, delivered by you in 1846, why did you not bring it with you?

A. I did not suppose it was necessary to bring it here.

Q. 252. Did it not occur to you as reasonable and probable, that if one party to this suit wanted extracts from that lecture or address, that the other party would wish to see the whole of it?

A. It did not, nor was it ever suggested to me.

Q. 253. Did you ever, before leaving Mexico, inform Mr. Barron or Mr. Pardo that you had that borrador?

A. I never spoke a word to them about it, nor did I think of bringing this Anuario myself either, until the person who took my place in the College (who had been a pupil of mine) reminded me that it contained parts of my lecture. The name of the person to whom I allude is Prospero Goyzueta. It was only after that, that it occurred to me to make a present of a copy of the Anuario to Mr. Pardo.

Q. 254. After you had done that, did Mr. Pardo, Mr. Barron, or anybody else, ask you for your copy of the whole of this lecture or address?

A. I did not speak to anybody on the subject. There was not another word about it.

Q. 255. Do you remember any other occasion on which anybody asked you for, or you had occasion to see, this borrador, or copy, of your lecture?

A. No, sir.

Q. 256. When, and from what, did you copy the extracts from that lecture or address, printed in this Anuario?

A. I took them from the original borrador in 1848.

Q. 257. When, and from what, did you obtain the extracts from your address of 1846, in order to incorporate them with the lecture which you were about to deliver in 1848, and which you say was printed in this Anuario?

A. I took this from the original borrador of the discourse of 1846.

Q. 258. Of what borrador are you speaking?

A. Of the first one.

Q. 259. The same which you say you have now among your private papers in Mexico, spoken of before?

A. Yes.

Q. 260. Then how was it, that you just now said that you could remember no occasion on which you had looked at this borrador, from 1846, when the lecture was delivered, up to the beginning of the present year?

Is it possible that you could have forgotten that you had looked at it, and made these extracts from it, in 1848?

A. I had forgotten it, but I now remember it. It would have been impossible for me to have got the extracts from anything but that. I had forgotten it, but that does not change the facts. The very questions put to me by the gentleman remind me of the facts.

Q. 261. Do you remember to have seen your lecture of 1848 until it was brought to your attention by Prospero Goyzueta; and if so, when, and in what form?

A. I corrected the proofs of it, and saw it in the Anuario afterwards. This must have been about the beginning of 1849.

Q. 262. When, after that, until Goyzueta showed it to you in this Anuario?

A. I had occasion to see it several times, in its printed form, when speaking to the class about (criaderos en vetas) deposits in veins.

Q. 263. Do you remember having had your attention called to this Appendix of Extracts from your lecture of 1846; and if so, by whom, when, and under what circumstances, up to the time that Goyzueta called your attention to them, as you have above stated?

A. I don't remember that there was any special reasons for calling my attention to them, nor that my attention was called to them.

Q. 264. How long before you left Mexico was it, that Goyzueta called your attention to those extracts?

A. It was about the month of April when he learned that I intended to come here, and when I was in the meeting-room looking for the actas which I had not signed—I mean the Secretaria, the room in which the archives are now kept.

Q. 265. Up to that time, had you never spoken to Mr. Barron, Mr. Pardo, or others, about these extracts from your lecture of 1846, appended to your lecture of 1848?

A. No, sir.

Q. 266. I suppose, therefore, that you had not recollected, up to that time, that they were to be found there, had you?

A. I knew they were there, and I would have remembered it easily, if I had tried. It was casually that Goyzueta reminded me of it. I cannot now remember whether it had occurred to me before or not.

Q. 267. If you had happened to think of these extracts before, would you not certainly have mentioned it to Mr. Barron, seeing that you were already under an engagement to come to California to testify?

A. It was before I had agreed to come, that Goyzueta spoke to me about it.

Q. 268. How can that be, when in answer to question 264 you say, that it was after Goyzueta learned that you intended to come here, and when you were looking for actas remaining unsigned by you, among which I suppose was that of the 24th March, (April), 1846, which you have produced here as part of your evidence?

A. I don't see any contradiction in that. I was spoken to about coming a month or a month and a half before I agreed to come—before there was any definite arrangement, and during that time the director learned that I might come. The archives were being arranged, and he required that I should sign the actas which remained unsigned, and it was after that I agreed to come. It was after I had agreed to come that I gave an Anuario to Mr. Pardo.

Q. 269. During the interval of a month or six weeks, between the time you were first spoken to about coming, and the time that Gayzueta called your attention to the Anuario, you had not spoken to Mr. Barron or others about those extracts?

A. I had not spoken to any one.

Q. 270. Where did you obtain this copy of the Anuario, which you gave to Mr. Pardo?

A. I obtained it from the College Library, where there are still a great number of them.

Q. 271. Is this the same copy which you gave to Mr. Pardo?

A. I gave him two. I don't know whether this is one of them or not.

Q. 272. Did you give Mr. Pardo the same copy that Goyzueta showed you?

A. Goyzueta did not show me any copy, he merely told me that I had mentioned the matter in my lecture.

Q. 273. For what purpose was a number of the Anuarios kept, and deposited in the College?

A. It is usual to deposit in the College Library a large number of the works published by the professor, and they are afterwards distributed to the pupils as they are required. There were some of these Anuarios also for sale in some of the book stores.

Q. 274. How can you swear, that this pamphlet called an Anuario, which I hold in my hand, was not printed in the year 1859, instead of the year 1849?

A. I swear that it was printed in 1849 because I know it, and it could be proved by the testimony of all the pupils who have had occasion to examine it since it was published.

When students of mineralogy have completed their studies they usually take a copy of it with them.

Q. 275. You did not print this pamphlet yourself, did you?

A. No sir.

Q. 276. You have not kept it in your own possession ever since it was printed, have you?

A. No sir.

Q. 277. How then can you swear that it was not printed in 1859, and all that relates to the New Almaden Mine inserted at that time?

A. Because I furnished, in 1848, part of the matter of which it is composed; and, as I say in the extracts, the specimens have been deposited since 1846, as all the pupils of that year can prove.

Q. 278. If you had so distinct a recollection of the contents of this Anuario, why did you not think to mention to Mr. Barron, or others, that it contained these extracts about the New Almaden Mine, until after Goyzueta had spoken to you?

A. Because I was not anxious to come here, and it was for them to find out what could benefit them in their cause, and not for me to make any voluntary statements to them.

Q. 279. But were you not already sufficiently interested in coming, to be engaged in making preparation to comė by signing the actas which lacked your signature, and among them that to which you have testified?

A. It was not at my own suggestion that I signed the actas, but in obedience to the order of my superior. I would have been requested to sign them whether I came here or not, because the archives were then being arranged. With respect to the Acta, it would have made no difference whether I signed it or not, because all the Actas of that year show that I was Secretary, and it is customary for the Secretary and Director to sign all the Actas.

Q. 280. Do you wish me to understand that your signing the Acta of the 24th March (April) 1846, had no connection with any intention on your part of coming up here, to testify concerning the said Acta in this case?

A. It had not.

Q. 281. Were you Secretary of the Junta Facultativa in any other year than 1846; if so, when?

A. I remember that I was Secretary of that Junta three times, in 1846, in 1853, and last year (1858).

Q. 282. Did you in April last put your signature to any of the Actas of the last year; if so, how many; and to how many, or about how many, of the year 1846?

A. I did not sign any Actas of the years 1858 or 1853 at that time. I did then sign about eight Actas of the year 1846.

Q. 283. How could you venture to sign an official paper thirteen years after it was written. How could you know that forged or altered papers were not put off on you as papers of the year 1846?

A. In the first place, because I was bound to do so at the request of my superior, and because I was confident that no one could have any interest to change or forge those papers; also, because in reading the Actas I recognized my own work, what I done myself; also, because those papers were part of the archives of a scientific body which could have no connection with lawsuits.

Q. 284. Please refer me to a law or regulation which authorizes the Director to require a Professor to act as Secretary thirteen years after he had gone out of office, and to sign papers which had been written some ten or twelve years before that Director came into office. Also, explain, if you can, why you had not been required to sign these papers a long time before, especially in the years 1853 and 1858, when you again held the office of Secretary?

A. I think if I had the last law upon the subject, or even the old law, I could show an article which requires the Professors to obey the orders of the Director. (I think the last law was made in December last, and published in January of this year; the old law, I believe was made in 1843.)

It is necessary to observe that it was by accident that I failed to sign those Actas, and because, owing to political occurrences, the Directors changed frequently, some taking the escribiente off with them, and others not; and the Actas which I drew up were legalized by being approved by a majority of the members, and signed by the Director, though some were not signed by me. When I signed the Actas which remained unsigned by me, I merely supplied an omission, but did not act as Secretary at all.

With regard to the latter part of the question, I would say that the Directors change very frequently, and the work of arranging the archives commenced by one, would not be continued by the next, so that it was only when the present Director took charge of the archives, that they were thoroughly arranged.

My signature is not wanting to any of the Actas of 1853 and 1858, because such accidents and political events did not happen in those years.

Q. 285. Notwithstanding the laws of 1853 and 1858, and everything that you have just said, don't you think that you might have safely disregarded the order of the new Director to sign the old Actas; and that, as a man of the most ordinary prudence, you ought to have done so, lest you might be lending your name to authenticate a false document?

A. In the first place, a refusal might have had injurious results to me, because the Government, being one of extraordinary powers, might have said I should sign, or leave the College; and, in the next place, I had not the least hesitation in signing, because our Actas are the records of a scientific body, which neither I, nor anybody else in the College, could doubt; and, as I recognized it when I signed it as my own work, something which I had done myself, I could have no hesitation in signing it, and did not consider it imprudent to do so.

Q. 286. Why might not interested parties forge those documents, as well as anything else, if they could be made to serve their purposes as evidence?

A. It is the first time that the records of the Junta have been used as evidence, and therefore I could not have suspected anything of the kind before.

Q. 287. How was it possible for you to recognize the short notes of the proceedings of a certain session of the Junta Facultativa as having been drawn up by yourself, and not by any other person, especially when it was not in your own handwriting, and all this after the lapse of thirteen years?

A. Because it was signed by Mr. Moral; because that meeting of the Junta impressed itself upon my mind for the reasons I have already given; and, finally, because I recognized the composition (redaccion) of the Acta as my own, and also the words which I had added at the instance of the Director.

Q. 288. Can you explain to me what is the peculiarity of the style by which you can recognize a few lines of your composition, written thirteen years ago, on a subject like this, of the Acta in question, and in another man's handwriting:

And, further, by what means you were able to assure yourself that the other seven Actas of that year not relating, as I suppose, at all to the New Almaden mine, were also of your own composition?

A. It is very difficult to specify any peculiarities of style of composition, but I did remember some of the words which I had used in the Acta, (*i. e.*, the Acta of 1846,) I remembered these words, "Conforme a lo que ya se habia practicado."

The proofs which I had with regard to the other actas were, the signature of the director, the matters which they treated of, and the composition.

Q. 289. Why might not any other man have written the words which you refer to, as well as yourself?

A. Because it is a peculiarity of my style to use the word "conforme" frequently.

Q. 290. As you remembered those actas well enough to sign them under those circumstances, possibly you may still remember them sufficiently distinctly to be able to say what was the subject-matter of each of the other seven, and about what dates they were respectively; if you can, please do so briefly.

A. It is difficult for me to state what they each refer to, and the date of them. I did not examine them as closely as I did this one, because I did not compare them with traced copies, as I did this; but one of them relates to the competition for the professorship of the preparatory class; another, about proposed reforms in the regulations of the College. These are the two which occur to me now. I cannot remember the others without time to think of them.

The first one I spoke of must be dated in January, 1846, I think. I don't remember the date of the other.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., July 29, 1859.

Examination resumed from yesterday.

Present: A. C. Peachy, Esq., for claimant; and Edmund Randolph, Esq., for the United States.

Q. 291. Please look as those documents, filed as Exhibits in this case, and explain to me what is the meaning of these slips of paper attached to them, with certain names written upon them, among which I find your own; I mean those Exhibits which you compared in Mexico, and those on which you have been examined.

A. After we had made the comparison, Mr. Pardo requested us to sign our names to those pieces of paper, and we did so; we also wrote the dates upon them as requested; the date on those papers is the day on which we made the comparison which I have already described on my direct examination.

Cross-examination closed.

### DIRECT EXAMINATION RESUMED.

Q. 292. You have said that you had in your possession, in Mexico, the borrador or rough draft of the discourse you delivered in 1846, certain extracts from which, relating to specimens of lead and cinnabar discovered in California by Andres Castillero, were appended to the discourse you delivered in the year 1848, which was printed and published in 1849: If the Government of the United States should desire that, to introduce in evidence in this case the whole of your discourse of the year 1846, would you submit the said borrador to the inspection of the Government, and permit the Government to take a copy of it, to be so used?

[Question objected to by counsel for the United States, as irrelevant.]

A. I will submit all that I have of it; I am not certain that it is now complete. After a work is printed, of course one does not pay any attention to a borrador. The Government can have all that there is of it.

Q. 293. Do you think that the Director of the College would object to the Government of the United States taking a copy of the manuscript of that discourse, which you handed to the director in 1846, if the Government desired such a copy, to be used in this case?

[Question objected to by counsel for the United States, as irrelevant.]

A. I think he would not, because he has shown a great willingness to allow all the papers relating to this matter to be inspected; and I think that no individual or corporation would find him unwilling to exhibit any papers in his custody, relating to mines.

Q. 294. The counsel for the Government seems to think that the pamphlet offered in this case by the claimant, purporting to be the Anuario of the College, printed in 1849, might have been printed in 1859. You have said that some copies of that Anuario have been distributed among the students of the College; that some of them are for sale at the bookstores in Mexico; and that many of them still exist in the National College of Mining in Mexico: do you think that the Director of the College, or any other person having authority in the matter, would permit an agent of the Government of the United States to examine the copies in the library, for the purpose of comparing them with the copy which has been offered by the claimant?

[Question objected by counsel for the United States, as irrelevant.]

A. I am morally certain that it would be allowed, because, as I stated before, in all matters which relate to the subject of mines, the College allows free access to everything in its possession.

Q. 295. You have said, that, on leaving Mexico in April last, to come to California, your professorship was to be filled during your absence by Señor Prospero Goyzueta: is he the person whose name appears on the Register of the Alumni, who in 1846 finished the study of mineralogy and mechanics as applied to the working of mines, as the said Register is printed on page 7 of the Anuario of 1849?

[Question objected to by counsel for the United States, as irrelevant.]

A. He is.

Q. 296. In the introduction to the anuario of 1848, I find the words which may be rendered into English as follows: "Another wise man, Señor Don Andrés del Rio, has died, after having taught for many years, in the College, the most interesting of our sciences, with great reputation to himself and to the establishment which numbers him among its illustrious founders." Is the person thus referred to the Señor del Rio to whose chair of mineralogy you succeeded in January, 1846?

[Question objected to as irrelevant, by counsel for the United States.]

A. He is the same gentleman, who was also a member of the Scientific Institute of Paris, and of the Geological Society of either Washington or Philadelphia.

Q. 297. In the same introduction, I find another sentence which may be rendered into English as follows: "The College, and science, have to lament the loss of that pure and wise man, Don Tomas Ramon del Moral, whose admirable life has ended, leaving for its glory, works and scholars, which confer upon it great honors." Is the person thus referred to, the same Don Tomas Ramon del Moral, who, shortly after your appointment to the professorship of mineralogy, viz: about April, 1846, presented to you, for the cabinet of minerals, certain specimens of cinnabar from a mine in California, which had been sent to Mexico by its discoverer, Andres Castillero?

[Question objected to by counsel for the United States, as irrelevant.]

A. He is the same gentleman, and was also a member of one of the geological societies of the United States.

### CROSS EXAMINATION RESUMED.

Q. 298. What time of the year, in 1849, did Mr. Del Rio die?

A. About the middle of the year.

Q. 299. What time of the year was this Anuario printed?

A. I don't remember, but it must have been after the death of Mr. del Rio.

Q. 300. What delayed so long the printing of the lectures of 1848?

A. I don't know.

Q. 301. What position did Mr. del Rio hold at the time of his death?

A. He was permanent (propietario) Professor of Mineralogy, and I was his substitute.

Q. 302. Then you did not succeed to his chair in 1846?

A. No. I was his substitute. He was then engaged in writing a work, a supplement to his work on mineralogy. I then took charge of the class in his stead. He had obtained permission from the Government to withdraw from the class.

Q. 303. Why did he not deliver the annual lecture in 1848?

A. Because, after he had finished his supplement, he obtained what we call his jubilacion; the meaning of which is, that when employés of the Government, who have been a long time in its service, and became too old to discharge the duties of their stations, they are allowed to retire, and continue to receive from the Government their salaries in full. I have discharged the duties of professor in the class since 1846, and upon his death, I became the professor propietario.

Q. 304. What law authorizes the appointment of substitute professors in the College, and the retirement of the principals on a pension?

A. I don't know what law it is, but it may be provided for in the law of 1843, or in the old statutes of the College itself.

Q. 305. As Señor Moral had been dead since 1847, why was his eulogy introduced in the introduction to the pamphlet printed as late as 1849; and why was it not mentioned rather in the discourses themselves of 1848?

A. It will be seen by reference to the discourse of his successor, Mr. Salazar, and the professor of physics, Don Manuel R. de Tejada, delivered in 1848, that his death is referred to in both of them.

Q. 306. That being so, what was the use of introducing it again in that introduction, and by whom was that introduction written?

A. I don't know who the author of that introduction was, but I know that he was not one of the professors; he probably did not take the trouble to look into what the professors had said.

Q. 307. As it's a mere College publication, who, besides the professors, would have the opportunity or the privilege of writing an introduction to it?

A. Mr. Tornel always gave our lectures to a printer, who was a friend of his, and never asked us to write the introduction.

Deposition closed.

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San Francisco, Cal., August 11, 1859.

Witness desires to correct his answer to question 11, by striking out the word "brought," and inserting in lieu thereof the word "sent," and by striking out the word "granite," and inserting in lieu thereof the word "garnet." Witness stating that his answer as corrected was as originally given.

Witness also desires to correct his answer to question 20th, by stating that, upon reflection, he thinks that the writing referred to in that answer, and which he there states he thinks was written in 1850, by the said Orosco, was written in 1849.

Witness also desires to correct his answer to question 178, by stating that the person whom he refers to therein as Alcalde, was Governor, and not Alcalde.

ANT$^{o}$ DEL CASTILLO.

Sworn to, and subscribed August 11, 1859, before me.

W. H. Chevers,
U. S. Commissioner.

NOTE BY THE COMMISSIONER.—The witness signs his deposition at this date, because the interpreter has hitherto been engaged interpreting for other witnesses in this cause, and has not had time to read over this deposition with the witness until now.

August 11, 1859.
W. H. CHEVERS,
U. S. Commissioner.

Filed August 11, 1859.
W. H. CHEVERS, Clerk.

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## EXHIBIT CASTILLO NO. 1, W. H. C.

### RESUMEN DE LOS TRABAJOS QUE SOBRE RECONOCIMIENTOS DE CRIADEROS Y MINAS DE AZOGUE SE PRACTICARON EL AÑO DE 1844, BAJO LA DIRECCION DE LA JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Formado por Antonio del Castillo, Ingeniero de Minas. Quien lo dedica á la misma Junta, como homenage del bien que ha procurado á la Mineria del pais, impulsando el laboreo de los Criaderos y Minas de Azogue de nuestro suelo.

Mexico. Imprenta de la Sociedad Literaria, Calle de Santa Clara núm. 23. 1845.

## RESUMEN

*De los Trabajos que sobre Reconocimientos de Criaderos y Minas de Azogue, se practicaron el Año de* 1844.

### INTRODUCCION.

Proponiendome entrar en algunos pormenores sobre el estado que hoy guarda la explotacion de los criaderos de azogue de la república, como naciente ramo de especulacion de nuestra industria minera, me impulsa el deseo de añadir al conocimiento que ya se tiene del asunto, el poco fruto que pueda producir la investigacion de su parte científica, à fin de consolidar en la presente administracion, las razones en que puedan fundarse todas las probabilidades de que México llegará á extraer de su propio suelo, el Mercurio necesario á su consumo.

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ANT$^{o}$ DEL CASTILLO.

Sworn to, and subscribed August 11, 1859, before me.

W. H. Chevers,
U. S. Commissioner.

**Note by the Commissioner.**—The witness signs his deposition at this date, because the interpreter has hitherto been engaged interpreting for other witnesses in this cause, and has not had time to read over this deposition with the witness until now.

August 11, 1859. W. H. Chevers,
U. S. Commissioner.

Filed August 11, 1859.
W. H. Chevers, Clerk.

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## EXHIBIT CASTILLO NO. 1, W. H. C.

Resumen de los Trabajos que sobre Reconocimientos de Criaderos y Minas de Azogue se practicaron el Año de 1844, bajo la direccion de la Junta de Fomento y Administrativa de Mineria.

Formado por Antonio del Castillo, Ingeniero de Minas. Quien lo dedica á la misma Junta, como homenage del bien que ha procurado á la Mineria del pais, impulsando el laboreo de los Criaderos y Minas de Azogue de nuestro suelo.

Mexico. Imprenta de la Sociedad Literaria, Calle de Santa Clara núm. 23. 1845.

## RESUMEN

*De los Trabajos que sobre Reconocimientos de Criaderos y Minas de Azogue, se practicaron el Año de* 1844.

### INTRODUCCION.

Proponiendome entrar en algunos pormenores sobre el estado que hoy guarda la explotacion de los criaderos de azogue de la república, como naciente ramo de especulacion de nuestra industria minera, me impulsa el deseo de añadir al conocimiento que ya se tiene del asunto, el poco fruto que pueda producir la investigacion de su parte científica, à fin de consolidar en la presente administracion, las razones en que puedan fundarse todas las probabilidades de que México llegará á extraer de su propio suelo, el Mercurio necesario á su consumo.

Para este propósito, he tomado de las personas mas juiciosas, así como de algunos autores, las instrucciones y citas mas convenientes, con el objeto de presentar todas las garantías posibles, de la circunspeccion con que he procurado apoyar medidas de interes público y de prosperidad nacional.

Comenzaré desde luego por esas sábias reflexiones que nos dejó el Baron de Humboldt, tan importantes en el objeto que va á ocuparnos: "La prosperidad de la colonia, decia, depende esencialmente de la prosperidad de las minas. Estas no han, sin embargo, contenido los progresos de la agricultura y de la industria, tanto como pudiera creerse. Cierto es, que los capitales que se consagran para negociaciones de minas y los brazos que en ellas se ocupan, podian aplicarse á nuevos desmontes; pero tambien la existencia de una negociacion nueva, vivifica todo el pais que la rodea: se levantan á su rededor ciudades populosas y ricos sembrados, que subsisten aun despues que el empobrecimiento de la mina ha hecho abandonar los trabajos y trasportado á los mineros á otros distritos."

El Baron de Humboldt, cree, pues, que las minas han acelerado mas bien que retardado, el progreso de la agricultura é industria en México. He observado que los lugares en que los campos están mas bien cultivados y en donde la industria tiene mas actividad, son precisamente los que contienen las mas ricas minas. "No obstante, desagradable es, decia, el que la colonia no pueda subvenir á sus necesidades y á su lujo, sino con el producto de sus minas, que se halla expuesto, como ha sucedido ya, á sufrir grandes diminuciones por las guerras marítimas. La experiencia sin duda, ilustrará á los mexicanos sobre sus verdaderos intereses, y les enseñará por consiguiente á extraer de su propio suelo, el hierro, el acero, y el mercurio necesario el trabajo de sus minas de plata (1)."

El Baron de Humboldt predecia ya entonces, que la experiencia nos mostraria la necesidad en que estamos de extraer de nuestro propio suelo, las sustancias necesarias para el trabajo de nuestras minas; puesto que la prosperidad del pais depende esencialmente de la prosperidad de las minas.

Pero, ademas, tenemos en apoyo de esto, el sencillo principio de economía social de que "un estado cualquiera que sea, debe extraer de su proprio suelo las sustancias que necesita, aun cuando pudiera adquirirlas de sus vecinos á menos costo; porque entonces se conserva la industria y el numerario circula, mientras que se empobrece al contrario poco á poco, con el pago de las importaciones extrangeras." La consideracion de este simple principio, hizo organizar en Francia, pais muy poco minero, uno sábia administracion política de minas. Pero para

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(1) **Extractado del Ensayo Politico sobre la Nueva-España.**

México, esta consideracion es todavia de un interes mayor, supuesto que para sostener y conservar el laboreo de sus minas de plata, fuente fecunda de su prosperidad y riqueza, es indispensable el Mercurio, elemento que, como todos sabemos, se importa del extrangero.

Es por otra parte muy natural, el buscar en un pais en que tanto abundan las sustancias minerales, todas aquellas por cuyo medio ó con cuyo auxilio, como el Mercurio y el hierro, se obtienen y extraen el oro y la plata; cuyo producto, segun las expresiones de un autor moderno, "tiene en México un carácter especial, que no perderá por mucho tiempo, y que ninguna analogía guarda con las industrias de las otras naciones (2)."

Por ventura, uno de estos objetos de primera necesidad, el hierro, es materia de grandes especulaciones de particulares, las que ya comienzan à proveer del necesario, no solo á las negociaciones de minas, sino aun á los diversos ramos de la industria manufacturera.

Pero si bien las empresas en ferrerías han presentado ventajas á los particulares para su establecimiento, por la naturaleza de los criaderos de hierro, superficiales y muy abundantes; las de mercurio, por la menor abundancia y corta ley de los criaderos de éste, no son sino el objeto de pigmeas é insubsistentes negociaciones.

Mas como la importancia de este último elemento es de tal naturaleza que, crece ó mengua la producion anual de las minas de plata, segun se disminuye ó aumenta el valor del azogue en el comercio; lo que se prueba con el progresivo aumento que esta produccion tuvo en tiempo del gobierno español, al paso que iba haciendo sucesivamente rabajas en el precio á que daba el azogue, ganando en razon directa del aumento de los productos de oro y plata por los derechos de fisco: está consiguientemente en el interes del gobierno, con mas razon que en el de los particulares, el procurar que el mercurio que en México se consume, se adquiera al menor costo posible.

Y como por otra parte importándolo del extrangero, ademas de la especie de dependencia del capricho político del gobierno de España, á que la república se halla sujeta, tiene esta que pagar actualmente por el subido precio del azogue, casi lo mismo que lo que le producian á la primera en tiempo de su dominacion los derechos de oro y plata; debe resultar necesariamente mas fructuoso á la república extraerlo de su propio territorio, que el importarlo de Europa, aun cuando el gobierno lo consiguiese por medio de contratas: pues no variando [como aun no es probable] las condiciones financieras, no podrá éste obtenerlo sino á un costo subido y por consiguiente no podrá tampoco hacer en su precio rabajas considerables al expenderlo, ni beneficiar por tanto al pais de una manera equivalente á la primera.

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(2) "De la production des métaux precieux au Mexique." Par S.t Clair Duport. Pág. 376.

El importarlo del extrangero tiene ademas sus graves inconvenientes; pues puede suponerse, que por una de esas contingencias inauditas, las minas de Almaden en España, de donde nos viene, se empobrezcan, se agoten, se inunden, ó se incendien; en el supuesto cierto de que las otras minas de Mercurio de Europa, las de Idria y el Palatinado, no producen el azogue necesario para el beneficio de minerales por patio en México; ó bien que, á consecuencia de algun acontecimiento político, haya una interrupcion de comunicaciones por las guerras marítimas, ó un bloqueo nuestros puertos, ¿cuál seria entonces la suerte de nuestras minas de plata? Casi su ruina efectiva.

En efecto, si se exceptúa una que otra negociacion de minas cuyos frutos sean propios para el beneficio de fundicion; en casi todas las demas se tendria que suspender en todo ó en parte los trabajos, con pérdidas irreparables para los dueños ó aviadores, y grandes perjuicios para la sociedad y hacienda pública. Pues disminuyéndose considerablemente su produccion anual, el erario no percibiria esas grandes sumas que le dan los derechos de oro y plata, ni el comercio, ni la industria, ni la agricultura, gozarian de esa influencia benéfica de prosperidad, que trae consigo el giro de algunos millones de pesos. La nacion misma se encontraria con la carga de un gran pueblo sin ocupacion, y con la miseria y ruina de muchas familias.

Luego si pues "la explotacion de las minas, como dice Mr. Heron de Villefosse, ofrece preciosas ventajas á los estados que las poseen, estas no pueden ser duraderas, sino mientras que una administracion sábia y previsiva no asegure el desarrollo y conservacion de un ramo de industria tan esencialmente diverso de todos los demas (1)."

Necesario es, pues, que la explotacion de los criaderos y minas de azogue de la república, sea empresa del gobierno, no entendiéndose esto en el sentido literal; pues que ministrando el capital necesario para el trabajo de ciertas de ellas, se reserva la facultad ó de trabajarlas por su cuenta, ó en compañia de asociaciones, sin arriesgar en ello grandes sumas; pues por mal que vayan todas las explotaciones, es seguro que han de producir una cantidad de Mercurio tal, que pueda entrar en concurrencia con el azogue extrangero, lo que hará consiguientemente bajar su precio, de lo que resultará aumentado el producto anual de las minas; de suerte que, si por una parte está expuesto á perder, por la otra es probable se recompense y gane;

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(1) **"De la Richesse Mineral. Quatriéme partie. Administration politique des mines et usines." Pág. 449, t.° I.**

y esto es poniendo los cosas en el peor estado á que pueden llegar.

Si por el contrario el dia de mañana se alcanzan con las excavaciones de alguna de las minas, un depósito de cinabrio rico y abundante; ó si aun en los criaderos actualmente reconocidos, pobres en ley, pero abundantes y extensos, se establecen aparatos perfectos de destilacion; los recursos que de ellos puede sacar el gobierno así como las ventajas que resultan á los pueblos encontrando medios de ocupacion, son desde luego evidentes.

Por tanto, el fomento y conservacion de este naciente ramo de industria en la minería del pais, pertenece debidamente al gobierno, pues la ventaja financiera de ganar, con el aumento del producto anual de las minas de plata, no la tiene mas que la hacienda pública.

Y tiene bien su lugar aquí, respecto á las empresas mineras que un gobierno pone en movimiento, la memoria de lo que antes eran las minas del Fresnillo, "de cuyo sitio, abandonado en 1827, se podia conservar algun recuerdo, sin formarse ninguna esperanza."

México, Octubre 1.º de 1845.

A. DEL CASTILLO.

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## CONSIDERACIONES DIVERSAS

### SOBRE EL MODO DE APRECIAR LA INPORTANCIA O RIQUEZA RELATIVA DE NUESTROS DEPOSITOS DE CINABRIO, Y CUESTIONES GENERALES RESPECTO DE SU PRODUCCION.

Antes de entrar en la descripcion de los diferentes distritos de criaderos ò minas (1) de azogue de la Repùblica, haremos algunas consideraciones acerca del òrden que nos proponemos adoptar, para facilitar así lo opinion ó juicio que, atendidas diversas condiciones, debemos formar de su importancia.

Por tanto, consideraremos: 1.º La naturaleza de los criaderos; es decir, su formacion geognóstica, la extension y regularidad de las vetas. mantos, capas, ò masas minerales.

2.º La abundancia y ley de los frutos.

3.º Las circunstancias locales favorables al laboreo de las minas; es decia, una situacion ventajosa de éstas, para efectuar su desagüe, ò para la estraccion de sus frutos, abundancia de materiales para la marcha de los trabajos interiores y esteriores de las minas; como madera, hierro, agua, carbon, leña, &c.

Ademas, otras ventájas financieras y económicas, como son el alto precio que hoy tiene el azogue; la baratura de los esquilmos indispensables al mantenimiento de una negociacion; el costo de la mano de obra ó jornales; y en fin, la posicion de la empresa de la inmediata á los puntos de consumo.

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(1) En mineria se dà el nombe de criaderos, à los depòsitos de sustancias contenidas en la superficie ò interior del globo, sean ò no metàlicas, que tienen un cierto valor, en el comercio. Y el de mina, al conjunto de excavaciones practicadas en un òrden adecuado á la natnraleza del criadero, para disfrutar las sustancias qua lo constituyen.

Por el exámen particular de estas consideraciones en cada distrito, podremos aproximarnos lo mas que sea posible, á la resolucion de las siguientes cuestiones generales:

¿Existen en México criaderos ò minas de azogue susceptibles de proveer las grandes cantidades que de él se consumen anualmente en el beneficio de los minerales por patio?

Y aun suponiendo que no llenen este objeto, ¿aseguran los reconocimientos hechos hasta hoy, de si su explotacion, conducida con economía é inteligencia, será al menos costeable?

Estas cuestiones, que han llamado la atencion del Gobierno y la de los mineros, ocupan exclusivamente la de la Junta de Fomento y Administrativa de Mineria; y aunque en su "Esposicion" ha presentado ya un bosquejo del resultado de los reconocimientos hechos en algunos Departmentos, como por diversos motivos tuvo que limitar mucho la parte cientìfica de ellos, espero acogerá con interés el pequeño trabajo que ahora le presento, como homenage del bien que con empeño ha procurado á la mineria del pais, impulsando fuertemente el "*Laboreo de los criadoros y minas de azogue de nuestro suelo* (1)."

Y no siendo este mas de un *resúmen* de lo practicado con tal objeto por las comisiones nombradas al efecto, cuyos informes me permetió consultar la misma Junta; debo hacer en este lugar una manifestacion pùblica de mi agradecimiento á éste, y del debido elogia que tributo à los Sres. de las comisiones, cuyos conocimientos nos han ilustrado en la materia.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTMENTO DE MEXICO, EN LA DIVISION QUE MIRA AL SUR.

### CRIADERO DE CHAPITZACO.

Este se encuentra en el cerro del mismo nombre, mina de S. Rafael (2) á 10 leguas S. ¼ S. E. de la villa de Chilapa. Su formacion geognóstica es ¿mica pizarra? Es curioso observar en algunas partes de este region, grandes peñascos, bajo la forma de piedras rodadas, como de 100 quintals de peso, compuestos de fragmentos de pórfido, pizarra primitiva y pedazos de cuarzo de 7 á 8 pulgadas de tamaño. Hay dos vetas reconocidas que corren con un rumbo N. P. muy poco inclinadas en su echado.

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(1) La impresion de este trabajo se ha hecho à expensas de la Junta de Fomento y Administrativa de Mineria, del fondo de azogues, con la debida autorizacion del gobierno.

(2) Con el nombre de mina de la Concepcion fue reconocida por el año de 1677, segun se refiere en los Comentarios de Gamboa pàgina 31 pàrrafo 54. Debe entenderse tambien que las minas de "Tlanicuilulco" de que hacen mencion los mismos comentarios, son las diversas catas del cerro de Chapitzaco.

La matriz de las vetas es á veces cuarzo y otras una especie de brecha formada de fragmentos de pizarra y mica- pizarra, pórfido descompuesto y feldespato, argamasados por una arcilla impura. teñida por el ocre de hierro; en ella se encuentra el cinabrio pulverulento acompañado de abundantes minerales de cobre, los que parece dieron orìgen al laboreo de la mina.

La ley media de los frutos es de 0.25 per 100 y son abundantes.

Las circunstancias locales son favorables. Los jornales son muy baratos, á 2 reales diarios: mas á pesar de esto las minas no son costeables, como puede verse en la demostracion que de ello hacemos en la nota adjunta.

NOTA.—El Sr. Duran, establece segun sus cálculos, que el costo aprocsimado de 500 quintales de mineral, comprendidos todos los gastos vendrá á ser de:..................$207 2 rs.
Así el de 100 quintales sera de,....................41 3½ ,,
que, siendo la ley media de 4 onzas por quintal, producen 400 onzas ò 25 libras, ó un valor de 41 pesos 2 rs., pues el mercurio corre en la plaza á 125 pesos quintal. Se vé, pues, que no hay ganancia ninguna para cubrir el rèdito del capital qne deba emplearse en la habilitacion de la mina.

### CRIADERO DEL HUAMUCHIL.

Este se halla igualmente en el cerro del mismo nombre, á 2 leguas S. E. del pueblo de Ajuchitlan, que dista 80 laguas al S. S. O. de la ciudad de Mexico. Su formacion geognòstica es la arenisca roja. La veta tiene un rumbo de 342° N. P.

El cinabrio pulverulento ó bermellon, se encuentra en el cuerpo de la veta en cintintas angostas, las cuales conducen las mas veces á pequeños depòsitos que llaman *ojos:* ò hablando en términos mineros, el cinabrio *se echa en ojos ò boleo.*

La ley media de los minerales resultò de 3.25 por 100. Los labrados son superficiales y están arruinados. Se halla proyectado un socavon para corta la veta à 162 varas de profundidad y à 116 varas en distancia horizontal, el cual apenas està comenzado. Las otras circunstancias locales son en lo demas algo favorables, asì como algunas ventajas econòmicas.

### CRIADERO DE CANDELARIA.

Está en la falda del mismo cerro de Huamuchil ya citado, como á dos leguas y media al S. E. de Ajuchitlan y cosa de 400 varas abajo del nivel de la mina antigua. Como es la misma montaña del criadero del Huamuchil y el creston de Candelaria viene á quedar al S. O. 169° de la boca de la antigua mina del Huamuchil, y los minerales son ademas los mismos, se presume con funda da razon, que si no es la misma veta, es por lo menos de la misma formacion. Los minerales arrancados del creston de ella (en la superficie) dan una ley de 0.50 por 100 (½ libra por quintal); y como desde luego puede conocerse, los frutos so muy abundantes. Está en iguales circunstancias económicas que el anterior criadero.

### CRIADERO DE TECUSCO.

Está en el cerro del mismo nombre á una legua al N. E. 86° de Tlalchapa. Es de la misma formacion geognóstica que los anteriores, la cual se estiende en el partido de Ajuchitlan, desde las catas del Huaje en el cerro de Tecusco en el Tlalchapa, hasta el creston de Candelaria, en el cerro del Huamuchil; comprendiendo un espacio de mas de diez leguas de estension, sobre el que se hallan esparcidas infinitas bocas ó catas, con marcas de cinabrio mas ó menos abundantes. Las vetas del criadero que nos ocupa corren de Oriente á Poniente, con echado poco sensible al N. Y el cinabrio está acompañado [como en el criadero de Chapitzaco] de minerales de cobre, cuarzo en la matriz, y de una ley de 0.87 por 100 [14 onzas por quintal].

Todas las escavaciones ó laborcitas son superficiales, y las circunstancias locales y ventajas económicas algo favorables.

Las observaciones que hace la comision, respecto de todos estos criaderos del distrito de Ajuchitlan, son sin duda, las que mas pueden cohonestarse con las circunstancias peculiares de aquel pais.

Propone, pues, á la junta de fomento y administrativa de Minería, el establecimiento de un horno de retortas en el parage mas á propósito, con el fin de propagar los conocimientos precisos para la destilacion del mercurio, que ignoran absolutamente los habitantes, y el de poder organizar un buen laboreo, en las vetas que convenga esplotar; proporcionando ademas la ventaja de que se pueda igualmente rescatar metal, tanto para proveer al horno del suficiente en caso de necesidad, como para dar impulso al trabajo de esa multitud de catas, que quizá el dia de mañana llegarán á dar con una de esas enormes masas minerales de cinabrio, que forman la prosperidad y riqueza de un distrito minero.

### MINAS DE PREGONES.

Estas se encuentran en la cuadrilla de Pregones, cerro y minas de Negrilla, á 6 leguas Ueste-Norueste de Tasco. Las vetas arman en caliza de transicion sobre pizarra, la de la mina de Negrilla corre con un rumbo N. E. con 70° de echado al S. E. Es curiosa la formacion de esta veta, porque sus principales frutos son minerales de plata acompañados de cinabrio en masa y cristalizado. En el mismo cerro á 60 varas al N. de esta mina se halla la de Santa Gertrudis, cuya veta tiene un rumbo igual, N. E. y echado contrario de 68° próximamente.

La ley de los minerales de la primera mina salió de 0.3125, de los de la segunda 0.25 por 100.

Las labores son de poca profundidad.

Las ventajas económicas son muy favorables para el laboreo de estas minas, por la abundancia de todos los materiales indispensables, y demas circunstancias.

### CRIADERO DE TEPEYOPULCO Y CUAXISTENGO. (1).

En la jurisdiccion de Cuernavaca, en un grupo de montañas que está entre la ciudad de este nombre y el pueblo de Miacatlan, se hallan los cerros de Tepeyopulco y Cuaxistengo, que están encadenados con las montañas de Tasco y se componen de las mismas rocas que constituyen los miembros superiories de la formacion de estas: caliza carbonosa sobre arenisca roja antigua en algunas partes, en otras cubre inmediatamente á la caliza de transicion. La caliza de este lugar es llamada vulgarmente en el pais *Texcal.*

El carácter de formacion de estos criaderos es semejante al de otros puntos de la república que se han encontrado en las formaciones del grupo de la arenisca abigarrada. Se reducen á rebozaderos de vetas superficiales, distribuidos irregularmente en la superficie de la montaña: en términos mineros se conocen con el nombre de *bolseo.*

En las sustancias que forman la matriz de las bolsas ó boleos, se encuentran ojitos y venitas de finísimo bermellon; y esto es lo que constituye los minerales ó metales de azogue de ellos. A unas cuantas varas de profundidad desaparecen los vestigios de metal, y aun hasta las señales de vetas.

Por los meses de Febrero á Marzo de 1782, se beneficiaron 147 arrobas de mineral que produjeron 1 arroba 9 libras de azogue: lo que hace una ley de 0.93 por 100. En el mismo año, el 16 de Agosto se beneficiaron 143½ cargas que dieran
15½ arrobas de azogue, le que da una ley de . 0.898 por 100
Ley media . . . . . . . . . . . 0.914

Se comenzaron á labrar estas falsas vetas por Noviembre de 1780, por providencia del Exmo. Sr. virey D. Martin de Mayorga, previo el permiso de la corte de España, á virtud de la grande escasez de azogue que se esperimentaba en el reino. Los trabajos cesaron como á mediados del año de 1782, sin mas productos que las insignificantes porciones de azogue arriba espresadas, y despues de haber agotado todos los recursos del arte, para cerciorarse de la naturaleza de dichos criaderos, que como queda visto, son de poca espectativa para grandes empresas mineras. Y conviene por último saber, para completar la descripcion de ellas, que la mayor de las once bocas formadas entonces no llegaba á 15 varas de profundidad. Que ademas, en el mismo cerro de Tepeyopulco y sus inmediaciones, ya se habian practicado por el año 1740, reconocimientos costosos, y suficientes por sus tristes resultados, á no dejar duda alguna, de la insubsistencia, irregularidad y escasez de buenos frutos de estos criaderos. De documentos originales que existen en el archivo de México estractamos lo siguiente.

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(1) Los datos comprendidos en esta descripcion están tomados de los informes que el antiguo tribunal de Minería pasaba al virey, sobre el estado de los trabajos que se practicaban en el reconocimiento de estos criaderos.

Un particular llamado Cárlos Bartolomé de Leon, en virtud de un auto proveido por el Sr. D. Pedro Malo de Villavicencio, juez privativo, superintendente y administrador de los reales azogues, remató por arrendamiento, el beneficio de las minas de azogue de la jurisdiccion de Cuernavaca, bajo distintas condiciones, "entre ellas, dice el auto, la de que habia de entregar seis mil quintales en el término mas breve que la prolija operacion lo permitiese, á razon de 21 pesos cada uno, afianzando con la cantidad de 8,000 pesos que exhibiria en reales cada y cuando se le mandara, y que faltando á lo estipulado, habia de quedar esta cantidad á beneficio de la real hacienda con todos los artefactos que se pusieren para que su magestad se sirviera de ellos."....

El citado particular logró en efecto, despues de mil dificultades, contratiempos y crecidos desembolos, formar algunas escavaciones catas, de las que estrajo en poco mas de tres meses, unos 12000 quintales de minerales de toda braza, los que despues de pepenados se redujeron á 300 quintales de metal limpio cuya, ley media no obstante á ser lo mejor de los frutos, no llegaba al 1 por 100. Con tal desengaño y con el de que en las labores desaparecian á unas cuantas varas de profundidad las pintas de metal, rescindió el contrato: despues de haber impendido la suma de 14453$ en todos los trabajos de empresa tan ruinosa.

En consecuencia, el jues privativo, superintendente y administrador de los reales azogues, dictó las providencias necesarias para hacer las correspondientes averiguaciones sobre el resultado del negocio. Y fué todo lo depuesto de conformidad con la declaracion que ante la justicia de Cuernavaca habia hecho el citado Carlos Bartolomé de Leon, en virtud de órdenes superiores y por mandato de ella y cuyo resumen tenemos dado arriba. En el espediente consta tambien que el espresado asentista presentó á la autoridad citada, unas 22 onzas de azogue en caldo, como único resultado obtenido de su desgraciada especulacion.

Poco tiempo despues dichas catas-minas fueron cegadas é inhabilitadas de órden del misno juez privativo D. Pedro Malo de Villavicencio en 10 de Septiembre de 1740; y á pocos dias de hecho esto, se publicó por bando en la villa de Cuernavaca, la prohibicion de trabajar minas de azogue.

Tal era la historia de las mencionadas minas de la jurisdiccion de Cuernavaca 41 años antes de que se volvieran á trabaja por el gobierno español con los desfavorables resultados que especificamos al principio: historia que es peramos, hará mas discretos á los mineros especuladores actuales, al emprender nuevos reconocimientos ó trabajos en ellas.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE JALISCO.

### CRIADERO DE CAPULA.—MINERAL MARTINEZ.

Veinte leguas al Sur de la ciudad de Guadalajara, hay una considerable seranía que se estiende sin interrupcion de Sur-Este á Nor-Ueste, formando la division de las aguas, entre el territorio de la laguna de Chapala, á la que pueden unirse, las de Sayula, Atoyac, Tissapan, &c, y los manantiales del rio de la Almeria, que con una direccion Sur pasa cerca de Colima, y desemboca en el mar Pacífico, 10 leguas al S. S. E. del puerto del Manzanillo. El eje longitudinal de esta serranía, que puede considerarse como la prolongacion de las elevadas llanuras y montañas de Michoacan, se atraviesa en ángulo recto, pasando de la hacienda de Iźtipac al pueblo grande de Chiquisistlan, en una estension de 8 leguas, que es la anchura de ella en este paso. Cubierta de espesos bosques, de pinos, robles, y encinas espléndidas; regada de rios perennes y con un clima sano; es ademas, esta serranía, una de las mas ricas en vetas de oro, plata, cobre y hierro. Se compone, segun su caracter de formacion dominante, de rocas de pórfido de base de feldespato y piedra córnea, con cristales del primero, conteniendo, ademas, en la base de los puntos altos, prismas largos de hornblenda.

Al pié meridional de estas montañas, sigue una cadena de cerros de caliza, con una direccion casi paralela á la de éstas, la cual contiene el mineral llamado Martinez, entre los pueblos de Chiquisistlan y Tapalpa, cerca de la pequeña poblacion de Capula. La caliza de estos cerros, parece ser la caliza de montaña ó carbonosa, sobre la que descansa una estensa formacion de arenisca roja, cuyo grueso aumenta hácia el Sur, mientras que al Norte cerca del Saucillo, se oculta bajo capas considerables de caliza, arcilla y marga; y mas al Norte todavia desapareciendo la arenisca, estas capas que se inclinan por término medio 20° al N. E. y del grueso de algunos pie hasta 12 cada una, descansan inmediatamente sobre la caliza. El espesor de la formacion de caliza, arcilla y marga, no se conoce todavia, porque ninguna escavacion se ha profundizado lo bastante para llegar á la caliza de debajo; á pesar de que esto es muy interesante, por ser esta formacion la que contiene el cinabrio sobre una estension de mas de dos leguas, estando las diferentes capas mas ó menos impregnadas de él; pero con una diferencia muy grande entre las leyes de las diferentes capas: la mas rica es una de barro amarillo, de un pié de ancho, muy penetrada de espato calizo, el cual la vuelve algo compacta; y al contrario, no tiene ni indicios de cinabrio; una capa de arcilla oscura, sobre la que las mas veces descansan las otras blanquizcas y amarillentas.

La arenisca no parece contener metales, mientras que la caliza de montaña contiene, á un cuarto de legua al Norte de Chiquisistan, vetas de plata y cobre que fueron trabajadas antiguamente.

El cinabrio se encuentra, pues, usando de los tenemos de los mineros del pais, en *bolsas* de formas muy irregulares, compuesta de sustancias terrosas ò poco compactas, ó bien de un conglomerado de la misma caliza, en fragmentos de mas de una pulgada de tamaño, unidos por una sustancia caliza blanca, agrisada y amarillenta, siempre en estado pulverulento ò de bermellon, en ojos ò cintas entre las sustancias de las bolsas, ò llenado pequeñas oquedades en dicho conglomerado. Estas bolsas, que no están dispuestas en òrden ninguno, pero sí entre las capas antes citadas, afectan formas diversas é irregulares, sin ser de gran volúmen; por lo regular acaban en hilos ò venas muy angostas, sobre las que siguen los mineros sus escavaciones en busca de otras nuevas: las mayores se estienden, por lo comun, mas horizontal que verticalmente, propendiendo á inclinarse al Poniente, por lo que las han querido llamar mantos.

Tal parece que, como si aun estando todavia blandas las capas de la formacion de la caliza carbonasa, se rajasen diferentemente, depositándose en sus cavidades el lodo metalífero de cinabrio que tenia el agua en suspension, con parte de la masa misma de que se componen las capas de la superficie, resultando las vetas superficiales y muy irregulares, que constituyen este criadero.

La ley comun de los minerales puede valuarse en 2·33 por 100, aunque suele ser muchas veces mayor que ésta.

Existen algunos trabajos poco considerables en la mina principal llamada del Manto, que con otras varias catas, Mercurio, Almaden, Refugio, &c. pertenecen á una compañia, que actualmente solo trabaja la primera. Se acompaña un plano de los labrados de este mina, con las obras proyectadas por los individuos de la comision (las indicadas por puntos) para cortar todas las capas que dieron metales en el Manto inclinadas al N. E.; pues que por razones de formacion deben existir, en el espacio comprendido en toda la estension de la obra, otras bolsas igualmente ricas y abundantes en metales [*Lam.* 1.ª]

La cata de Almaden se halla sobre una veta aparente de arcilla margosa amarillenta, cuya potencia varia de una á tres varas, con su echado al Poniente bastante fuerte. En el bajo de ella se encuentran regularmente minerales de cobre, como el cobre azul, cobre verde, y á veces cobre sulfúreo. Es de notar, además, que hácia la misma parte se estiende la caliza, y al alto, la arenisca roja, como si fuera un manto ò capa; pero en realidad no es mas que una raja superficial, llena de las sustancias de la formacion antes espresada.

La del Mercurio es de una natnraleza semejante á la precedente.

La del Refugio está sobre una gran capa de arcilla, cuyo rumbo es de S. O. á N. P., con echado al N. O., su potencia varia de una á cuatro varas, y su rumbo es visible en linea recta en la superficie por mas de 200 varas. En la cabeza ò creston, la arcilla está muy cargada de ocre de hierros, y il cinabrio se halla muy diseminando en ella.

Existen ademas, otras pequeñas especulaciones de particulares pobres, trabajadas muy en pequeño, como el Saucillo y el Socorro, con el caracter de formacion geognóstica dominante, ya espresado.

Los particulares y la compañа benefician los frutos de sus minas en aparatos distinos y con pérdidas enormes: y como podemos decir que el arte en este distrito minero está aún en su infancia, será de algun interés describirlos. Comencemos, pues, con el mas tosco: el beneficio ó destilacion en *cántaros,* usado por los particulares.

Abren en la superficie de la tierra en un sitio cualquiera, dos zanjas paralelas, de cuatro á cinco varas de largo, media vara de profundidad, y poco mas ó menos una tercia de ancho: las separa un intermedio macizo de una tercia de grueso, excepto en las esquinas, donde las dos zanjas se reunen formando una escavacion semicircular, que sirve para atizar el *horno,* pues así lo llaman. Se colocan dos órdenes de cántaros en ambas zanjas, apoyando sus asientos contra el macizo intermedio, y la boca sobre el borde esterior de la zanja, dejando huecos hácia abajo para introducir leña. En la boca de cada cántaro va un tubo de barro, el que sirve de recipiente. La capacidad de los cántaros es tal, que pueden contener desde media hasta una arroba: 16 de ellos forman un ôrden. El mineral con que se cargan es reducido á gransa [martajado] y el fuego en cada operacion dura de cuatro á seis horas.

Tan tosco [aunque sencillo] como es este método, pues en él se escapan muchos vapores mercuriales, á causa de la materia porosa de que son los cántaros, y de la poca diferencia de temperatura que hay entre ellos y los recipientes, por faltar á éstos el agua para que sirva de refrigerio, me recuerda, no obstante, el llamado "*per tallus*," antiguamente usado [1728] en el Palatinado [1].

La compañia ha puesto en práctica un método mas perfeccionado; pero por desgracia mal dirigido, mal calculado y en nada adecuado á la naturaleza del criadero, que exige por decirlo así, aparatos movibles; pues que los buenos frutos suelen encontrarse muy apartados, unos de otros, en las bolsas ú ojos, que caracteriza su formacion como ya se ha dicho.

Es, pues, un horno construido á imitacion de los de Idria, cuya planta y dibujos se tomaron de la obra de Química aplicada á las artes de M. Dumas. Mas aunque en la construccion se arreglaron estrictamente á los espresados dibujos, el constructor carece del conocimiento de las reglas comunes que se observan en la construccion de hornos en general. Así es que, el material de construccion es mas bien una marga que barro, en forma de anchos adobes, parte de ellos cocidos, y parte crudos; siendo estos últimos los que forman las bóvedas, y los primeros (que despues de quemados se torcieron y encorvaron dando un ladrillo hueco, poroso y nada firme) los conductores, cámaras de condensacion, y demas partes del horno. En consecuencia, despues de la primera destilacion, el horno se rajo todo, las bóvedas se cayeron ó se rajaron tambien, y no obstante esto, se continuaron haciendo en él las destilaciones ò quemas, contentándose con solo tapar las aberturas. De manera que la compañia, despues de impender el considerable gasto de 30.000 pesos en el aparato espresado, beneficiaba por tales motivos, con la gran pérdida de un 73 por 100. Mas todavia de lo que se pierde en el beneficio por cántaros, por el cual se sacan de 100 libras solo 12 onzas (siendo la ley de 2 por 100); o se trabaja con una pérdida de un 62 por 100.

No es estraño, pues, que con tal beneficio, la compañia, cuyo capital primitivo ascendia á 28.000 pesos compuesto de 48 acciones de á 600, hubiese ya gastado hacia principios de Septiembre de 43, 34.113·44; ó 5.313·44 pesos mas que su capital primitivo, pagando por accion 710·69 en lugar de los 600; no obstante á que por espacio de seis meses, de Abril á Agosto de 43 inclusive, se estrajeron de la mina del Manto 2.736 cargas

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(1) Véase en el Museo Mexicano tom. 4º núm. 4 un articulo de Ciencias, traducido del "Diccionario de Artes, Manufacturas y Minas, &c. de Andrew Ure" por J. V. de L., en que se describen los diversos métodos de la "destilacion del Mercurio."

con una ley de 7 libras por carga, lo que dá por riqueza total . . . . . . . . . . . . . . . . . 19.152 libras.
Pero de 17 quemas hechas por este tiempo, solo se sacaron . . . . . . . . . . . . . 5.015 "

Hubo, pues, una pérdida de . . . . . . . 14.137 "

O como hemos dicho antes, se hicieron las destilaciones con la enorme pérdida de 73·8 por 100. Así es que, desalentada la compañia con estos resultados, contrato la negociacion con los Sres. Blume y Castaños, quienes concedieron á las 48 acciones un valor de 800 pesos, (mayor del veraadero) comprometiéndose á invertir un capital igual al valor nominal de las 48 acciones; adquiriendo en recompensa, la mitad de las propiedades y derechos de la compañia propietaria.

Este era el estado de la negociacion hasta Mayo de 1844, en que ya se llevaban gastados 4.447·76 pesos del nuevo fondo.

En cuanto á ventajas de situacion, pocos minerales de la república presentarán las que éste para el trabajo de sus minas. Se encuentra en él abundantemente madera de construccion de roble y pino, leña, hierro, que allí mismo se beneficia y adquiere á menos precio (4 pesos quintal) que en cualquier otro mineral: agua para concentracion y demas trabajos, pues hay muchos arroyos y rios que atraviesan aquella serranía, y los esquilmos indispensables á las empresas mineras. Por otra parte, el bajo precio de los jornales de 2 á 4 reales diarios [con lo que viven aquellos mineros mejor que en otras muchas partes con un peso] es una circunstancia mas que hace concebir fundadas esperanzas, de que una empresa de minas en este distrito, dirigida con inteligencia y economía, pueda satisfacer, en parte, las miras del gobierno que se proponga impulsar el importante ramo de minería; pudiéndose desde luego alegar, respecto de este mineral, que no obstante á lo imperfecto que es hasta ahora el beneficio o destilacion del azogue, los trabajos se han costeado con el 1 por 100 de ley en los frutos.

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## CRIADERO DE SALSIPUEDES EN EL DEPARTAMENTO DE JALISCO, JURISDICCION DE LAGOS.

Cerca de la hacienda del Puesto, en una region compuesta de la sierra llamada de Salsipuedes, en el Oriente, y de Mariquita y Chiringuato, al Poniente y Sur, se encontraron á principios del año pasado [1844] minerales muy ricos de cinabrio. El eje de estra sierra tiene una direccion Sur á Norte, y por sus caracteres geognósticos, parece que viene á ser como la prolongacion de la formacion del pórfido cuarzoso del llano de Pinos en el Norte. Su base, es un feldespato blanco agrisado, que pasa á gris, con mucho cuarzo: tiene de comun con los demas pórfidos cuarzosos del pais, el contener ojos, riñones, ó vetas de estaño oxidado [metal de estaño], el que se encuentra tambien en los arroyos, como producto de acarreo en pedazos sueltos arrinonados. Los cerros y elevaciones de la parte de la region comprendida entre el Rincon Grande, el valle de las Aguilas, y la verdadera sierra de Salsipuedes, se compone de una roca blanca de cuarzo que parece subordinada al pórfido agrisado, la cual, á veces, pasa á ser blanca de leche, trasluciente, con algunos puntos claros y lustrosos, de cuarzo trasparente, siendo esta variedad en la que se encuentra el cinabrio: otras, es muy ferruginosa, de un color rojo parduzco, y entonces se vuelve desmoronadiza, pierde su consistencia, y pasa á ser arena roja suelta.

El cinabrio no forma vetas ó mantos, sino que aparece en la roca misma, penetrándola en diferentes puntos, colorando al cuarzo mas ó menos intensamente. A veces se acumula tanto que casi viene á ser puro, formando boleos de un diámetro siempre pequeño, desde una línea hasta un pié. Estos boleos son siempre superficiales, y esparcidos irregularmente: á mas de 12 varas de profundidad desaparecen.

Los minerales, de la principal y mejor mina, la de S. Romualdo, han dado por término medio una ley que no pasa de 12 por 100; aunque pedazos hay, que producen de 50 á 70 por 100.

Sin embargo, en toda la estension como de una legua cúadrada, en donde se han abierto mas de 40 bocas ò catas, no se ha encontrado en mas de 30 de éstas, ni vestigios de cinabrio; siendo una casualidad, que en la citada mina de S. Romualdo, se hayan encontrado bastantes boleos reunidos, para producir en 9 meses cosa de 800 quintales de mineral: pues el producto del resto de ellas no llega á ser, tomado en igual tiempo, ni la décima parte de los minerales de igual ley que ha dado S. Romualdo. En esta última mina, así como en la de Providencia, se han llevado las escavaciones hasta 38 ó 40 varas de profundidad; pero todas en borra; pues, como ya se dijo, se pierden los frutos á las 10 ò 12 varas bajo la superficie.

Este carácter de la formacion en este criadero, no permite el establecimiento de compañias formales para su esplotacion; y así es que, á las actualmente formadas, la comision les da una existencia precaria, pero de entre las cuales, sin embargo, la de S. Romualdo será la única que tendrá una duracion temporal, de algunos años todavia mas de existencia, por las precauciones que para ello se han tomado. Pues la compañia, dueña de ella, ha construido muy regularmente un aparato destilatorio, con el fin de beneficiar, desde luego, cierta existencia de minerales que se ha procurado de antemano, y de un valor capaz de indemnizar el costo del espresado aparato; y ademas beneficiar tambien los frutos que adquirirse pueda por rescate, porque el bajo precio de la leña en aquellos lugares hará muy barato el beneficio, prolongando así, con tal auxilio, la duracion de la existencia de esta compañia, mas que la de las otras.

Como puede ofrecer algun interes á los mineros la construccion del citado aparato, copiamos á continuacion la descripcion que de él hace la comision. "El horno de una construccion particular, dice ésta, es para 50 quintales de metal, cargados en una taza de fierro, que está sobre el fuego é inmediatamente bajo la bóveda del horno, de manera que recibe todo el calor reverberante. Una canal ascendente conduce los vapores á una torre que tiene arriba una bóveda con agujeros, sobre la cual hay agua, que continuamente gotea por los agujeros en la torre. De esta manera se resfrian los vapores y se condensan en gran parte. El agua con las sustancias condensadas, sale por una canal de un declive fuerte en el fondo de la torre, y se reune en dos cámaras grandes para dar lugar á concentrarse á los vapores que aun existan. De ahí entra el agua con el azogue á un cubo, del cual se recoge. Todo el aparato es muy ingenioso, y la dificultad seria que el aire se resfriase tanto en la torre inmediata al horno, que no hubiera la suficiente respiracion para el fuego. ¿Quién no se acuerda de las cámaras de lluvia que construyó Vivian el año de 1821, para la condensacion del humo de los hornos de reverberar metales de cobre? Esta dificultad será disminuida parcialmente en el horno del Puesto, por el declive grande del canal que conduce el agua y el azogue condensado del fondo de la torre; pues el agua debe salir de él con tanta velocidad, que precisamente arrastrará consigo mecánicamente mucho aire, que por el horno debe llegar á la torre.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE GUANAJUATO.

El cinabrio se encuentra en las diversas localidades de este Departamento, que á continuacion espresamos.

1. Inmediaciones de la hacienda del Rodeo y S. Nicolas del Chapin. La formacion geognòstica de este criadero es el pórfido arcilloso, con cristales de feldespato vidrioso y descompuesto; contiene tambien granos de cuarzo, y laminitas de mica negra agrisada. Sus minerales son cuarzo teñido por cinabrio.

2. Cerro del Pinalillo, á 14 leguas al S. O. de la capital. La formacion de éste, es la arenisca de base arcillosa que contiene fragmentos de piedra pòmez y de pizarra impregnados de òxido de hierro; ademas, cristales muy pequeños de cuarzo. En la

sobreposicion de las capas se observa, que sobre la arenisca descansa conglomerado, sobre éste, una capa de barro gris ceniciento, y gris amarillento, teñido éste por el oxido de hierro, y sobre el cual está ya la tierra vegetal.—Los minerales los constituye una brecha de masas de cuarzo, trabadas por una masa arcillosa en que se encuentra el cinabrio, que á veces tambien penetra al cuarzo. La ley de los frutos limpios es de 2·80 por 100.—Las labores están en estado todavia de catas y en actividad. Hay abundancia de leña, barro propio para construir y arenisca para hornos.

3. Mineral de Centeno. Su formacion geognòstica es la arenisca cuarzosa de grano fino. Los hilos de cinabrio en el criadero corren de Norte á Sur en ángulo recto con la direccion de las lajas de la montaña. Respecto de la sobreposicion de las capas, se observa, que sobre la arenisca descansa una capa de piedra alumbrosa ¿pizarra alumbrosa?—La ley de los frutos limpios es de 4·00 por 100. Los trabajos son superficiales, desordenados y están abandonados. Se tiene lo necesario para el trabajo de las minas y beneficio de los minerales.

4. Cerro del Gigante. Las minas están ubicadas en la falda de dicho cerro á 6 leguas Norte Poniente de la capital. Su formacion geognóstica consta principalmente de una capa de arenisca gris amarillenta, estratificada y pôrfido de base arcillosa. Pero se observa en la sobreposicion de las capas, que sobre la arenisca hay una capa de piedras còrnea, y sobre ésta otra de piedra per cubierta por una capa de arenisca arcillosa roja, muy blanda en el criadero, dura fuera de él: ésta contiene en su superficie pegaduras de una sustancia carbonosa, que forma en ella y en la capa de esteatita de encima dibujos dendrìticos. En esta capa de esteatita se halla un manto de 2 ó 3 varas de espesor, y de una estension considerable [de cerca de 2 leguas] y sobrepuesto á ella un pórfido de base arcillosa que contiene cristales de feldespato blanco agrisado, granos de esteatia y láminas de mica parda. Existe otro debajo del ya mencionado, y otro á mas profundidad; por lo que convendria atravesarlos con un tiro vertical para reconocerlos.—Los minerales, consisten en una esteatita impregnada de cinabrio y grandes piedras sueltas, ó masas de pedernal y piedra cornea, penetradas de mercurio nativo. La ley de los frutos pepenados es de 4·00 per 100. Las circunstancias de situacion y ventajas particulares del lugar, son favorables á la esplotacion. Las minas están amparadas.

5. Montaña llamada del Toro. A 8 leguas al Norte del Gigante se hallan situadas las minas del Toro, del Capulin y Clavellinas, y las nuevas de Providencia y el Refugio. En la del Toro, la formacion geognóstica es un pórfido arcilloso que contiene granos de cuarzo, y muy poco feldespato. La veta

atraviesa la loma del Toro con un rumbo N. P.; la montaña está ademas atravesada por varios hilos ô cintas de cinabrio en todas direcciones, ô mas bien en la direccion N. S. unos, y en la de N. P. á S. O. otros.—Los minerales son cuarzo penetrado de cinabrio al que tiñe mas ô menos. La ley de los frutos limpios es de 1·63 por 100. Las minas están abandonadas.

La mina de Providencia se halla situada en el fondo de una cañada, distante como un cuarto de legua al Norte Oriente de la mina del Toro. La roca en que arma la veta es una caliza que alterna con capas de piedra pez, y de arenisca arcilloso roja. La caliza descansa sobre la arenisca, y ésta sobre la piedra pez. La veta tiene un rumbo Norte Poniente, con una ligera inclinacion al Sur Poniente. La ley de los frutos comunes, limpios, es de 4·3 por 100. Los trabajos son apenas catas.

La formacion geognóstica de las otras minas mencionadas arriba, es idéntica á las que se acaban de describir. La última del Refugio está ahora trabajándose; tiene una profundidad de 8 á 10 varas, con frutos comunes de una ley de 2·40 por 100.

6. Mineral de S. Juan de la Chica. La formacion geognóstica de los criaderos de cinabrio que en él se encuentran, es el pórfido arcilloso sobrepuesto á la piedra pez, y cubierto por la caliza sobre la que se halla la tierra vejetal. La veta corre con un rumbo N. P. con echado al S. P. y de un ancho de 2 á 7 varas. El cinabrio está diseminado en la matriz en hilos ricos de grueso muy variable, llegando los mas anchos á tener media pulgada de grueso. La ley de los frutos sube al 8·20 por 100. Una circunstancia particular en esta formacion es que, paralelamente á la veta de azogue, y como á unas 40 varas horizontales, se halla una veta de oro nativo en cuarzo. Por fin, en la mina de que hablamos, hay algunos trabajos viejos arruinados.

7. Cerro del Fraile, distante 3 leguas de S. Juan de la Chica. La formacion de él es el pórfido arcilloso. El mineral es muy escaso y se encuentra en pintas de cinabrio.

8. Lugar llamado Palos Colorados. Esto punto no merece ninguna consideracion. El mineral es cuarzo teñido por cinabrio.

9. Mina de Guadalupe situada en el mineral Targea. La formacion geognóstica del criadero es la caliza alpina, cuyas capas alternan con otras de piedra de toque y betun-pizarra; en la primera y última de estas rocas se encuentran diseminados muy irregularmente, riñones de cinabrio compacto hasta de 8 pulgadas de diámetro, siempre con la matriz de caliza, y á veces con cristales en lo interior, de espato calizo amarillo de cera.—El cinabrio de los riñones es hepático con una ley media de 23·40 por 100. Cuando la comision [1] visitó esta mina,

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(1) Compuesta de los Sres. D. Ignacio Alcocer y D. Benito Herrera.

los labrados eran superficiales y estaba amparada. Opinó que convendria dar un tiro vertical para registrar todas las capas, en busca de la que mas abundara en riñones, ó de algun manto; que ademas dicho tiro era indispensable, en caso de trabajar las minas, para el desague de ellas; pues el agua probablemente seria abundante por las circunstancias locales en que se encuentran.

10. Mineral de S. Pedro de los Pozos. La formacion de los criaderos en este mineral, es tambien la caliza alpina igual á la de Targea. El cinabrio acompañado de oxidos de hierro, se halla en hilos que corren con un rumbo N. P. y echado al S. P.; de un ancho entre una tercia y 2 pulgadas; de una ley de 0·30 en los frutos comunes, y de 2·20 en los frutos limpios. Los trabajos hasta ahora son insignificantes. Las ventajas de localidad no son favorables para el trabajo de las minas, por la escasez de los materiales indispensables al objeto.

Hay, por último, algunas observaciones que hacer sobre los criaderos y minas de azogue, ya descritos del Departamento de Guanajuato, y son: que la imposibilidad que por la naturaleza de las cozas se tiene, para poder presentar un cómputo exacto sobre los costos de estraccion y beneficio de los minerales, hace que se haya preferido calcular mejor la ley, que para costearse necesitan tener los frutos, partiendo de datos fijos que ministren una base para cálculos posteriores, segun el estado que vayan presentando las minas en lo sucesivo. Así, pues, suponiendo que del mineral extraido de una mina, solo la cuarta parte de él sea beneficiable, la ley necesaria para que la mina se costee, atendidos los gastos ordinarios de disfrute, resulta ser de 0.91 (centésimas); en el supuesto de que le azogue corra en la plaza é 125 pesos quintal. Ademas, la comision se espresa asì, respecto de la necesidad que hay de emprender algunos trabajos importantes en ellos. "Si en las minas de plata se hubiera observado la regla que hasta ahora se ha querido establecer para las minas de cinabrio, de abandonarlas luego que no producen frutos costeables á la profundidad de 20, de 30 y á lo mas de 60 varas; la repùblica se habria visto, con muy pocas escepciones, privada de aquellas, y de la enorme riqueza que han producido."

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE S. LUIS POTOSÍ.

### CRIADERO DEL DURAZNO.

El pequeño pueblo del Durazno se halla á 22 leguas S. O. de la capital del Departamento á que pertenece, situado en un valle poco extenso, por el que pasa un arroyo que nace en un grupo de montañas, 3 leguas al Sur del mismo pueblo.

La region se compone de un pórfido cuarzoso de base de feldespato, con cristales del primero y de feldespato vidrioso; pórfido que no solamente forma grupos de montañas de poca altura, sino que tambien aparece en los llanos formando el cauce de los arroyos, y se estiende hácia todas partes. Subordinadas á él se encuentran capas de pórfido de base de piedra pez de un color negro, que pasa á verde oscuro por el hidrato silizoso compacto de la pasta á veces, de lustre de cera, y con cristales de feldespato comun amarillento.

En la concavidad, por decirlo asi, que forma el pórfido, y que constituye el pequeño valle, descansa una formacion de depòsito posterior, compuesta de capas de marga y arcilla; cuyas capas unas veces están limitadas por los lados del valle mismo, y otras se estienden hácia sus declives planos. Estas capas cubren un manto de cinabrio á la profundidad media de 15 varas, el que se estiende de Sur Oriente á Norte Poniente de 300 á 350 varas, y en direccion perpendicular á esta, 100 varas ó mas, con el espesor ó grueso de una vara por término medio. Este, en sus límites, está terminado claramente por los bordes del pórfido, ocupando sus espacios mas profundos, como si al tiempo de asentarse las tierras metalíferas, la concavidad ya estaba formada, y estas como mas pesadas se asentaron las primeras ocupando las partes mas bajas; de manera que aunque las capas superiores continuen á veces hácia los declives planos, descansan inmediatamente sobre el pórfido, como se vé en algunas escavaciones antiguas que se hallan situadas con tales circunstancias.

Como segun el resultado de las investigaciones de los individuos nombrados para reconocer este criadero, los Sres. Ernesto Berger y Antonio Blanco, el espresado manto ó capa está enteramente disfrutado, no presentando ahora sino un cúmulo de hundidos y atierres, á consecuencia de algunos trabajos muy desordenados emprendidos posteriormente; siendo ademas una quimera la esperanza de encontrar otro nuevo manto mas abajo, como han pretendido algunos; no entraremos en mas pormenores que el hacer de él una ligera reseña, del orígen de su fama y de las diferentes empresas de que ha sido objeto, hasta llegar á su estado presente.

El Baron de Humboldt dice en su Ensayo político, con respecto á este mineral, lo siguiente: "La mina ha tenido una celebridad grande en el pais, no por su riqueza, que es menor que la de S. Juan de la Chica, sino porque se pudo trabajar á tajo abierto, y porque dabe mucha carga."

Por el año de 90 del siglo pasado, época de su mayor produccion, se sacaron en pocos meses 70,000 cargas de minerales de una ley de $\frac{1}{8}$ por 100, que produjeron 700 quintales de azogue; y sin embargo este producto no cubrio los gastos, lo que hizo abandonar la mina, de manera que cuando el Baron de Humboldt la visitó se habia ya anegado y arruinado en parte, y segun su juicio, no habria sido provechoso volver á emprender los trabajos. Mas en aquel tiempo el precio del azogue era de 41 pesos quintal; de suerte que el valor de 700 quintales no importó mas que 28,700 pesos, dando el costo de $3\frac{1}{2}$ reales á la carga de metal, lo que no podia cubrir los gastos de la empresa, que tenia que recibir derrumbes y hacer un desagüe considerable en la mina, y ademas pagar el combustible necesario al beneficio, á un alto precio.

Poco tiempo despues, habiendo subido el azogue al enorme precio de 150 pesos quintal, primero por la guerro de la Penìnsula, despues por la de independencia en México, y ùltimamente por el monopolio á que está sujeto el azogue europeo, el criadero del Durazno volvió á llamar la attencion de los especuladores.

Al principio no fué trabajado sino por los que en el pais llaman buscones, los que para mantenerse, beneficiaban por el método conocido de cántaros, los pocos metalitos que podian rapiñar con sus escavaciones ruinosas, tumbando de aquì y allí los que encontraban que se habian escapado á los antiguos. Resultò naturalmente de este pernicioso trabajo, que habièndose hundido muchos labrados, se hicieron intransitables otros en los que aun quedaban algunos minerales, que por un trabajo regular hubieran podido disfrutarse.

Posteriormente una compañia formada en S. Luis Potosi emprendió de nuevo por el año de 30, el laboreo de estas minas; se trabajaron al partido, pero al mismo tiempo se hicieron otras obras. Se dió un tiro, se desaguó la mina, se construyeron hornor y se beneficiaban los escasos frutos que los buscones podian estraer. Mas el objeto principal de la empresa no era ya el manto disfrutado, sino que se adelantaban los trabajos en busca de un segundo manto virgen, que suponian debia encontrarse debajo del primero. Para cuyo efecto se trazó el tiro espresado, que despues de profundizado $36\frac{1}{2}$ varas se encontró imperfecto, siendo sus dimensiones en el plan, menores que las que se le dieron arriba comenzando desde el brocal. Un nuevo tiro llamado de Esperanza fué en consecuencia perforado inmediato al anterior, el cual ha llegado ya á la profundidad de 40 varas sin cortar nada. En verdad que todas estos trabajos han sido enteramente inútiles, asì como estravagante la idea de continuarlos; pues por razones geognósticas, una vez llegados al manto, se debiò perder toda esperanza; porque éste no está en el pórfido, sino sobre él, y como se habia llegado á una profundidad en que se habian acabado los caracteres de formacion hácir abajo, encontrándose con el pórfido de formacion mas antigua, no podia ser la continuacion de ellos sino la obra del capricho ó la ignorancia.

La compañia, pues, se ha visto por tales motivos, obligada á paralizar completamente todos sus trabajos en la mina del manto, despues de sufrir una pérdida como de 30.000 pesos, mas el insignificante valor del azogue estraido. Pero, apesar de esto, el Sr. D. Andres Barroeta, encargado de dirigir los negocios de la compañia, no ha dejado de continuar sus esploraciones, y aunque no precisamente en el Durazno, sino un poco mas al Sur en las minas del Pedernal, he conservado hasta ahora una escasa estraccion de azogue. Por lo que pasamos á describir estas últimas.

## CRIADERO DEL PEDERNAL.

La loma del Durazno está unida por la parte del Sur á otras de la misma formacion que ella, separadas por hondonadas ò bajìos de corta estension, y limitadas al Oriente per el mismo arroyo que pasa por la falda Norte de la primera. En una de estas lomas, distante de la última cosa de media legua, se halla el criadero citado.

Un gran creston de cuarzo que corre de Oriente á Poniente con su echado al Norte, y que sobresale de la superficie en algunas partes, hasta una altura de 8 varas, ha sido el objeto de los trabajos antiguos y actuales en este punto, sin embargo de que en todo la estension intermedia, está el pórfido atravesado por anchas vetas de cuarzo y jaboncillos (feldespato descompuesto) con pintas de cinabrio.

El creston espresado, de un ancho de 16 varas, se compone de cuarzo compacto blanco agrisado, con muchos puntos transparentes que le dan un aspecto porfidoso, y jaboncillos en abundancia que forman las blanduras de la veta. Està dividido irregularmente por muchas rajas verticales, y el jaboncillo contiene fragmentos de cuarzo envueltos. El cinabrio suele penetrar ò mas bien teñir al cuarzo; pero se encuentra particularmente diseminado en el jaboncillo, ó en forma de hilos ó cintas estremadamente irregulares, que son las que se siguen para formar laboreo. La ley de los frutos es de 7 à 8 libras por carga, ó de 2·5 por 100.

En la estension de esta ancha veta yendo de Poniente á Oriente, se han abierto varias escavaciones con los nombres de mina Blanca, mina de S. Roberto y Mina-Grande; siendo la principal Mina-Grande, donde se ha llegado á 50 varas de profundidad, con un pozo de guia para reconocer la veta, estendiéndose las otras labores á cosa de 35 varas en la horizontal.

Hay ademas un sobacon llamado de S. Andres, cuya entrado está como á 300 varas al Sur Oriente de la bocamina de Mina-Grande: comienza con un pozo vertical de 9 varas y continúa horizontalmente con direccion á pasar por debajo de los planes de las minas conocidas; sin embargo de que como se encuentra en el bajo de la veta, que es de un pórfido descompuesto, no va á ser de utilidad ninguna. El *cuele* en todas estas minas se hace con barras, y rara vez con cuña y martillo, sin necesidad de barrenos ó cohetes y por consiguiente de pólvora.

La extraccion actualmente (año de 1844) està reducida á cosa de 35 cargas semanarias, las que son trasportadas al Durazno para beneficialas en hornos de cántaros, que por ser algo diferentes de los usados en Capula, pasamos á describirlos rápidamente.

Los hornos son circulares, construidos con adobes, con una puerta abajo, y á la ultura de una vara, aberturas de ventilacion, terminando en figura de pilon hácia arriba. Caben en ellos de 20 á 30 cántaros de la capacidad de una arroba, los que se colocan invertidos sobre ollas llenas de agua, que se encuentran enterradas en el suelo del horno. Las junturas de ambas bocas se tapan con ceniza mojada.

Colocados los cántaros cargados de mineral en la posicion expresada, se llenan los espacios intermedios entre ellos y arriba de ellos hasta las rendijas de ventilacion, con una especie de combustible que produce un calor débil, que llaman mezote (pencas de maguey seco) y se tiene cuidado de cerrar la puerta con ladrillos, á fin de evitar las corrientes de aire qua producirian un fuego activo.

Hecho esto, se enciende por arriba, manteniendo la combustion moderadamente.

Toda la operacion dura 24 horas; por la mañana se colocan los cántaros cargados, y el dia siguente se recoge el producto. Este método es enteramente semejante al mas antiguo de los procedimientos que se han usado en el Palatinado, y que llamaban "*per descensum.*"

El producta total de estas minas desde mediados de Noviembre de 1840 hasta Junio de 1844, asciende á 8274 libras 15 onzas de azogue; pero como no se sabe asertivamente de qué número de cargas de mineral resultó, por no haber sido pesado todo él, no se pueden establecer algunos datos fijos. Sin embargo, suponiendo que en todo el tiempo expresado la marcha de los trabajos se haya mantenido en los mismos términos que hoy, que se obtienen 22 libras de azogue de 77 cántaros cargados con una arroba de mineral, las 8274 libras han debido resultar de 2413 cargas 8 arrobas de minerales. Mas como existen en los estados de la compañia las cantidades de azogue enteradas en S. Luis en tres periodos deferentes, puede conocerse, bajo el supuesto advertido, el nùmero de cargas que las produjeron, y ademàs la marcha ó progreso de la produccion, lo que se manifiesta con los datos siguientes.

| | | | Azogue. | | Producido de . . . . | |
|---|---|---|---|---|---|---|
| 1er periodo: | de Noviembre de 40 | hasta Julio | de 43—3444 lib. | 4 onz. | —1004 carg. | 5 arb. |
| 2º „ | „ Agosto „ 43 | „ Dbre. | „ 43—2103 „ | 11 „ | — 613 „ | 7 „ |
| 3er „ | „ Enero „ 44 | „ Junio | „ 44—2727 „ | „ | — 795 „ | 8 „ |

ò sea metal producidido por mes:

| | | | | | |
|---|---|---|---|---|---|
| En el 1er periodo | 31 cargas de | mineral dieron | 107 lib. | 10 onz. | de azogue. |
| „ 2º „ | 132 „ 8½ arb. | | 420 „ | 11 „ | „ „ |
| „ 3er „ | 132 „ 5⅓ „ | | 454 „ | 8 „ | „ „ |

Se vé pues, que la produccion ha ido aumentando: en el segundo periodo fué cuatro veces mas que en el primero, y el tercero aumentó 8 por 100 en comparacion del segundo.

Se ha sacado por término medio 3½ libras de azogue por carga; pero la ley de ésta es de 7 á 8 libras; de suerte, que del contenido verdadero se ha perdido en la destilacion mas de 50 por 100. Así es que, en el espacio de tres y medio años se han perdido por el beneficio imperfecto cosa de 9,000 libras; es decir, 12600 ps. que importan, dando el valor de 140 ps. al quintal de azogue, segun corre en el comercio. Cantidad mayor que el producto, 11584 ps. del azogue efectivamente vendido.

En fin, la falta de combustible en este mineral es uno de los principales embarazos, así como la falta de madera, en el caso de que se llegase á necesitar para el ademe de las minas: sin embargo, como toda la region presenta la expectativa de una produccion considerable, los individuos de la comision recomiendan coma empresa digna de un gobierno protector, el que se haga un reconocimiento minucioso en todos los crestones que aparecen en la superficie, por medio de catas; como tambien en los bajíos ò concavidades semejantes á la del Durazno, con pozos y tiros; por ser muy probable que se descubran nuevos criaderos como el del Pedernal, ò depòsitos en mantos ô capas como el del Durazno. Es de notas, que el costo de estos reconocimientos, no llegará á importar la corta suma de 4000 ps.

### CRIADERO DEL CARRO.

Se encuentra en la hacienda del Carro, perteneciente al Departamento de S. Luis Potosí, á 18 leguas E. S. E. de la ciudad de Zacatecas, 12 leguas O. N. O. de Pinos y 3 al Norte de los Angeles. A cosa de 2 leguas al Norte de esta hacienda se eleva un grupo de cerros, llamados la serranía de S. Miguel, de conglomerado arcilloso rojo y otros variados colores. Este conglomerado contiene fragmentos de caliza gris oscura, desde una línea hasta 5 pulgadas de diámetro, de piedra de toque, cuarzo blanco agrisado, y rara vez pórfido rojo de base de feldespato. Descansa sobre un pórfido que en la llanura del Carro aparece en lomas largas y aplastadas. Este pórfido, curioso por su estructura, pues siempre se le encuentra ampolloso en profundidad y nunca en la superficie, es de una masa roja oscura hasta rojo rosada, que contiene abundantes cristales de feldespato comun y cuarzo, con las ampollas llenas de tierra verde, y de una sustancia arcillosa vede amarillenta, dura y esponjosa. Las rajas de separacion de este pórfido estan frecuentemente revestidas de hialita, que suele pasar á calcedonia ó semiópalo, á la vez que no es raro encontrar cristales de cuarzo que pasan á hialita.

Probablemente el conglomerado de esta serranía se ha formado con los restos de destruccion de las formaciones de caliza de montaña, arcilla apizarrada y vacia gris, que anteriormente deben haber cubierto gran parte de la estension de estos lugares, habiendo sido ó interrumpidas ó trastornadas por el pórfido. Aun existen en las inmediaciones del Carro, en la sierra de los Angeles, al Sur, la de la Pastoria al Poniente, y aun el llano intermedio, las rocas de cuyos fragmentos está compuesta la pequeña serrania de S. Miguel. En efecto, la formacion de las dos primeras montañas es, capas de caliza carbonosa sobre vacia gris apizarrada, que alterna con arcilla apizarrada; rocas todas que pueden reconocerse en el conglomerado del grupo de cerros de S. Miguel.

A la mitad del declive septentrional del cerro de S. Miguel, pasa una veta con un rumbo 7 h. ½, un echado de 60° Norte y de 1½ varas de anchor; su matriz es baritina, á veces hermosamente cristalizada, cuarzo, guijarro ferrunginoso y marga muy arcillosa blanca rojiza, que contiene mucho cinabrio; tambien suele acompañar á éste el hierro pardo fibroso. Esta veta se estrecho á poca profundidad, reduciéndose á una cinta de cuarzo y baritina solamente del ancho de algunas pulgadas, sin variar de naturaleza en profundidad.

Hay ademas una capa arcillosa con vestigios de cinabrio, de 14 varas de grueso, y con un echado de 16 á 20° S. E. en el conglomerado: sobre ella hay un rebosadero ó depòsito de otras muchas compuestas de caliza margosa y jaboncillos con cinabrio, el que desaparece enteramente á poca profundidad. Se ha esperimentado ademas, que las capas muy ricas en la superficie, se empobrecen hácia lo interior del cerro, confirmando que estos criaderos no son mas que superficiales, y que los puntos ricos de estas capas, se deben buscar hácia las partes escuetas de la montaña.

La ley de los minerales ha llegado al 3 por 100.

Hay un socavon de 210 varas, y un cañon sobre la última capa de que ya se ha hablado, de 230 varas de largo.

El Sr. Carrera (administrador de la hacienda) que ha trabajado estas minas, construyó un horno de destilacion, el que si bien adolece de algunos defectos, da á conocer el estraordinario talento práctico de su constructor. Es de canteria, de paredes dobles, con 22 cámaras de condensacion, de las cuales la última termina en la chimenea, de manera que no se escapan por ella ningunos vapores. Estas cámaras son de ladrillos bien quemados, y estan revestidas de ollas puestas unas sobre otras para presentar mas superficie, facilitando así la condensacion. Se carga con 280 cargas de mineral, en forma de adobes, por ser terroso. La quema dura 6 dias, y otros tantos necesita el horno para enfriarse, toda la operacion dura 16 dias. El consumo de leña tiene de costo 40 pesos en cada quema.—Los defectos principales del horno son: el que el mineral no descansa sobre arcos como en los hornos de Idria, sino sobre el suelo ó piso, y por consiguente el fuego no le dá por debajo, sino hácia un lado, á manera de los hornos de reverbero: el mucho tiempo que dura la quema á consecuencia de la colocacion del hogar, aumentado del tiempo que por las paredes dobles necesita tambien el horno para enfriarse: y por último, el que en ollas se forma mucho ollin que envuelve muchos globulitos de azogue, lo que causa una pérdida considerable.

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## DESCRIPCION DE LOS CRIADEROS Y MINAS DE AZOGUE DEL DEPARTAMENTO DE ZACATECAS.

### CRIADEROS DE PINOS.

Dos leguas al Poniente de la ciudad de Pinos, en una de esas lomas ó colinas que comienzan en la falda de la gran serranía de este mineral, y que se estienden á alguna distancia por el lado de Poniente, hasta confundirse con el estenso llano que conduce á Zacatecas, á Aguascalientes &c., se hallan los criaderos de cinabrio de que vamos á ocuparnos.

La serranía de Pinos, alta, escarpada y estéril, que parece continuar por un lado hasta el Peñon-Blanco, y por otro hasta la sierra de la Pila y de Mezquitique cerca de S. Luis Potosi, se compone principalmente de pórfido rojo de base de feldespato con cristales del mismo, y rara vez cuarzo. En el cerro mas elevado de todo el grupo (cuesta de la Gallina Gorda) se observan grandes masas de pórfido de base de piedra pez con cristales de feldespato. El pórfido afecta estratificacion en capas delgadas inclinadas 30° al N. E. Tanto en los valles como en los declives de estas montañas, se encuentra sobre el pórfido conglomerado arcilloso rojo, y sobre éste otros de pasta caliza blanquecinos. Los fragmentos de que constan estos conglomerados, son por la mayor parte de caliza gris amarillenta, piedra de toque y pórfido. Aquí como en el Carro se ven, pues, los restos de grandes formaciones destruidas probablemente en la aparicion del pórfido, y antes que éste se elevara á su altura presente. Sobre el conglomerado se halla, por último, el *caliche* en capas diferentes, alternando con gruesos bancos de barro, cal y marga.

Señales de estas formaciones se tienen igualmente muy cerca de Pinos al Ueste Sud-Ueste, donde se descubre la caliza cubierta de piedra arenisca gris compacta, sin petrificaciones, conteniendo entre sus capas piedra de toque. Ademas se encuentra otro pórfido diferente del ya descrito, al rededor de la formacion de caliza, el que forma 5 leguas al Nor-Ueste de la ciudad, una pequeña montaña atravesada de vetas de cuarzo con estaño. Se ve, pues, que hubo ademas de la elevacion de la serranía alta de Pinos, otras causas que influyeron en la inclinacion de las capas de caliza.

Como 2½ leguas al Poniente de la ciudad de Pinos, desaparecen la arenisca gris y la caliza, y son sustituidas por capas de diferentes tierras (arcillas, cal y margas) ó jaboncillos con ojos de cinabrio ó penetradas de él en diferentes puntos. El grueso de estas capas en este lugar [criadero de Coyaso] es de mas de 60 varas, y al Sur como á 700 varas de éste, está el de S. Pedro, donde el grueso de las mismas capas no pasa de 15 varas, descansando inmediatamente sobre el pórfido. Este último se descubriò el año de 1844, y se trabaja por el Sr. Carrera, quien habia [de Abril á Julio] estraido ya con 3 paradas 240 cargas de minerales de una ley de 2.50 por 100. A pesar de esto, como las capas que los contienen descansan inmediatamente sobre el pórfido, lo que ya se ha probado con las escavaciones que se han profundizado algo, resulta que estos criaderos no son de grande importancia.

## CRIADERO DE LOS HUAJES.

A poco mas de 20 leguas al Norte de la ciudad de Guadalajara, se halla la hacienda de campo de Sta. Rosa, perteneciente al Departamento de Zacatecas, y formando parte de sus linderos al Sur con Jalisco: 3 leguas al Poniente de esta hacienda y 6 al Sur del mineral del Mezquital del Oro, se encuentra el rancho de los Huajes, al lado derecho del rio Juchipila, poco antes de su confluencia con el rio grande de Santiago.

Las rocas descubiertas en la profundìsima barranca que une el primero al segundo de estos rios, son pórfidos rojos de base de feldespato, que pasa á piedra cornea y almendrillas. En el mismo rancho y sus inmediaciones, este pórfido toma un aspecto parecido mas al pórfido arcilloso, [*Jhonporphyr, Claystone porphyry*] y el cerro que contiene las vetas de este criadero, un cuarto de legua al N. O. del rancho, consta del mismo pórfido.

Aparece sobre la falda Sur de este cerro, un creston formado de varias cintas de cuarzo, de 2 á 4 dedos de ancho, con diversos echados ó bien paradas, comprendiendo una estension de 2¼ á 3 varas de anchura. Su rumbo es de N. E. á S. O. El cinabrio se encuentra principalmente en estas vetitas de cuarzo, y penetrando á veces á la roca de los respaldos hasta ciertas distancias considerables; sucediendo algunas veces que ésta tiene mas ley que las vetitas mismas. Los metales mas ricos se han encontrado en un pórfido terroso de cerca á la superficie, de una ley de 3 por 100; mientras que las cintas metalíferas rara vez dan el 2 per 100: lo comun es 1 por 100.

Por la falda Norte parten de cerca de la cúspide hácia abajo del cerro, una especie de *bordos* redondeados, ó crestones de 3 á 4 varas de espesor, de una longitud indeterminada, y que se perciben por el color de la roca de que se componen [rojo de ladrillo subido], y por su elevacion sobre la superficie de la falda; causando naturalmente en ella pequeñas ondulaciones. Al lado de uno de estos bordos se ha hecho una pequeña escavacion, de la que se sacan fragmentos de la roca cubiertos de pegaduras delgadas de cinabrio de color claro, y que contienen algunas cintas irregulares de espato calizo. Mas hácia la cumbre, estas cintas, que siguen la direccion del creston, son ya mas formales, de 4 á 6 dedos de ancho, y van acompañadas de oxido rojo de hierro en masas, y otros oxidos terrosos del mismo metal.

En esta parte del cerro aun no se ha hecho ningun reconocimiento, y convendria dar un pozo de alguna profundidad, en el punto de reunion que se observa de los dos bordos citados. Mas á pesar de esto, y del combustible y agua que existen en las cercanias, las vetas son tan angostas é inconstantes, la masa de la roca impregnada de cinabrio de tan corta ley, ademas de la desfavorable posicion topográfica del lugar, que este criadero presenta poca espectativa de llegar á ser objeto de una grande esplotacion de minas.

### CRIADEROS DE SAN COSME Y DE BAÑON.

El primero se encuentra en las inmediaciones [¼ de legua al Oriente] del pueblo del mismo nombre, que dista cosa de 14 leguas al Norte Oriente de Zacatecas, consiste en una veta de cuarzo con pintas de cinabrio puro. Arma en un conglomerado rojo compuesto de fragmentos de caliza negra, piedra de toque y cuarzo compacto, argamasados por una arcilla impura ferruginosa. La veta corre con horas 9 del compas aleman, casi vertical en su echado; parece ser de una estension considerable, pero en la superficie está cubierta de una capa delgada de cascajo que impide reconocerla á largas distancias. Ademas del cuarzo contiene algo de espato calizo como matriz.

Las catas de Bañon (nombre éste de una hacienda distante de Zacatecas 8 leguas al Oriente) estan en unos cerros de caliza de montaña, cuyas capas alternan á veces con otras de piedra de toque. El rumbo de la veta [aparentemente] es horas 2 del compas, y su inclinacion 30° al Poniente; mas esta no es una veta formal, sino unos ramaleos de cuarzo y arcilla con algun cinabrio, que rellenan las abras superficiales de la montaña, por lo que no merecen consideracion alguna.

### MINAS DEL TEQUEZQUITE.—INMEDIACIONES DEL PUEBLO DE MELILLA.

La montaña del Tequezquite que pertenece á la formacion de la arenisca roja, está interrumpida por masas de pórfido de base de feldespato, que sale á la superficie en forma de grandes vetas ó crestones. El grupo de la formacion de la arenisca contiene conglomerado de barro y cal [el que en partes pasa á formar la arenisca pura, y en otras la oolita] y capas estensas de barro rojo. Esta formacion es mas antigua que la de los pórfidos de feldespato, porque entre los fragmentos del conglomerado no se encuentran ni vestigios de pórfido.

Sobre esta formacion, forma el pórfido los puntos culminantes de los cerros mas altos. De una manera semejante y á continnacion de éste, se presenta el pórfido augítico [*Melaphyre*] que pasa á *Mandelstein*.

Las vetas de esta formacion afectan en general un rumbo entre las horas 4 y 8 del compas, de lo cual se deduce que el eje longitudinal del terreno elevado por las masas porfidosas, tien una direccion de Oeste á Este, ò mas exactamente, O. N. O. O. á E. S. E. E. como lo demuestra el plano. [*Lam.* 2.ª]

El professor Hopkins de Cambridge ha demostrado, que á la elevacion de una grande estension de terreno por una fuerza continuada, deben formarse rajas correspondientes á su eje longitudinal, y sobre estas otras perpendiculares á él. Una investigacion exacta y que se estienda hácia el Este y Oeste de Nieves y Melilla, puntos máximos de la sierra madre y su continuacion con la montaña de Nieves, demostrará si se han de considerar las vetas de porfido como rajas longitudinales principales, ò como rajas diagonales subordinadas á las cordilleras meridionales de México.

Del paralelismo entre las vetas de cinabrio del Tequesquite y las vetas principales de pórfido, puede deducirse, que su orígen no sea posterior, sino contemporáneo á la elevacion del pórfido.

Las vetas espresadas, son realmente ramaleos de cuarzo que cortan al conglomerado. La presencia del cinabrio como resultado de sublimacion, y el estar la roca adyacente impregnada de él, parece indicar que se elevó de abajo en forma de vapor, y se condensó sobre la piedra compacta bajo la forma globosa, é impregno las masas terrosas. El cinabrio, pues, se halla en vetas en el conglomerado del grupo de la arenisca roja, que está sobre el pórfido, al cual debe probablemente su introduccion en estas rajas (1). Ahora, despues de haberse formado aquel terreno en su fisonomía fundamental, se siguio á la elevacion plutonica de las masas porfidosas, una precipitacion acuosa, que se compone de todas esas capas recientes de caliza, conocida bajo el nombre de *caliche*.

La cubierta general, es en fin, en los valles é inmediaciones del Tequesquite, un barro avenoso, sobre cuyo conocimiento dará mas luz el hallazgo de algunas conchas.

En el centro de un amplio y estenso valle, á menos de una legua al Poniente del pueblo de Melilla, se cruzan la multitud de venas ó cintas de cuarzo de que hemos hablado, sin mucha uniformidad en su rumbo y echado, pudiéndose sin embargo adoptar por rumbo medio el de Norte Oriente 60°, é inclinacion 70° al Norte Poniente. Las hijuelas de cuarzo que en numero por lo menos de 20 comprenden la anchura de 12 varas, son ellas mismas de muy diferente grueso. El cuarzo es la matriz comun, y se le encuentra tanto cristalizado, como en masas, siendo en la primera forma en donde se hallan las mas ricas muestras de cinabrio; el cual está á veces en pegaduras delgadas pasando á masas, las que rellenan entonces los huecos de los cristales del cuarzo, formando chapas gruesas hasta de media pulgada de espesor. Suele hallarse igualmente en pequeños riñones formados por el agrupamiento de cristalitos de superficie rayada; rara vez, con globulitos de mercurio nativo. Hay tambien espato calizo como matriz á veces cristalizado. Las vetillas de cuarzo atraviesan y penetran al conglomerado arcilloso, sumamente cargado de talco espumoso, muy diseminado en muchas partes. Separa á las vetillas de cuarzo una arcilla parduzca, á veces amarillenta penetrada de talco terroso, la que á poca profundidad se halla mezclada con carbonato de cal. Estas tierras son los principales frutos, pues ademas de los pedazos pequeños de cinabrio que suelen contener, estan mas ó menos penetradas de este mineral. Aun la arcilla que argamasa al conglorado, contiene á veces cinabrio pulverulento, y esta circunstancia no solo se verifica en las immediaciones de las vetas, sino que se estiende á muchas varas de distancia hácia los respaldos, pues se le ha encontrado en los pedazos de ellos arrancados á 20 varas retirados de las vetas.

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(1) Hemos estractado fielmente la descripcion geológica que da el Sr. Berger de este y otros distritos minerales, apoyàndose en la elevacion de masas plutónicas ó igneas no obstante á que nosotros discordamos enteramente de estos principios, en razon de que la teoría de calor central, ó de un núcleo encandecente de la tierra, no se puede sostener. Y pensamos que para desimpresionarse de los argumentos que en su favor se citan, basta la esperiencia de algunos años de observacion en las obras subterráneas de las minas profundas.

La ley media de los frutos [generalmente tierras] es de 2 por 100. La mas alta de las tierras buenas llega à 8 por 100.

Las labores segun se advierte por las obras de cerca á la superficie, son muy regulares: se hallan inundadas; el agua ha subido á 10 varas del brocal del pozo. La profundidad á que se llego en estas minas, segun recientes noticias, fué de 60 varas. Se trabajaron por una compañia inglesa en 1834.—La madera para ademar tiene el mismo precio que en Zacatecas. No hay bastante agua para la concentracion y demas necesidades; el rio de Melilla dista media legua de este lugar.

Suponiendo que los minerales continuaran constantes en profundidad, habria una estraccion semanaria de 500 quintales, ó un producto de 16 quintales de azogue, y suponiendo que á la negociacion le costasen un peso cada 2 libras de azogue, por costos de estraccion y beneficio, dejaria entonces la mina una moderada utilidad, ó cuando menos cubriria los gastos; circunstancia ya apreciable para los que por miras patrióticas, se proponen el fomento de esta clase de empresas.

Al precedente extracto del informe que sobre las citadas minas del Tequesquite presentarou à la Junta de Fomento los individuous de la comision reconocedora de los criaderos y minas de azogue del Departamento de Zacatecas, Dr. Ernestor Beger y D. Antonio Blanco, conviene añadir la opinion que respecto de él dio el Sr. profesor del Rio á ruego de la misma Junta de fomento, como que ésta fija, por un sano criterio, la verdadera formacion geognóstica à que pertenecen las primeras. Su opinion dice así:

"El Sr. Dr. Berger parece que trata de la arenisca abigarrada [*Bunter Sandstein*], caliza de conchas [*Muchelkalk*] y kéuper ó margas abigarradas, que se han reunido ahora con el nombre de *Trias*, por ser tres, ó de formacion *Poiquilítica* ó de varios colores. . . . . El Trias es rico en sal marina, pero lo que nos piden es azogue." . . . .

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Las precedentes descripciones, son las de los criaderos de cinco Departamentos principales de la república (no entrando del de México sino la parte de él que mira al Sur) únicos en que ha sido posible hacer efectivas las disposiciones del decreto de 25 de Septiembre de 1843: falta, pues, por reconocer gran parte de la vasta estension de la repùblica, cuya riqueza mineral, con excepcion acaso de las minas de oro y plata, nos es aún desconocida, sin embargo de que ademas de sus ricos depósitos de metales precioses, existen, especialmente en los Departamentos del Norte (Sonora, Sinalao, Chihuahua &c.) muestras de cinabrio puro y azogue nativo, que verosímilente provienen de criaderos ricos y abundantes.

El interes, por tano, que debe tenerse en esta clase de reconocimientos, se aumenta tanto mas seguros indicios hay en nuestro suelo de la existencia de ricos y abundantes depositos de mercurio.

## COSTIDERACIONES SOBRE LA PRODUCCION ANUAL, Y LA COSTEABILIDAD DEL LABOREO DE NUESTRAS MINAS DE AZOGUE.

Como respecto de la produccion de que son susceptibles nuestros depósitos de cinabrio, no se pueden establecer datos fijos, á consecuencia de la variacion, inconstancia é irregularidad con que se esplotan la mayor parte de ellos, nos contentaremos con presentar aquì un cálculo estimativo del azogue, que en circunstancias favorables estando en actividad los trabajos, han producido en diversas épocas recientes: y, partiendo de este término permítasenos suponer, que la marcha de los trabajos continuase regularmente, y los productos se hicieran constantes, para poder estimar entonces, cual seria la produccion anual de que son capaces.

| | | |
|---|---|---|
| Así pues, sabemos ya que las minas de Capula produjeron por los meses de Abril á Agosto de 43, 5.015 libras: ó por mes. . . . . . . | 1.003 | libras. |
| Mas, la que daban en igual tiempo las cortas especulaciones de los operarios. . . . . . | 200 | " |
| De la mina de San Rumualdo se extrajeron en nueve meses 800 quintales de mineral, que deben haber producido por su beneficio 9.600 libras: ó por mes [supuesto]. . . . . . | 100 | " |
| Las minas del Pedernal produjeron de Noviembre de 1840 á Junio de 1844, 8.274 libras 15 onzas: por mes. . . . . . . . . . . . | 192 | " |
| Las minas del Carro, produjeron por el año de 41, 16,000 libras, y suponiendo que estas hubieran sido obtenidas durante todo el año; saldria por mes. . . . . . . . . . . . . . . | 1.333 | " |
| De una de las minas de Pinos [San Pedro] se extrajeron en cosa de tres meses, 240 cargas de metal con una ley 2·50 por 100; las que deben haber producido por su beneficio 600 libras: ó por mes. . . . . . . . . . . | 200 | " |
| Suma. . . . . . . | 3.028 | " |

| | | | |
|---|---|---|---|
| Por tanto, en tales circunstancias, la produccion estimativa anual, vendria á ser de. . . . . . . . | 363 | quintales | 36 libras. |
| Mas, es preciso añadir la que por noticias se sabe es actualmente en otros minerales y minas nuevas, como el de Guadalcazar y varias minas de Capula, valuada en: | | | |
| Minas nuevas en Capula (1). . . | 117 | " | 00 " |
| Minas de Guadalcazar (2). . . | 1.080 | " | 00 " |
| Suma total ó produccion estimativa anual. . . . . . . . . . | 1.560 | " | 36 " |

Observemos ademas, respecto de esta produccion, que exceptuando el azogue obtenido del Carro Pinos, y el de la mina de San Romualdo [criadero de Salsipuedes], por una buena destilacion de los metales, el de todos los demas distritos es la mitad y aun menos del que realmente contenian los minerales que los produjeron, por la pérdida de mas de un 50 por 100 con que han sido beneficiados en toscos é imperfectísimos aparatos.

| | | | |
|---|---|---|---|
| De modo que, rebajando de la produccion estimativa anual. . . | 1.560 | quintales | 36 libras. |
| [1.333 † 200 † 100, del Carro, Pinos y Salsipuedes], ó. . . . . . | 16 | " | 33 " |
| Tendrémos por resta. . | 1.544 | " | 3 " |
| Cuyo duplo, en virtud de la pérdida de un 50 por 100; mas los 16 quintales 33 libras antes espresadas nos dan. . . . . . . . | 2.104 | " | 39 " |

para la produccion anual estimada por el cálculo en el supuesto primitivo y en el que los minerales fuesen destilados en buenos aparatos.

Se ve, pues, que aunasí, en el supuesto de las circunstancias mas favorables de produccion, esta apenas llega á formar del sexto al séptimo del total del azogue que en México se consume en el beneficio de plata, valuado en 14.065 quintales por el establecimiento de Minería (1).

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(1) El Jalisciense de 29 de Agosto de 45 trae algunas noticias sobre el estado y produccion de las minas de azogue del distrito de Capula (Mineral Martinez): las de su produccion son las siguientes:

"En pocos meses dice, se vieron esportar de una sola mina (el Manto) 8.000 libras de azogue.—La mina de S. Benito, produce semanariamente 6 arrobas de azogue: con un aparato de capacidad produciria hoy 600 quintales al año. La veta es de vara y cuarta de ancho.—E. Socorro produce 3 arrobas semanarias."

(2) Se asienta (Siglo XIX 20 de Julio de 45) por carta escrita al Sr. Perez Galvez, que en las minas de azogue de Guadalcázar (Departamento de S. Luis Potosí) se estan estrayendo mensalmente 120 frascos de azogue: ertraccion que va en aumento, y que se espera será considerable dentro de poco tiempo.

Como ésta puede creerse exagerada, convendrá espresar, que 120 frascos contienen 90 quintales de azogue, los que, siendo la ley dos y media libras por carga (como dice la carta) deben provenir de 3.600 cargoes ó de una estraccion semanaria de 900 cargas, que facilmente se obtiene en minas nuevas poco profundas. Probablemente la ley verdadera será mayor, y que á consecuencia de un mal beneficio les resulta la de dos y media libras.

Si solo hacemos entrar en el cálculo las cantidades de azogue que las minas actualmente en actividad producen y de las que tenemos aproximadamente conocimiento, como las de Capula, Pedernal y Guadalcazar (2), y si valuamos prudentemente las extracciones de los otros distritos en 280 quintales; la produccion efectiva anual resulta de. . . 1,500 quintales,
que seria doble ó de. . . . . . 3,000 " si como hemos dicho antes se empleasen buenos aparatos en la destilacion.

Mas de la adopcion de estos en el pais, como las de retortas cilíndricas del Dr. Ure, ó por otro nombre, *aparato hermético ó económico*, ó bien los simples hornos de Galera con retortas de hierro, condensadores y corriente de agua de refrigerio, no solo se debe esperar que la produccion se duplique estrayendo toda la ley á los minerales, sino que, en realidad, esta va á aumentar considerablemente; pues que siendo entonces los frutos pobres mas que costeables por las ventajas de la ninguna pérdida de azogue que con aquellos se consigue, el menor gasto de combustible, el menos costo de jornales, y sobre todo, su trabajo constante y activo, como luego diremos; las negociaciones se multiplicarán, y con tanta mas probabilidad, cuanto que, como precedentemente queda expuesto, la república abunda en criaderos de corta ley, pero abundantes y extensos y de una explotacion fácil.

Pasando la vista por las leyes de sus frutos, encontramos lo siguiente:

| | | |
|---|---|---|
| Riqueza media de los minerales de azogue de México. . . . . . . . . . . . . | 3.90 | por 100 |
| [o bien su riqueza absoluta igual á 0.00390.] | | |
| Ley comun de id. . . . . . . . . . | 2.50 | " " |
| Minima comun. . . . . . . . . . . | 1.00 | " " |
| Máxima media [Guadalupe Targea]. . . . | 23.40 | " " |

"El término medio, dice el Dr. Ure, de las nuestras de cinabrio de Obermoschel (3), son diez veces mas pobres que las de Almaden." Se ha visto por otra parte, que en la república, varias negociaciones se están manteniendo aun con menos del uno por ciento que consiguen extraer de sus metales, [realmente mas ricos] á consecuencia de un beneficio muy imperfecto.

Ahora, un aparato hermético de Ure, tuvo de costo poco mas de mil pesos.—Manteniéndolo constantemente á un grado de calor propio para la decomposicion de los minerales de mercurio, puede hacerse una quema en el espacio de tres horas, dirigiéndola hábilmente. De manera, que con relevo de operarios, se pueden hacer en 24 horas 8 quemas de á cinco quintales cada una, si los minerales son pobres (como los de nuestras minas) o de á 12 hasta 20 quintales, con minerales ricos (1).

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(1) Esposicion de la Junta de Fomento y Administrativa de Minería pag. 19.

(2) El Sr. Tovin, que por Septiembre de este año visitó este mineral, calcula la produccion mensal en mas de 100 frascos.

(3) Lugar inmediato á Landsberg donde se mentó el aparato de su invencion.

Segun el Sr. Tovin, la ley de los minerales de Landsberg es de ½ por 100, cuyo beneficio deja, no obstante, una moderada utilidad, sirviendose de las retortas cilìndricas de Ure.

Está, pues, fuera de todo duda, el que la mayor parte de nuestro criadores o minas de azogue, vendrán á ser no solo costeables sino productivos, se en ellos se establecen aparatos perfectos de destilacion.

Afortunadamente se debe ahora al Sr. Perez Galvez el beneficio de la introduccion de estos al pias, pues segun estamos informados, al Sr. Tovin agente suyo, despues de haber exáminado personalmente el aparato de Ure, montado en Landsberg, paso á Londres é hizo construir uno en Glasgow con nuevas mejoras; cuyas piezas actualmente ya estan en la república y en camino para Guadalcazar, segun parece, donde va á ser montado bajo la direccion del mismo Sr. Tovin, quien esperamos lo hará obrar dentro de poco tiempo con buenos resultados.

Asì pues, la esperanza se anima de que los mineros mexicanos, aprovechándose de los adelantos de la ciencia en el perfeccionamiento de la destilacion del azogue, llegarán á su patria un acrecentamiento mas de poder y de riqueza pública!

FINIS.

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(1) Diccionarino de Artes, Manufacturas y Minas etc.—"Mercurio."—Traduccion ya citada.—"Museo Mexicano."—Tom. VI núm. 4.

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*Reconocidos el año de* 1844, *en cumplimiento á las disposiciones del Decreto de* 25 *de Septiembre de* 1843. *En la que se espresa su órden de posicion en direccion Sur á Norte, su formacion geognóstica, la ley de sus frutos, su produccion, y épocas en que han sido anteriormente reconocidos ó explotados, ó estado actual.*

| DEPARTAMENTOS. | JURISDICCIONES O MINERALES. | CRIADEROS O MINAS. | FORMACION GEOGNOSTICA. | LEY DE SUS FRUTOS: Produccion y épocas en que han sido reconocidos ó explotados ó estado actual. |
|---|---|---|---|---|
| MEXICO. | J. CHILAPA. | C. CHAPITZACO. | Las vetas arman en Micapizarra. | 0.25 por 100: catas actualmente abandonadas. Fueron explotadas por minas de cobre por el año de 1627, y reconocidas posteriormente el año de 1677. |
| | J. AJUCHITLAN. | M. HUAMUCHIL. | Arenisca roja antigua? | 3.25 „ „ Minas viejas que no se trabajan actualmente. |
| | IDEM. | C. CANDELARIA. | Id., Id. | 0.50 „ „ Criadera actualmente virgen. |
| | J. TLALCHAPA. | C. DE TECUSCO. | Id., Id. | 0.87 „ „ Se explotó por el año de 1750, y posteriormente lo ha sido tambien muy en pequeño. |
| | M. TASCO. | MS. DE PREGONES. | Caliza de transicion. | Hay dos vetas: la de la mina de Negrilla produjo 0.3125 por 100, y 0.25 la de Santa Gertrudis. Esta última fué trabajada por el antiguo tribunal de mineria por el año de 1810; se abandonó por la guerra de independencia. |

| | | | | |
|---|---|---|---|---|
| | J. CUERNAVACA. | CS. DE TEPEYOPULCO Y CUAXISTENGO. | Caliza carbonosa ó metalífera? | 0.914 „ „ calculada por el producido del beneficio. Fueron explotadas por el año de 1840 y yosteriormente fueron trabajadas desde Noviembre de 1780 hasta mediados de 1782, por providencia del Exmo. Sr. Virey D. Martin de Mayorga, con intervencion directiva del antiguo tribunal de minería. La produccion fué de 6½ quintales de azogue. |
| JALISCO. | M. MARTINEZ. | MS. DE CAPULA. | Esta, parece constar de los miembros que forman el grupo de arenisca abigarrada, es decir, margas abigarradas, caliza de conchas, arenisca nueva roja; descansando inmediatamente sobre la caliza carbonosa. | 2.33 por 100 (suele ser mayor á veces). La produccion de este distrito, fué por los meses de Abril á Agosto de 1843, de 50 quintales 15 libras, mas la que produjo la corta extraccion de las especulaciones de los operarios que ascendia á 75 libras semanarias. De manera, que si añadimos á la primera esta, por los cinco meses que duró aquella, hacen 65 quintales 15 libras. Los primeros metales de azogue se descubrieron á fines del siglo pasado. |
| | J. LAGOS. | CRIADERO DE SALSIPUEDES. | La de la serranía es un pórfido rojo antiguo. La del criadero es roca de cuarzo subordinada al póefido. | 12.00 por 100 de los frutos ensayados de la mina de S. Romualdo. En el espacio de nueve meses se extrageron 800 quintales de mineral que deben hacer producido por su beneficio 96 quintales azogue. |

| | | | | |
|---|---|---|---|---|
| GUANAJUATO. | | Criadero de azogue en las inmediaciones de la hacienda del Rodeo y San Nicolas del Chapin. | Pórfido arcillóso. | Desconocidas. |
| | | Criadero de Pinalillo. | Arenisca de base arcillosa, sobre la que descansan conglomerado, capas de arcilla ó barro, y tierra vegetal. | 2.80 por 100 de los frutos limpios. Las labores en estado de catas en actividad.—No se conoce su produccion. |
| | M. Centeno. | Minas de Centeno. | Arenisca cuarzosa de grano fino, sobre la que descansa una capa de piedra alumbrosa. | 4.00 por 100 de los frutos limpios. Se ignora la época en que han sido trabajadas las minas, hallandose actualmente abandonadas. |
| | | Minas del gigante. (6 leguas N. P. de la capital.) | Capas de arenisca gris amarillenta y pórfido de base arcillosa. | 4.00 por 100 de los frutos pepenados. Las minas están amparadas. |
| | Minas de la montana llamada del toro. | Mina del toro. | Pórfido arcilloso que contiene granos de cuarzo. | 1.63 por 100 de los frutos limpios. Mina habilitada por la Junta de Minería |
| | En la misma montana. | Mina de providencia. | Caliza alternando con capas de piedra pez y de arenisca arcillosa roja. La caliza descansa sobre la arenisca, y esta sobre la piedra pez. | 4.3 por 100 de los frutos comunes limpios. La mina en actividad, poco profunda. |
| | San Juan de la Chica. | Minas de S. Juan de la Chica. | Pórfido arcilloso sobrepuesto á la piedra pez y cubierto por la caliza sobre la que se halla la tierra vegetal. | Sube al 8.20 por 100. Minas abandonadas. |
| | M. Targea. | M. de Guadalupe. | Caliza alpina, cuyas capas alternan con otras de piedra de toque y betun-pizarra, segun el Sr. Alcocer. ¿No será mas bien la caliza carbonosa ó metalífera? | Los frutos que son cinabrio epático en riñones, tienen una ley media de 23.40 por 100.—Minas habilitadas actualmente por la Junta de Fomento y administrativa de Mineria. |
| | M. San Pedro de los Pozos. | Minas de Animas, Soledad y S. Rafael | Tambien la caliza alpina igual á la de Targea. | 2.20 por 100 de los frutos limpios. —Minas abandonadas. |

| | | | | |
|---|---|---|---|---|
| S. LUIS POTOSI. | J. de Santa Maria del Rio. | Criadero del Durazno. | La region se compone de un pórfido cuarzoso con trozos subordinados de pórfido de base de piedta pez. Sobre estos descansa en el pequeño valle del Durazno, una formacion de depósito posterior, compuesta de capas de marga y arcilla apizarrada que cubren un manto de cinabrio á la profundidad media de 15 varas. | 0.33 por 100 calculada por el producto obtenido de Azogue.—Al manto se halla enteramente disfrutado.—La época de su mayor produccion, fué por el año 90 del siglo pasado; se sacaron 70,000 cargas de mineral que dieron 700 quintales de Mercurio. |
| | Id., id. | M. del Pedernal. | Los mismos pórfidos del Durazno. | 2.50 por 100.—Extraccion en 1844; 35 cargas semanarias.—Produccion de las minas desde Noviembre de 1840, hasta Junio de 1844; 82 quintales 75 libras que han debido resultar 2.413 cargas 8 arrobas de minerales. Se han beneficiado con pérdida de un 50 por 100. |
| | | Criadero del Carro. | Conglomerado arcilloso rojo y de otros varios colores segun el Sr. Berges. ¿No será el conglomerado nuevo rojo de la columna geológica de las formaciones que en otras partes está sobre el carbon? En este se encuentran capas de arcillas, cal y margas impregnadas algunas de ellas de cinabrio. Rocas que forman los miembros del grupo de la arenisca abigarrada. | La ley de los frutos ha llegado al 3 por 100.—Se hace actualmente una escasa extraccion.—Fue explotado como á mediados del siglo pasado y se mandó tapar de órden del gobierno español, cuando llegó la prohibicion de trabajar minas de Azogue: pero á la sazon ya se habian suspendido los trabajos porque la veta se habia angostado inmediatamente bajo la superficie (á las 6 varas de profundidad.)—Despues se han vuelto á esplotar varias veces, y por el año de 1841 se obtuvo una produccion de 160 quintales de azogue, merced al grande empeño del Sr. D. Rafael Carrera en trabajar Minas de Azogue. |

| | | | | |
|---|---|---|---|---|
| ZACATECAS. | M. de Pinos. | Cs. de Pinos. | Los criaderos son gruesas capas de arcillas, cal y margas, de las cuales las eos últimas suelen estar impregnadas de cinabrio, ó todas son atravesadas por hilitos de jaboncillos con cinabrio, que á veces suelen pasar al pórfido de debajo sobre que descansan. El grueso de estas capas es 2½ leguas al Poniente de la Ciudad de Pinos en el criadero de Collaso de mas de 60 varas; y como 700 varas al Sur de este ultimo, en el de S. Pedro, su grueso disminuye á 15 varas. | La ley de los frutos del primero resultó de 1.25 por 100; esta última se descubrió el año de 1844, y por los meses de Abril á Julio, el Sr. Carrera ya tenia estraidas 240 cargas. |
| | | C. de los Huajes. | Pórfido arcilloso subordinado á los pórfidos rojos de base de feldespato. | 1 por 100 de los frutos comunes. Se descubrió por el año de 1831. En el de 40 se practicó un ligero y mal dirigido reconociento sobre una de las vetas por medio de un pozo de diez varas de profundidad. Despues (año de 44) una compañia de Guadaaljara formada por D. Antonio Nieto se disponia á explotarlo. |
| | | Minas del Tequesquite. | Segun el Sr. del Rio debe tenerse por arenisca abigarrada, caliza de conchas, Kéuper ó margas abigarradas, que se han reunido con el nombre de Trias ó de formacion Poiquilítica. | 2.00 por 100 ley media de los frutos que son generalmente tierras.—Las ninas están abandonadas é inundadas. Fueron trabajadas sin buen éxito por una compañia inglesa en 1834. |

# EXHIBIT CASTILLO, No. 2., W. H. C.

## DISCURSO LEIDO

*En los Actos de la Clase de Mineralogia, por el Professor Don Antonio del Castillo, el dia* 17 *de Noviembre de* 1845.

SEÑORES:

En otro tiempo en que las ordenanzas de Minerìa se hallaban en vigor, los profesores de este Colegio deberian presentar de seis en seis meses, segun el art. 12 del Tìt. 18, "una memoria ó disertacion sobre algun asunto útil y conducente á la Minerìa, y perteneciente á las facultades aplicables á este ejercicio;" (son las palabras del testo): las leyes posteriores no tienen ninguna cláusula que les imponga actualmente esta obligacion, y es sin duda por este circunstancia, que se han oido leer en este mismo sitio (*) algunas producciones de profesores, que mas propiamente se pueden llamar piezas literarias que artïculos cientïficos.

Deseando yo cumplir lo mejor que me ha sido posible, con aquellas prevenciones de nuestras sábias ordenanzas, paso á dar lectura á las siguientes instrucciones sobre vetas, que deben considerarse mas bien como un ensayo que podré perfeccionar con el tiempo, que como una memoria acabada que pudiera hacerme algun honor.

## INSTRUCCIONES SOBRE LAS VETAS METALIFERAS.

### CRIADEROS EN VETAS.

Designacion de la voz criadero.

Criadero es una voz genérica admitida en minería para designar los depósitos de sustancias minerales, contenidos en la superficie ó interior del globo, que son objeto de la especulacion del minero.

Diversas especies de criaderos.

Se distinguen desde los que son depósitos superficiales, como las canteras, solfateras ó azufreras, salinas, tequezquiteras, depósitos de tubas, placeres y lavaderos de oro, de platina y de piedras preciosas, hasta las gruesas capas y mantos de carbon mineral, los criaderos irregulares metalíferos en reñones esparcidos, boleo ú ojos, las grandes masas aisladas ó trozos, los cúmulos, y las capas mantos y vetas metaliferas.

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[*] Salon de Actos del Colegio Nacional de Mineria.

La geognosía no da reglas tan fijas para el laboreo de los criaderos metalíferos, como las que determina para el de los criaderos no metalíferos.

La geognosia nos conduce á la determinacion de estos depósitos minerales, por el conocimiento de las rocas en que se encuentran mas generalmente, pues nos enseña las relaciones que con ellas guardan, así como su estructura y carácter particular.

Pero si bien estas relaciones son bastante conocidas y fijas en los criaderos no metalìferos, es decir, que puede el fontaminero pronosticar la profundidad á que ha llevar su horadacion ó pozo artesiano en las formaciones supra-liásicas, por el conocimiento de las capas que vaya atravesando ó que haya estudiado en aquella region geológica, y el esplotador de carbon de piedra determinar de antemano su plan de labores, antes de emprender el disfrute de las capas ó mantos de carbon mineral: el minero no puede con una seguridad tan decidida, marcar y determinar la estension de las obras que trace sobre los indicios de criaderos metalíferos, para llegar á su punto de concentracion mas productivo, ó como los mineros dicen, para alcanzar ó cortar bonazaa.

Se ha escrito mucho sobre el carácter y las relaciones de los criaderos metalíferos con las rocas en que arman, y sobre las que guardan entre sí; pero queda mucho que desear todavia, por la discordancia en que se encuentran todas las instrucciones dadas sobre la materia, esencialmente para los criaderos metalíferos irregulares y los en vetas.

Esta discordancia, y á veces contradiccion ó escepciones muy latas, provienen generalmente de que cada minero, despues del estudio de su localidad respectiva, ó del de una cierta region mineral, quiere hacer estensivas sus observaciones locales á todos demas paises mineros conocidos, aplicándolas como reglas generales.

El conjunto de las descripciones locales, ha dado el conocimiento de los caracteres comunes á una misma especie de criaderos y determinado las reglas prácticas que guian al minero en su laboreo.

Estos esclusivismos, sin embargo, con las diversas teorías que los acompañan sobre la formacion de las vetas, cùmulos y trozos, forman, tomados en conjunto, la descripcion especial de estos criaderos: sirviendo para la deduccion de los caracteres mas notables que fijan su naturaleza: dando á conocer sus formas variadas; los cambios de estas formas: las sustancias que componen su masa: la constancia de asociacion de ellas, que constituye lo que se llama formaciones; y en fin, los fenómenos que se notan en la diversa relacion de las vetas entre sí, cuando se atraviesan, se juntan, se dislocan o guiñan.

Pues bien, la observacion constante de unos mismo fenómenos en el estudio de las vetas, ha determinado ciertas reglas practicas, que no obstante á las aparentes escepciones que á veces sufren, son las que guian al minero en la decision de las obras que debe trazar para forma ó perpetuar una mina.

Cámbios de rumbo y echado.

Así, por ejemplo, si el minero siguiendo una veta emborrascada variare de rumbo en mas de de 45°, hay lugar á creer que no va ya sobre la misma veta, sino que ha seguido una cinta ó hijuela que se aparta de la veta principal y va á perderse, ó que es una nueva veta sobre la que se encuentra; pues la observacion ha enseñado, que los cambios de rumbo, ó serpenteos de las vetas, no llegan á pasar de esta variacion.

Puede suceder tambien, que la veta se divida en dos ó mas por un intermedio de roca, que llaman caballo, y que los ramales, aunque con rumbo notablemente diverso del rumbo medio de la veta principal, vayan á juntarse á distancia, volviendo á forma una sola veta. O bien la veta puede ramificarse de tal modo en cintas, venas, ó hilos, que desaparezca totalmente, no quedando entonces al minero mas arbitrio que el de continuar su escavacion con el rumbo medio general.

Estos diferentes cambios de direccion, ramificacion ó division, que se observa en las vetas, cuando se las sigue en su rumbo, se observa tambien naturalmente cuando se siguen sobre su echado: y del mismo modo que, para hacernos mas claramente cargo de aquellos, referimos la veta al plano que llevará el rumbo medio general; así tambien para determinar los que se verifican sobre el echado, la referimos á un plano que pasará por el echado medio general; resultando de esto, que en caso de perder la veta, ya sea en su rumbo ó sobre su echado, si no hay ninguna otra causa de interrupcion (como la interposicion de otra veta, reliz, ó falla), debe continuarse la escavacion, con el rumbo ó echado que determinen los planos referidos: y si se ramificase sin perderse en rumbo ó echado, ha de seguirse aquel ramal que menos difiera de los mismos planos, es decir, que mas se aproxime al rumbo ó echado medios.

En las vetas angostas son en las que ocurren con mas frecuencia casos, que en las anchas, y en estas últimas llaman los mineros cuerpos de veta á las subdivisiones de una misma, por gruesos intermedios de montaña. Así es como en Guanajuato, por ejemplo, la veta madre tiene tres cuerpos principales, 1.°, 2.° y 3.° cuerpo.

Formaciones y sistemas de vetas.

La constancia de asociacion de unas mismas sustancias minerales, ó el que siempre se encuentren juntas, constituye, como ya se dijo antes, lo que se llama formacion; y en lo general se observa que las vetas que corresponden á formaciones iguales ó son de una misma formacion, corren con rumbos y hechas dos paralelos, por lo ménos, en todo el espacio que comprende una misma region metalífera: de manera que se podran enumerar en esta, otras tantas formaciones diferentes, cuantos sean los grupos de vestas paralelas que en ella corran con direcciones diversas.

Y se concibe desde luego, que estos grupos de vetas paralelas, á que se da el nombre de sistemas, llevando distintos rumbos, deben presentar en un mismo distrito mineral, multitud de cruzamientos, reuniones y dislocamientos parciales y generales, de muchas de las vetas que las forman; dando lugar á dificiles problemas respecto al mejor y mas adecuado laboreo que el minero deba adoptar.

Mas la representacion geométrica de todos los sistemas de una region metalífera, ó mas especialmente sus proyecciones horizontales en un mismo plano, le dará la mejor luz para conseguir su objeto; porque si los estudia en la superficie, se proyectan, estos sistemas de vetas, sobre diversos planos, segun lo mas ó ménos accidentado del terreno y sus trazos ó crestones en ellos da una falsa idea de su posicion respectiva; lo que se verifica igualmente, aunque con ménos error, cuando se ecsaminan los planos comunes de las minas, en que el dibujo muestra las proyecciones horizontales de todos los cañones dados á diversos niveles unos debajo de otros.

Cruzamientos y dislocaciones.

Las vetas, pues, consideradas ahora aisladamente y de un modo general, pueden cortarse ó en su rumbo ó en su echado (aunque propiamente hablando, la mayor parte se cortan en rumbo y echado) siendo mas frecuente el primer caso que el segundo, y la cortada puede serlo por todo el grueso de la veta secante, y continuar inmediatamente despues en su misma prolongacion como dos planos que se cruzan, ó desviarse paralelamente mas ó ménos la continuacion de ella, á uno ú otro lado de la direccion primitiva, como sucede cuando hay dislocamiento; ó en fin, confundirse en la interseccion comun, mezclando sus matrices, para separarse despues en sus propias direcciones respectivas: debe entenderse que esto se verifica, tanto en los cruzamientos de rumbo como en los de echado.

Acostumbran en este último caso los mineros, dar sus obras sobre las intersecciones comunes ó dirigirlas hácia ellas, como que son los tramos de mayor riqueza, bien por el ennoblecimiento de las vetas que suele ocurrir en estos cruzamientos, ó por la acumulacion de mayor masa; y por regla general se procura dar los tiros sobre estas intersecciones comunes de dos vetas que se cortan en rumbo; mas como la línea de interseccion de ámbas vetas, considerándolas como planos, viene á ser oblicua al trazo del plano horizontal que las cortara, el tiro que se diera siguiendo esta inclinacion seria defectuoso y saldria fuera de las reglas del arte; por lo que es práctica comun trazarlo de manera que á cierta profundidad vaya á cortar dichas vetas, corriendo en su interseccion comun el mácsimo tramo posible.

Pero el problema mas interesante que se presenta en minería, es el originado por los dislocamientos de vetas, los cuales ocurren á veces con frecuencia, como ya se dijo, principalmente en los distritos metalíferos de muchos sistemas.

Y estos casos de dislocamiento suelen ser tan indeterminados, no obstante á la pretendida esactitud matemática que se les quiere dar(*), que muy dificil seria para el minero sin una larga esperiencia y práctica local, el adivinar hácia qué lado se han verificado.

Sin embargo, como las doctrinas sobre la esplicacion de este fenómeno son varias, y ocurren frecuentemente casos análogos á los de que se han deducido las reglas que aquellas determinan para la resolucion del problema, harémos mencion de las mas conocidas, para que el minero cuando se le presenten casos semejantes, pueda aplicarlos con todo el discernimiento posible.

Representacion geométrica del dislocamiento de vetas, producido por el hundimiento ó elevacion de uno de los respaldos de la veta secante.

La representacion del dislocamiento de vetas por geometría descriptiva, resuelve los casos que mas comunmente se ofrecen en la práctica, de saber á donde se ha de buscar la veta perdida, cuando el dislocamiento sucede por el rumbo en labores horizontales, ó cuando acontece en el echado con labores de plan.

La montea (LAM. 1ª) se construye en la suposicion esacta de que haya habido resbalamiento de uno de los respaldos de la veta dislocadora, sea por hundimiento ó por elevacion; pues lo mismo da en un caso (FIG. A.) que haya sido el alto *m n r s* el que se ha hundido, ó elevado el bajo *o p q t* y en el otro (FIG. B.) el que se haya hundido el bajo, ó elevado el alto: la cuestion siempre se reduce á saber cuál de los dos respaldos de la veta dislocadora *o s* es el que se ha hundido.

En el primer caso, es decir, cuando se ha hundido el alto de la veta ó falla secante, se habrá llevado consigo la porcion *V'* de veta emportrada en él, y naturalmente la otra porcion *V* habrá quedado arriba; de suerte que si vamos labrando la veta en el respaldo alto, se tendrá que buscar su continuacion hácia arriba por el alto *o m n r* de la veta que se lleva, refiriéndose al perfil; y hácia el ángulo obtuso, si nos referimos al plano horizontal ó caminamos á rumbo de veta; mas si nos encontramos en el respaldo bajo, habrá que buscarla hácia abajo por el bajo *s t q p* de la misma veta que llevamos.

Si por el contrario, ha sido el bajo y no el alto el que se ha hundido, habrán de seguirse principios opuestos á los dichos,

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[*] Manual de Geología del Sr. D. Andres del Rio, pag. 6.

segun lo manifiesta la simple inspeccion de la figura que representa este otro caso.

De lo espuesto resulta, que para resolver el problema de la dislocacion de una veta, toda la dificultad estriba en saber cómo se ha verificado el resbalamiento; cosa muy dificil de averiguar algunas veces. "Sin embargo, dice Ezquerra de quien hemos tomado esta construccion geométrica, los conocimientos prácticos de la geognosia servirán de muchísimo ausilio, y cuando no haya otro remedio, se hará una escavacion de reconocimiento á lo largo de la falla, para poner en claro la relacion de las capas correspondientes á uno y otro lado de ella."

Y esta dificultad aumenta todavía mas, cuando son rocas en masa, ó una sola roca estratificada, sobre las que armen las vetas, como sucede con la mayor parte de las del pais.

Por ejemplo, en el distrito mineral del Fresnillo, en la parte Norte del cerro, la vácia gris en masa es la que se encuentra hácia la superficie, y es atravesada por dos sistemas de vetas con rumbos prócsimamente paralelos de Norte Poniente las metalìferas, y Oriente Poniente las lamosas y con echados inversos, al Sur Oriente las primeras y al Norte las segundas. Los dislocamientos son en consecuencia por el echado, y se cuentan veinte y tantas vetas dislocadas. La principal de las lamosas es la que llaman veta echada (45°) de San Pedro, y es la que disloca la mayor parte de las metalíferas, entre ellas la de ricos frutos de Valdenegros y la de Colorado (planes del Burro) cuyas continuaciones no se han buscado bien hasta ahora, contentándose los mineros con darlas por perdidas.

Con toda probabilidad, pues, en vista del sistema de vetas lamosas, se puede asegurar que al tiempo de su formacion se produjeron muchos resbalamientos mecánicos, de lo que resultarian hundimientos de los respaldos altos en unas vetas dislocadoras y de los bajos en otras. Un estudio detenido de las condiciones mecánicas mas favorables á estos deslizamientos, podria poner en estado al minero de adivinar si la veta se habia quedado envainada en el alto de la veta dislocadora ó lo estaba en el bajo, conforme á la representacion geométrica del problema. El primer caso es el que parecen indicar todas las circunstancias locales respecto de la veta perdida de Valdenegros, segun recuerdo del estudio que hice de ella en 1842.

Dislocacion de las vetas, esplicada por el influjo del magnetismo terrestre, segun la teoría de Mr. Hopkins.

En fin, la formacion de las vetas, esplicada por el influjo del magnetismo terrestre, da razon, segun Mr. Hopkins, de todos los dislocamientos diversos y de la acumulacion de riqueza en sus inmediaciones, por la diferente posicion de las fallas ó vetas meridionales (*) con respecto

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(*) Se adopta aquí la antigua denominacion de las vetas observada segun los vientos, de *meridionales ó septentrionales* y *orientales ú occidentales*, conforme caigan entre las horas del compas á la direccion general de Sur á Norte, que en su teoría supone tienen las corrientes magnéticas interiores del globo. Lo que sigue es un estracto sucinto de lo relativo al caso.

Segun aquella, la costra de nuestro globo afecta una estructura de laminacion ó foliacion general (*grain*) de Norte á Sur, producida por la fuerza de las corrientes perpetuas de su magnetismo interior, á que llama fuerza polar.

Imagìnese ahora una estension dada de su masa, sometida á la accion de alargamiento de esta fuerza: la tension que resulta en ella producirá rajas mas ó menos trasversales á su direccion, si la roca que constituye la masa no tiene la elasticidad suficiente para ceder al alargamiento; y el número y naturaleza de las rajas dependerá del estado variable de la misma masa. Y si la roca contiene canales subordinados de elasticidad y ancho variables, se formarán entónces fallas longitudinales ó diagonales á la foliacion, en el sentido de la menor resistencia. Observa que las rocas no son como se las supone comunmente, rìgidas é incomprensibles, sino al contrario, elásticas, sujetas á movimientos ondulatarios y capaces de prolongamientos; propiedades bien conocidas comprobadas en ellas.

Resultan, pues, por el efecto polar, las séries de lìneas siguientes: la foliacion meridional, las fallas oblicuas ó diagonales (*splits*) y las rajas de Oriente á Poniente ó trasversales á la direccion de las corrientes (*fractures*). Y ademas multitud de hendiduras ó rajas de poca importancia.

Asì, en las rocas pizarreñas, que poseen una gran tenacidad y son capaces de sufrir prolongamientos, las rajas de Oriente á Poniente son escasas, y se hallan limitadas por canales meridionales subordinados, siendo mas frecuentes las fallas diagonales, cuyos labios ó lados son curvos ó abovedados, y muy pulidos á consecuencia de la friccion producida por los movimientos de Sur á Norte ó meridionales de masas paralelas; lo que se observa muy distintamente en la cordillera central de la América del Sur.

En México predominan los pórfidos, y las fallas diagonales ó vetas meridionales son por tanto interceptadas por infinidad de rajas ó vetas orientales. La riqueza mineral es aquí comun á ámbas clases de vetas, miéntras que en Cornwall solo se encuentra en las vetas orientales (*lodes*).

Ambas clases de vetas meridionales y orientales, sometidas al continuo movimiento producido por la accion constante de la fuerza polar, producen gran desórden en la estructura general

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12 y 3 ó entre 9 y 12, por el Mediodia ó Septentrion respectivamente; ó entre 3 y 6 ó 9 y 6 cerca de los puntos cardinales Oriente y Poniente. Las primeras corresponden á las que nuestros mineros prácticos llaman *trasversales*, y las segundas á las denominadas por ellos legítimas, nunque tambien llaman indistintamente *diagonales* á las que corren entre los semicuadrantes. Los mineros alemanes las distinguen por *rectas* á las que corren entre las horas 12 y 3; *estendidas*, entre 9 y 12; *matutinas*, entre 3 y 6, y *vespertinas* entre 6 y 9 [L. VI. fig. C.]

del globo; lo que origina los dislocamientos en el órden de las masas, que son los efectos del movimiento horizontal ó diagonal de grandes trozos de terreno contenidos entre las fallas ó vetas diagonales fuera de su posicion primitiva. Las grandes dislocaciones son producidas por la accion boreal (hácia el Norte) de las rocas contenidas entre fallas ó vetas polares, miéntras que los resbalamientos observados en vetas orientales lo son por el hundimiento de cuñas de montaña contenidas entre las grandes rajas ó vetas. Estos últimos son poco numerosos y no de grande interes (LAM. II) (*).

Las discusiones de que estos fenómenos se han promovido, han creado opiniones opuestas, debidas principalmente á la imposibilidad de restablecer la continuacion de las rajas, de uno y otro lado de las fallas diagonales. Muy poca reflecsion bastará para convencer de que semejante coincidencia en todas las rajas no es dable; pues en primer lugar, las rajas al traves de las fallas diagonales se formarian en el sentido de la menor resistencia, ya fuese ésta ó no en línea recta; sin seguirse de esto que deberian quedar perfectamente en cruz con ellas. Si ademas se atiende á que las rocas, en virtud de la continua accion de la corriente polar, se mueven hácia el Norte, paulatina pero constantemente, ocurrirán por supuesto de tiempo en tiempo nuevas rajas en las mismas masas (hecho de que nadie duda ya): luego aun cuando los guiñados fueran de 1, 10, 20, 30, ó 50 pies, ¿cómo seria posible restablecer la continuidad de todas las series de rajas? Y para servirse de una comparacion trivial, intentar restablecer en su primitiva base las masas dislocadas de rocas, es como querer volver á juntar por nueva congelacion, trozos de hielo hechos pedazos y movidos varias veces.

Cuando se considera la naturaleza pastosa y húmeda de las mismas masas, que permite una continua accion molecular por entre sus poros en direccion meridiana, semejante á la circulacion de la sábia de un árbol, no debe sorprender que los respaldos de las rajas no siempre se puedan restablecer; sus lados interrumpidos son en muy corto tiempo alterados por la accion química; las partes del Sur se ven á menudo penetrar en las del Norte, por nueva laminacion formada subsecuentemente á la replecion de las rajas, segun se representa en la LAM. IV.

Saben muy bien los mineros, que las guardas ó costados de las vetas ondean á veces como por falta de resistencia mecánica, y que se necesitan buenos conocimientos prácticos para mantener en ellos abiertas las escavaciones, y poder estraer el mineral, particularmente en rocas muy blandas y húmedas.

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(*) A las láminas de Hopkins acompaño otra con un ejemplo tomodo de las minas del pais (LAM. III).

En las minas del Fresnillo esta obliteracion de las vetas es muy notable del séptimo cañon para abajo, entre los tiros de Beleña y San Francisco y Poniente de este último á mas de 250 varas de profundidad; y la roca, que es la pizarra comun, es aquí tan blanda y húmeda, que los destajos cuelan mucho sin mas herramienta que largas barretas.

Volviendo ahora á los verdaderos dislocamientos producidos por el movimiento de grandes masas de montaña, se observa que si las fallas ó vetar diagonales llevan un rumbo *Norte Poniente*, las masas de rocas del lado *occidental* generalmente han sido impulsadas al Norte mas que las del lado oriental; y si corren al *Norte Oriente* sucede lo contrario (Lam. v).

La causa de este órden de disclocamiento en las masas se manifiesta al ecsaminar la naturaleza de las interrupciones mecánicas. Admitiendo que la fuerza magnética obra en el meridiano, la direccion de las fallas oblicuas destruye el paralelismo ó uniformidad de las fuerzas polares; de consiguiente, las masas que presentan mayor base trasversal al Sur, serán compelidas al Norte mas proporcionalmente que las otras. Comunmente se dice que las vetas se dislocan ó guiñan á derecha ó izquierda, porque en cualquier trozo que uno esté de la veta dislocada caminando á rumbo, su continuacion se encontrará tirándose hácia un mismo sentido.

Con la mira de comparar las minas de América con las principales de Cornwall, Wales é Irlanda, Mr. Hopkins ha hecho ùltimamente grandes investigaciones en éstas, y ha confirmado por ellas su anterior opinion de que "la dislocacion en las grandes formaciones de vetas, ha sido simultánea á su replecion."

Son, segun él, las rajas ò vetas meridionales mas antiguas que las orientales, generalmente hablando. Entre los muchos ejemplos que pudieran citarse de rajas ó vetas orientales contenidas ó limitadas por las meridionales, las minas de Flintshire se mencionan como uno de tantos. La causa de que las rajas ó vetas meridionales atraviesen á las orientales, no viene de que sean éstas mas ó ménos nuevas ó formadas despues, sino que es debida al perpetuo movimiento longitudinal á que está sejeta una serie de rajas, estándolo la otra á acciones transversales.

Opinion de Budge sobre el guiñado de vetas y reglas prácticas que aconseja para buscar la perdida.

Favoreciendo en parte esta opinion, que está en discordancia con la comunmente admitida de Werner, sobre que son de diversa antigüedad las vetas que se cortan ó atraviesan, siendo la atravesada mas antigua que la qne atraviesa, viene la de Mr. Budge, segun la cual "las vetas son contemporáneas con las rocas en que arman."—"Muy frecuentemente, dice, sucede que una veta dislocadora [*cross-*

*course*] que atraviesa varias vetas, á unas las disloca, y encuentra que los *dislocamientos* difieren materialmente en su distancia, y á otras enteramente no las disloca; y casos conocidos hay de dislocamientos á derecha é izquierda de una misma veta secante Ademas, las vetas dislocadoras serpentean ò hacen zigzaques en su rombo, y no son interminables sino que se acaban y se descontinuan cuando entran en otra clase de roca."

En cuanto al fenómeno de dislocacion, si bien admite reglas generales de la naturaleza, dice que tambien tienen sus esceptciones, y aunque para el minero práctico hay indicaciones conocidas por las que puede adivinar si el dislocamiento es á derecha ó izquierda, con todo, hay muchas obras erradas, habiendo fallido los indicios comunes de una especie de pandeamiento de la veta, hácia la parte á donde se disloca, ántes de ser atravesada, y de los jaboncillos y pintas minerales diseminadas en esa direccion.

Aconseja al minero, como recurso prudente, cuando se ha perdido la veta y no se encuentra rompiendo frentes á uno y otro lado de la veta dislocadora colándolas algunas varas, el tomar el verdadero rumbo de la veta, volver al punto dondo se perdió, y seguir el cuele con este rumbo.—Se funda para esto, en los hechos bien conocidos, dice, de que aunque el rumbo de la veta haya cambiado con el dislocamiento, tiene siempre cierta tendencia á volverlo á tomar; pero como algunas veces queda destruida, se desliza ó se adhiere á la veta secante la veta que se lleva, de tal modo que no es posible distinguirla, es mas seguro colar fuera de veta con el rumbo dicho, volver entonces atras, o romper frentes en ángulo recto, para buscarla con cruceros hácia uno y otro lado, con lo que se la puede descubrir mejor al cortarla.—Pero esto solo se practica cuando se ha registrado en vano uno y otro lado de la veta dislocadora.

Respecto á la acumulacion de riqueza en las inmediaciones de las vetas que son atravesadas por otras impermeables ó lamosas, produciendo ó no dislocacion, y á la mayor probabilidad de encontrar depósitos ricos de metales ó bonanzas sobre los criaderos en vetas, sugun ciertas condiciones mas ó ménos favorables de posicion, respecto de los canales interiores que conducen las soluciones metálicas, siguiendo la misma teoría del magnetismo terrestre, se tratará despues al hablar de "*teorias sobre la formacion de las vetas*," que será materia de otro artículo.

## NOTAS SOBRE ALGUNOS MINERALES,

*Tomadas del discurso anual de* 1846, *del profesor Antonio del Castillo, encargado de la clase de mineralogía del colegio de Minería de México.* (*Los discursos del espresado año no se publicaron.*)

### SOBRE LA CRISTALIZACION DE LA MARGANESA SULFÚREA.

Los mineralogistas han discordado respecto á la cristalizacion de esta sustancia. El Sr. Breithaupt la hace corresponder al sistema rombal ó prismático, pues le asigna por figura fundamental la pirámide rombal obtusa, y describe sus cristales como prismitas rombales con las aristas agudas truncadas: el Sr. D. Andres del Rio ha observado crucero paralelo á las caras mas ó ménos curvas de un romboedro poco oblicuángulo, y segun sus discípulos Herrera (D. Vicente) y Obregon, la inclinacion de las caras de crucero es de 93° 46′ (*) lo que determina el sistema ecsagonal ó romboedro, por la forma romboédrica que resulta; y otros autores le dan la forma cúbica.

Ecsistia en la coleccion de la clase un ejemplar clasificado por cobre sulfúreo hojoso, dado por el Sr. D. Ramon del Moral de unas minas inmediatas á Tepeyatucalco, el cual ecsaminado por mí, resultó ser marganesa sulfúrea cristalizada en octaedros combinados con el cubo, ú octaedros con las esquinas truncadas, tambien hemitropias de octaedros tabulares (octaedros segminiformes de Haüy); y como los cristales son medianos y bien terminados, y la figura en octaedros determina el sistema teseral ó cúbico de cristales, entiendo que su verdadera forma es la cúbica, y que el ángulo de 93° 46′ observado por los señores ántes mencionados y que el Sr. del Rio adopta, proviene de que las caras de crucero ó de los fragmentos que se acercan á cúbicos, son las mas veces algo curvas, por la textura hojosa curva propia de la que está en masas: por tanto, el dimorfismo atribuido por el mismo señor á esta sustancia, segun lo espresa en la página 166 de su parte preparatoria, no queda bien comprobado, ateniéndose solo á la espresada medicion del ángulo referido.

Nuevos ejemplares del mismo mineral cristalizado y del mismo lugar (†) fueron despues cedidos por el Sr. Moral para la coleccion, presentando ademas de los caracteres cristalográficos ya citados, los siguientes caracteres esteriores: lustrosos ò resplandecientes de lustre ametalado: color negro de hierro: la superficie de las caras del octaedro rayadas horizontalmente, rara vez lisas, las del cubo ásperas: otras veces las caras de los cristales están escavadas con los huecos encostrados de pirita:

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(*) Orictognosia del Sr. del Rio, pág. 121 y 6, y parte preparatoria (1846) del mismo autor, pàg. 166.

(†) Cerro de San Miguel Tlachiaque, mina de la Hucha, distrito de San Juan de los Llanos, estado de Puebla.

adherentes unos junto á otros sobre una masa mineral compuesta de marganesa sulfúrea amorfa, blenda, galena y pirita. Los acompañan medianos y pequeños cristales de alabandina roja, de azufre nativo, y prismitas rombales de pirita blanca ó prismática.

Han venido todavía despues á mis manos mas masas minerales de las minas citadas, con abundancia de cobre gris cristalizado y amorfo, y encuentro que todos los fósiles de que se componen, constituyen una formacion particular, ó se acompañan casi siempre la marganesa sulfúrea, la blenda, pirita, galena y cobre gris; siendo estas dos últimas sustancias las que deben formar su riqueza. Esta formacion nuevamente descubierta en el pais, entiendo que no tiene análoga en Europa.

### NUEVA ESPECIE MINERAL?

#### MERCURIO CÓRNEO DEL DOCTOR, Y EL LLAMADO IODURA DE MERCURIO DE CASAS-VIEJAS.

*Cristalizacion.—Forma primitiva.*—Pirámide rombal aguda, en que el eje mayor, de los tres rectangulares, crece entre 2 y 6 milímetros, apareciendo entònces las pirámides como agujas finas: el crocimiento del eje puede ser aun de mas milímetros, pues se presentan algunos fragmentos largos de pirámides muy agudas, como si fueran fragmentos de prismas rombales.

Casi todas las pirámides presentan, ecsaminadas con lente ó microscopio, una estructura compuesta de láminas rombales que sucesivamente van creciendo hasta completar la pirámide y como sobrepuestas sobre la braquidiagonal, mirando horizontalmente la pirámide con una esquina obtusa de la base de frente (Fig. i. Lam. VI).

Las pirámides muy agudas tienen las dos caras mayores opuestas rayadas en pluma obtusamente: indicando su formacion compuesta de una infinidad de individuos incorporados en escalas paralelamente á la braquidiagonal y en direccion del eje mayor de la pirámide muy aguda (Fig. ii).

Las pirámides pequeñas forman agrupamientos confusos de cristales.

Estos son de lustre de diamante, y su color varía del rojo de fuego al amarillo melado y de cera: tambien los hay verde pistacho y verdinegros, cuyo caso carecen los últimos de trasparencia y lustre de diamante.

Se halla igualmente amorfo, muy diseminado en caliza y espato calizo, y en revestimiento: su color es entónces, en textura fresca, amarillo de limon subido y verdegay; con el tiempo se vuelve gris verdoso y verdinegro.

La textura de los cristales es concoidea con lustre de diamante: la del diseminado y en revestimiento, de trerrosa á desigual de grano fino.

Blando y dócil: toma algun lustre en la raspadura, que es amarilla de limon en los cristales, y de un amarillo verdoso que tira á verdegay en el amorfo.

Los cristales rojos, amarillos y verdes pistacho, trasparentes y semitrasparentes, y el amorfo opaco.

En el tubo cerrado por un estremo, espuesto á la llama de la pequeña lámpara de espíritu de vino, da inmediatamente un sublimado amarillento en caliente, y blando despues de frio [protocloruro de mercurio], dejando un residuo rojo oscuro en caliente, que se vuelve amarillo naranjado cuando se enfria. Tratado solo al soplete, se pone rojo de aurora á la primera impresion de la llama, la tiñe algo de azul, y se disipa despues dando olor *parecido al del selenio?*

El primer esperimento parece indicar la presencia de una sustancia mas en el mineral, que es fija á la temperatura á que se sublima el protocloruro de mercurio (*chlorure mercureux*).

Ademas, los caracteras orictognósticos ya asentados, que no convienen del todo con los del mercurio córneo de los mineralogistas, me hacen pensar que el mineral en cuestion probablemente no es un cloruro de mercurio simple, sino que su composicion es mas complicada.

El mismo mineral amorfo es el que describe el Sr. del Rio como ioduro de mercurio, y pedazos de los ejemplares de la coleccion del colegio clasificados por él, me han dado los mismos resultados; y aun suponiendo que contenga iodo, que yo no le haya podido sacar, ciertamente que no podrá ser un simple ioduro de mercurio.

Es, pues, interesante conocer la verdadera composicion de este mineral por un análisis riguroso, para decidir en fin si es una especie nueva en mineralogía Se halla con mucho mercurio nativo, el cual parece esencial á su presencia, en espato calizo que forma vetas en el Doctor junto á Zimapan, y tambien diseminado en la caliza compacta de Culebras.

## PLOMO NATIVO.

En el Mineralogía de Alger y Phillips, página 529, se habla de este metal como sigue:

"Se describe el plomo, dice, como encontrándose en estado metálico, y en pequeñas masas, en las lavas de la isla de Madera y otros distritos volcánicos, constituyendo el plomo nativo de algunos mineralogistas. Ultimamente se ha encontrado en las cercanías de Alston, en Cumberland, en pequeñas masas embutidas en galena y una sustancia escoriosa, acompañada de oxido rojo de plomo, blenda y cuarzo: la veta en que se ha encontrado arma en caliza. Se dice, que las minas de plomo de Michigan, cerca del rio Anglaise, han dado ejemplares de metal nativo."

Ecsaminado en el curso de las lecciones de este año, el azarcon que se encuentra en la almendrilla de junto à Zimapan, y que describe el Sr. del Rio como nativo en la página 206 de su Orictognosia, observamos que lo acompañan almendritas de plomo; mas pareciéndonos sospechoso este ejemplar, no dudamos que ámbas sustancias sean producto de fundicion artificial.

Producto de igual causa, pero natural (la accion volcánica) nos parece el bello ejemplar presentado por el Sr. D. Tomas Ramon del Moral, al gabinete de mineralogía, y descubierto por el Sr. D. Andres Castillero en el rancho del Saucillo, babia de San Francisco, Alta-California, del peso de 9 onzas 7 adarmes, arrancado, segun dice su descubridor, de un gran banco del mismo metal, que es batido por el mar, y se sumerge en el agua.

Tiene la apariencia de una brecha volcánica; envuelve fragmentos y detritus de diversas rocas, como pizarra, vácia gris, caliza, piedra córnea, cuarzo &c., y restos de conchas de agua dulce y marìtimas, paludinas y mitilus no alteradas: donde sobresale el plomo, las eminencias son romas; y tambien suele estar amoldado, aunque imperfectamente, á la cavidad de alganas conchas, presentando el aspecto de una completa fusion.

Todo, pues, tiende á probar el orígen volcánico de esta masa de plomo, cuyas porciones superficiales algo candentes todavia, pudieron en su curso debajo del agua, á manera de lava, arrollar las conchas envueltas en arena y aluvion de rocas primitivas sin alterarlas.

Y creo convieniente añadir, que es un plomo muy pobre, pues apenas contiene cantidades apreciables de plata, segun resulta de la copelacion, que da ménos de $\frac{1}{576}$ de plata.

### CRIADERO DE MERCURIO DE SANTA CLARA, ALTA CALIFORNIA.

Por último, haré mencion del nuevo criadero de azogue, descubierto en la mision de Santa Clara, al Sur del puerto de San Francisco, Alta California, cuyos minerales dan la ley mas rica de cuantos se conocen en la República, que como sabemos tienen una ley muy baja, de 1 á 3 por 100 en lo general; miéntras que la de los minerales del criadero ántes espresado, pasa de 28 por 100; y segun su descrubridor, que lo es el Sr. Castillero, la estension en longitud reconocida de él es de mas de 200 varas.

# TRANSLATION OF EXHIBIT CASTILLO No. 1.

SUMMARY OF THE LABORS THAT IN RELATION TO EXAMINATIONS OF CRIADEROS AND MINES OF QUICKSILVER WERE PERFORMED IN THE YEAR 1844, UNDER THE DIRECTION OF THE "JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA."

Mexico. Printed at the Office of the Literary Society, Santa Clara street, No. 23.—1845.

## SUMMARY

*Of the labors which have been prosecuted in relation to the investigations of the Criaderos and Mines of Quicksilver, in the year* 1844.

### INTRODUCTION.

Proposing to enter into some details in relation to the present condition of the working (explotacion) of the criaderos of quicksilver of the Republic, as a youthful branch of speculation of our mining industry, I am impelled by the desire of adding to the knowledge already possessed on the subject, the small fruit that may result from an investigation of the scientific branch of the subject, for the purpose of consolidating during the present administration the reasons upon which are founded the probabilities that Mexico will, in time, extract from her own soil the mercury necessary for her consumption.

To this end, I have received from persons of the best judgment, as well as from several authors, the instructions and references necessary, with the object of presenting all possible assurances of the circumspection with which I have endeavored to sustain measures important to the public interest and to the national prosperity.

I will commence at once with these wise reflections left us by Baron Humboldt, so important in the object with which we are about to occupy ourselves: "The prosperity of the colony, he says, depends essentially upon the prosperity of the mines. Notwithstanding, these have not advanced the interests of agriculture, and other branches of industry, as would have been supposed. It is certain that the capital devoted to mining operations, and the labor occupied in the same, might be employed in new enterprises; but also, the existence of a new business vivifies all the surrounding country: populous cities spring up in the neighborhood of the same, and fruitful fields are planted, which continue to exist even after the exhaustion of the mines has caused the miners to abandon their labors and seek other districts."

The Baron Humboldt believes, then, that the mines have encouraged rather than retarded the interests of agriculture and industry in Mexico. He has observed that the districts in which the fields are best cultivated, and where industry is the most active, are those which contain the richest mines. "Notwithstanding, it is unpleasant to reflect, he observes, that the colony cannot provide for its necessities and pleasures, save with the products of its mines, which are exposed, as has already happened, to great diminution by maritime wars. Experience will doubtless instruct the Mexicans in relation to their true interest, and therefore teach them to extract from their own soil, the iron, steel and mercury necessary for the working of their silver mines." (1)

The Baron Humboldt then predicted that experience would teach us the necessity of extracting from our own soil the substances necessary for the working of our mines; because the prosperity of the country depends essentially upon the prosperity of the mines.

But, besides, we have in support of this position, the simple principle of social economy that "any State whatever should extract from its own soil the substances it needs, even when they can be obtained from neighboring States at a less cost; because in this way industry is encouraged, and the circulating medium retained, while by a contrary course the State is impoverished by degrees by the payments for foreign importations." The consideration of this simple principle caused to be organized in France, a country containing but few minerals, a wise political administration of mines. But for Mexico this consideration is one of still greater interest, supposing that in order to sustain and preserve the working of the silver mines, the fruitful fountain of its riches and prosperity, mercury is indispensable; an element, as we all know, imported from foreign countries.

On another hand, it is very natural to seek in a country so extensively abounding in mineral substances, all those minerals by means of, or with the assistance of which, such as mercury and iron, gold and silver are obtained and extracted, the production of which, according to a modern author, "has in Mexico a peculiar character, requiring but little time, and possessing no analogy with the industrial pursuits of other nations." (1)

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(1). Extracted from the Political Essay of New Spain.

Luckily, one of those objects of first necessity, iron, is the subject of great private speculations, which already commence to prove its necessity, not only in mining operations but also in the divers branches of manufacturing industry.

But, while the enterprizes of iron manufactures have presented inducements to individuals to establish the same, on account of the nature of the criaderos of iron, they being superficial and very abundant, those of mercury being less abundant and of a small *ley*, are only the object of trivial and unsubstantial negotiation.

But as the importance of this last element is of such a nature, that the annual products of the silver mines increase or diminish in proportion to the diminution or increase of the price of quicksilver in the market, which is proven by the progressive increase of this production in the time of the Spanish Government, the increase in the production of gold and silver, as shown by the receipts of the Treasury, keeping pace with and being in direct proportion to the successive reductions in the price of quicksilver; it is therefore to the interest of the Government, with a better founded reason than in the case of individuals, to take such measures, as that the mercury consumed in Mexico may be produced at the smallest possible cost.

And further, as in importing a foreign article, aside from a certain species of dependence on the political caprice of the Spanish Government, to which the Republic is subjected, this Government is actually compelled to pay, in the high price of quicksilver, almost as much as was received by the Spanish Government, in the time of its domination, from the duties on gold and silver, it necessarily results that it is more profitable to the Republic to extract the same from its own territory than to import it from Europe, even when the Government obtains it by means of contract, since, without a change in financial affairs (which is not likely to occur) this Government will not be able to obtain the article save at a high cost, and therefore it will not be able, either to make any considerable reduction in the price on disposing of the same, or render that benefit to the country which would result from using her own quicksilver.

The importation of a foreign article is further attended with grave inconveniences; for we may suppose, that by some unlooked-for contingency, the mines of Almaden, in Spain, from whence we receive quicksilver, should become impoverished, exhausted, inundated, or ignited, and supposing that the other quicksilver mines of Europe, those of Idria and Palatinado should not produce the quicksilver necessary for working the minerals, *por patio*, in Mexico; or that in consequence of any political event, communications should be interrupted by armed vessels, and our ports should be blockaded, what would then be the fate of our silver mines? Their almost effectual ruin.

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(1) "Of the production of the precious metals in Mexico." By St. Clair Duport, p. 376.

In fact, if we except such operations as are only necessary in the establishment or foundation of a mine, in almost all other matters it would be necessary to suspend the labors in whole or in part, causing irreparable losses to the owners or suppliers (aviadores) and great prejudice to society and to the public treasury. Since, the annual products being considerably diminished, the treasury would not receive those large sums which are yielded by the duties on gold and silver, nor would commerce, industry or agriculture experience that beneficent influence of prosperity, brought about by the circulation of some millions of dollars. The very nation will find itself burdened with a large population without occupation, and with the misery and ruin of many families.

Therefore, then, if "the working (explotacion) of the mines, says Mr. Heron of Villefosse, offers great advantages to the States possessing them, these (advantages) cannot be lasting, save while a wise and far seeing administration assures the development and protection of a branch of industry so essentially different from all others.

It is necessary, then, that the working (explotacion) of the mines of quicksilver, should be an enterprize of the government, this not being understood in a literal sense; since, in furnishing the capital necessary for the working of certain mines, the power is reserved, either of working them on its own account, or in companies of association, without risking large sums in the same; since, however unproductive the workings (explotaciones) should turn out to be, it is certain that some amount of mercury would be produced, which, being added to the imported article, would cause a reduction in the price of the same, from which would result an increase in the annual product of the mines; so that if on one hand there is a danger of losing, on the other there is a probability of gaining; and this is viewing the case in the most unfavorable light.

If, on the contrary, to-morrow, in making excavations in some of the mines, rich and abundant deposits of cinnabar should be encountered; or if even in the criaderos, already known, of a poor *ley*, but abundant and extensive, perfect apparatus for distillation should be established, the benefits which the government would derive from the same, as well as the advantages which would result to the inhabitants in finding occupation, are at once evident.

Wherefore, the advancement and protection of this youthful branch of industry, in the mining of the country, rightfully pertains to the government, since the financial advantages to be gained by the increase of the annual products of the silver mines, is no where more felt than in the public treasury.

And here, in relation to a mining enterprize set on foot by a government, it is well to remember what the mines of Fresnillo have been, of which place, abandoned in 1827, the recollection may be preserved without forming any hope.

Mexico, October 1st, 1845.

A. DEL CASTILLO.

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## DIVERS CONSIDERATIONS

### In relation to the manner of appreciating the importance or relative richness of our deposits of cinnabar, and general questions in relation to its production.

Before entering upon a description of the different districts of *criaderos* or mines (1) of quicksilver in the Republic, we will consider the order which we propose to adopt, in order to assist the judgment, which under diverse circumstances we have to form in relation to their importance.

Wherefore, we will consider—First, the nature of the criaderos; that is to say, their geognostic formation, the extent and regularity of the veins, mantos, capas (leyes) or mineral masses.

Second, The abundance and ley of the products.

Third, The local circumstances favorable to the worker of the mines; that is to say, a situation advantageous for draining the same, or for extracting the fruits of the same; abundance of materials for the interior and exterior labors of the mines, such as timber, iron, water, coals, fuel, &c. Besides, other financial and economical advantages, such as the present high price of quicksilver, the cheapness of the articles indispensable for the maintenance of the business, the cost of labor, and finally the position of the operation near the points of consumption.

By attending particularly to these considerations, in each district, we will be able to approximate as nearly as possible to a solution of the following general questions:

Do there exist in Mexico criaderos or mines of quicksilver, susceptible of furnishing the large quantities annually consumed in the extraction of minerals?

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(1) In mining, the name of "criaderos" is given to the deposits of substances contained on the surface, or in the interior of the globe, whether metallic or not, which have a certain value in commerce. And that of "mine" to excavations made in an order adapted to the nature of the criadero, for the extraction of the substances constituting the same.

And even supposing there should not be sufficient for this object, do the examinations made up to this time assure us that, if the working of the same should be conducted with intelligence and economy, they would at least pay expenses?

These questions, which have attracted the attention of the Government, and that of miners, occupy exclusively that of the Junta de Fomento y Administrativa de Mineria; and although in its exposition, it has already presented a sketch of the result of the examinations made in some of the Departments, as from divers causes the scientific part of the same was very limited, I hope the small work which is now presented will be received with favor, as an homage to the benefit that has been procured to the mining interests of the country, giving a strong impulse to the "*working of the criadores and mines of quicksilver of our country.*" (1)

And this being nothing more than a *summary* of what was done by the committees appointed for that purpose, the reports of which the Junta has permitted me to consult, I have to make in this place a public manifestation of my gratitude to the same, and of the merited eulogy which I render to the gentlemen of the committee, whose knowledge has illustrated the matter.

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## DESCRIPTION OF THE CRIADEROS OF QUICKSILVER IN THE DEPARTMENT OF MEXICO, IN THE SOUTH DIVISION OF THE SAME.

### CRIADERO OF CHAPITZACO.

This is found in the cerro of the same name, mine of S. Rafael (2), ten leagues S. ¼ S. E. from the villa of Chilapa; its geognostic formation is mica slate? It is curious to observe in some parts of this region great stones, in the form of boulders, of the weight of a 100 quintals, composed of fragments of porphyry, primitive slate and pieces of quartz seven or eight inches in diameter. There are two veins known which run in a N. W. direction, with very little inclination [echado].

The matrix of the veins is at times quartz, and sometimes a species of brecha formed of the fragments of slate and mica-slate, decomposed porphyry and feldspar, cemented by a kind

(1) The printing of this work has been done at the expense of the Junta de Fomento Administrativa de Mineria, from the quicksilver fund, with the due authority of the Government.

(2) Under the name of the mine of "Concepcion," it was known in the year 1677, as is referred to in the Commentaries of Gamboa, page 31, paragraph 54. It is also to be understood that the mines of Tlanicuilulco, of which mention is made in the same commentaries, and the different catas of the cerro of Chapitzaco.

of impure clay colored by iron ochre (ocre de hierro); in this is found pulverized cinnabar, accompanied by abundant copper minerals, which appear to have originated the working of the mine.

The medium *ley* of the products is of 0·25 per 100, and are abundant.

The local circumstances are favorable—labor is very cheap, twenty-five cents a day; but notwithstanding this, the mines do not pay expenses, which may be seen by the demonstration made in the following note:

NOTE.—The Señor Duran establishes the fact, according to his calculation, that the approximate cost of 500 quintals of mineral, comprising all the expenses, amounts to....$207 25
Therefore, that of 100 quintales will be............ 41 56¼
that the medium product (*ley*) being 4 oz. the quintal, the whole produce will be 400 oz. or 25 lbs. or the value of $41.25, since quicksilver is worth in the market $125 the quintal. It is thus seen that there is no profit whatever on the capital which must be employed in working the mine.

### CRIADERO OF THE HUAMUCHIL.

This is also found in the cerro of the same name, at a distance of two leagues to the S. E. from the pueblo of Ajuchitlan, which is distant eighty leagues to the S. S. W. from the city of Mexico. It is of a red, sandy geognostic formation. The vein has a direction (rumbo) of 342° N. W.

The pulverulent cinnabar, or vermillion, is found in the body of the vein in narrow *cintintas*, which generally cause small deposits which are called *ojos;* or speaking in the language of miners, the cinnabar *is formed into ojos or boleo.*

The medium *ley* of the minerals is 3.25 per 100. The works are superficial and are in veins. An excavation has been projected for the purpose of cutting the vein at a depth of 162 varas, which as yet is scarcely commenced. The other local circumstances are in other respects somewhat favorable, possessing also some economical advantages.

### CRIADERO OF CANDELARIA.

This is found at the skirt of the same cerro of Huamuchil, already mentioned, at the distance of about two leagues and a half to the S. E. of Ajuchitlan, and about 400 varas below the level of the ancient mine. As it is the same mountain of the criadero of Huamuchil, and the creston of Candelaria is at the S. W. 169° from the mouth of the ancient mine of Huamuchil, and the minerals are almost the same, it is to be presumed with well-founded reason, that if it is not the same vein, it is at least of the same formation. The minerals extracted from the *creston* of the same (on the surface) give a ley of 0.50 per 100 (½ libra por quintal), and, as it is now known, the minerals are very abundant. Its economical circumstances are the same as the foregoing criadero.

## CRIADERO OF TECUSCO.

Is in the cerro of the same name, at the distance of one league to the N. E. 86° from Tlalchapa. It is of the same geognostic formation as the foregoing, and it extends into the partido of Ajuchitlan, from the catas of Huaje in the cerro of Tecusco in Tlalchapa, as far as the coast of Candelaria in the cerro of Huamuchil, comprehending a space of more than ten leagues in extent, over which is found distributed an infinite number of mouths or *catas,* bearing the marks of cinnabar in more or less abundance. The veins of the criadero which we occupy run from east to west, with a scarcely perceptible inclination to the North. And the cinnabar is accompanied (as in the criadero of Chapitzaco) by the minerals of copper, quartz in the matrix, and gives a *ley* of 0.87 per 100 (14 ozs. per quintal).

All the excavations or prospectings are superficial, and the local circumstancs and economical advantages are somewhat favorable.

The observations made by the Committee, in relation to all their *criaderos* of the District of Ajuchitlan, are doubtless such as accord with the peculiar circumstances of that country.

A proposition is therefore made, to the *Junta de Fomento y Administrativa de Mineria,* to establish a furnace with retorts in the place most suitable, for the purpose of propagating the knowledge necessary for the distillation of mercury, of which the inhabitants are absolutely ignorant, and that they may be able to organize a working establishment, on the veins which it may be desirable to work; besides, the advantage resulting of being able to extract metal, as well to provide the furnace with what may be necessary in case of necessity, as also to give an impulse to the working of that multitude of catas, which perhaps to-morrow will result in the discovery of one of those enormous mineral masses of cinnabar, which constitute the richness and contribute to the prosperity of a mining district.

## MINES OF PREGONES.

There are found in the *cuadrilla* of Pregones, *cerro* and mines of Negrilla, at the distance of six leagues to the west northwest of Tasco. The veins are surrounded by (arman en) calcareous matter of transitive upon slate; that of the mine of Negrilla runs in a N. E. direction with an inclination (*echado*) of 70° to the S. E. The formation of this vein is curious, its principal products being minerals of silver, accompaied by cinnabar in mass, and crystalized. In the same *cerro*, at the distance of 50 varas to the north of this mine, is found that of Santa Gertrudis, the vein of which has the same direction, N. E., and an inclination (*echado*) contrary of 68°, approximate.

The *ley* of the minerals at the first mine was found to be of 0.3125, and those of the second 0.25 per 100.

The excavations are of but little depth.

The economical advantages for the working of these mines are very favorable, on account of the abundance of all the indispensable materials, and other circumstances.

### CRIADERO OF TEPEYOPULCO AND CUAXISTENGO. (1)

In the jurisdiction of Cuernavaca, in a group of mountains lying between the city of this name and the pueblo at Miacatlan, are found the *cerros* of Tepeyopulco and Cuaxistengo, which belong to the chain of the mountains of Tasco, and are composed of the same rocks which constitute the superior numbers of the formation of the same: carbonic calcareous matter upon old red sandstone in some places; in others it is covered immediately by calcareous matter of transition (*caliza de transicion*). The calcareous matter of this place is called in the language of the country *texcal.*

The character of the formation of these *criaderos* is similar to that of those in other parts of the Republic, which have been found in the formations of variegated sandstone. They are reduced to rebozaderos of superficial veins, irregularly distributed on the surface of the mountain; these in mining language are known by the name of *bolseo.*

In the substances which form the matrix of the bolsas or boleos (pockets), are found ojitos and venitas of the finest vermillion; and this is what constitutes the minerals or metals of azogue of the same. At the depth of a few varas from the surface, all vestiges of metal disappear, even to the signs of the veins.

During the months of February and March, 1782, 147 arrobas of mineral were extracted, which produced nine libras of azogue to the pound; which makes a ley of 0.93 per 100. In the same year, during the month of August, 143½ cargas were

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(1) The data comprised in this description are taken from the reports of the Ancient Tribunal of Mineria, presented to the King in relation to the condition of the investigation made in the examination of these criaderos.

extracted, which gave 15½ arrobas of azogue which gives a
ley of.......................................0.898 per 100
Medium ley...............................0.914 " "

The working of these false veins was commenced in the month of November, 1780, by the orders of the Most Excellent Señor Viceroy Don Martin de Mayorga, previous permission by the Court of Spain having been obtained, in consideration of the great scarcity of quicksilver in the kingdom. The working of the same ceased about the middle of the year 1782, without any greater products than the insignificant quantities of quicksilver above mentioned; and after having exhausted all the resources of art in order to ascertain the nature of said criaderos, as has been seen, they are but little worthy of great mining enterprises. And it is lastly worthy of remark, in completing the description of the same, that the largest of the eleven mouths thus formed does not reach to the depth of fifteen varas; that besides, in the same cerro of Tepeyopulco, and in its immediate neighborhood, there had already been made in the year 1740 expensive prospectings, sufficient, from the unfortunate results of the same, to leave no doubt of the uncertainty, irregularity and unfruitfulness of these criaderos. The following is extracted from original documents existing in the Archives of Mexico:

An individual named Carlos Bartolomé de Leon, by virtue of a decree of the Señor Don Pedro Malo de Villavicencio, Judge privativo, Superintendent and Administrator of the Royal Azogues, leased the mines of azogue in the Jurisdiction of Cuernavaca, under certain conditions, "among which," says the Act, "is that of being required to deliver six thousand quintals within the shortest time that the prolix operations may permit, at the sale of twenty-one dollars per quintal, giving bond in the sum of $8,000, which will be exhibited in coin when and where it may be demanded, and which, on failure to fulfill his contract, will remain for the benefit of the Royal Treasury, together with all the works of mechanical art which may have been placed in said mines, in order that His Majesty may dispose of the same."

The said individual after a thousand difficulties, disappointments and heavy expenses, succeeded in forming some excavations, from which he extracted in a little more than three months some 12,000 quintals of minerals of all qualities, which after being pepenados, were reduced to 300 quintals of pure metal. On account of this disappointment, and because at the depth of a few varas, the *color* of the metal disappeared, he rescinded the contract, after having expended the sum of $14,453 in all the labors of this ruinous enterprise.

In consequence of which, the Judge privativo, Superintendent and Administrator of the Royal Azogues, issued the necessary orders for the making of the proper investigations in relation to the result of the matter. And the whole matter was set forth in conformity with the declaration of the said Carlos Bartolomé Leon, made before the Justice of Cuernavaca by virtue of superior orders, and a statement of which we have given above. In the expediente it appears also that said contractor presented to the said authority some 22 ounces of quicksilver en caldo, as the only result obtained from his unfortunate speculation.

Shortly after said catas minas were closed and inhabilitadas by order of the same Judge privativo, Don Pedro Malo de Villavicencio, on the 10th of September, 1740; and a few days after this was done, a bando was published in the village of Cuernavaca, prohibiting the working of the mines of quicksilver.

Such was the history of the mines of the jurisdiction of Cuernavaca 41 years before the working of the same was resumed by the Spanish Government, with the unfavorable results which have been set forth in the beginning: a history which we hope will teach the speculating miners of the present day, to be more discreet when they commence new prospectings or labors in the same.

## DESCRIPTION OF THE CRIADEROS AND MINES OF AZOGUE IN THE DEPARTMENT OF JALISCO.

### CRIADERO OF CAPULA—MINERAL MARTINEZ.

Twenty leagues to the south of the City of Guadalajara, there is a considerable range of mountains, which extend without interruption from the south-east to the north-west, forming the division of the waters, between the territory of the Laguna of Chapala, with which those of Sayula, Atoyac, Tissapan, etc., may unite, and the sources of the River of Almeria, which running in a southern direction passes near Colima, and empties into the Pacific Ocean ten leagues to the S. S. E. of the port of Manzanillo. The longitudinal axis of the mountain range, which may be considered as the prolongation of the elevated plains and mountains of Michoacan, is crossed at right angles, passing from the hacienda of Iztipac to the great pueblo of Chiquisistlan, by an extent of eight leagues, which is the width of this pass, the same being covered with dense groves of pine, oak and splendid live-oak, watered by perennial streams, and with a beautiful climate; this range of mountains is besides one of the richest in veins of gold, silver, copper and iron. It is composed, according to the dominant feature of its formation, of porphyritic rocks, with a base of feldspar and piedra cornea, with crystals of the first, containing besides, in the base of the higher points, long prisms of hornblend.

At the southern foot of these mountains a chain of calcareous hills runs in a direction almost parallel with them (mountains), the same containing the mineral called Martinez, between the pueblos of Chiquinistlan and Tapalpa, near the small settlement of Capula. The calcareous formation (caliza), of those hills appears to be the calcareous formation of the mountains, (caleza de montaña), or carbonaceous matter, upon which rests an extensive formation of red sandstone, the thickness of which increases towards the south, while to the north near the Saucillo, it is concealed under layers (capas) of calcareous matmatter, arcilla, (pure white earth), and marga (marl); and still further to the north, the sandstone disappearing. These layers (capas), which incline on an average, 20° to the N. E., and are of the thickness of from a few feet to twelve, each one rest immediately upon the calcareous formation. The thickness of the calcareous formation and that of white earth and marl (arcilla y marga), is not yet known, no excavations having been made of sufficient depth to reach the lower part of the calcareous matter, notwithstanding this would be very interesting, as this is the formation which contains cinnabar over an extent of more than two leagues, the different capas being more or less impregnated with this mineral; but with a great diffierence between the leyes of the different capas: the richest is a yellow clayey mass, of a foot in width, which is much intermixed with calcareous spar, which becomes somewhat compact, otherwise it contains no indications of cinnabar; a layer (capa) of dark clay, upon which there generally rests others, which are whitish or yellowish.

The sandy formations do not appear to contain metals, while the calcareous mountain formation contains, at the distance of a quarter of a league to the north of Chiquisistlan, veins of silver and copper, which were anciently worked.

The cinnabar is found, using the language of the miners of the country, in pockets (bolsas) of very irregular forms, composed of earthy substances of but little compactness, or of a conglomerate of the same calcareous matter in fragments of over an inch in diameter, cemented by a white calcareous substance, greyish and yellowish, always in a pulverized condition, or that of vermillion, in ojos or cintas, between the substances of the bolsas, or in the small cavities in said conglomerate. These bolsas which are not disposed with any order, but between the capas before mentioned take divers and irregular forms, without being of any great volume, generally terminate in very narrow veins or threads, which the miners follow in their excavations in pursuit of other new veins: the largest generally run more horizontally than vertically, having a propensity to incline to the east, for which reason they have been inclined to be called mantos.

It appears as if, while the strata of the carbonaceous calcareous formations were still in a soft condition, they were differently fissured; the metalliferous lode of cinnabar containing water in suspension being deposited in its cavities, with a portion of the same mass which compose the superficial strata, the result being, that the veins constituting this criadero are very irregular and very superficial.

The common ley of the minerals may be estimated at 2.33 per 100, although oftener it may be much greater than this.

There exist some works of but little consideration in the principal mine called del Manto, which with other various catas, Mercurio, Almaden, Refugio, etc., belong to a company, which at present only work the first. A plan of the working of this mine, with the works projected by the committee accompanies this (those indicated by points) in order to cut all the strata yielding metals in the manto inclined to the N. E.; since from the nature of the formations, there must exist in the space comprehended within the extent of the work, other pockets equally rich and abundant in metals. [Plate 1.]

The cata of Almaden is situated upon a vein apparently of yellowish clayey marl, the size of which varies from one to three varas, with a slope (echado) to the west, strongly marked. In the lower part (bajo) of the same, are regularly found minerals of copper, such as blue and green copper, and, at times, sulphate of copper. It is, moreover, worthy of note, that towards the same part the calcareous matter extends, and towards the red sandy formation is found, as if it were a manto or capa; but, in reality, it is only a superficial fissure filled with substances of the formation before mentioned.

That of the Mercurio is of a similar nature to the preceding.

That of Refugio is upon a great capa de arcilla (white clay), the direction (rumbo) of which is from the S. W. to the N. E., with an inclination (echado) to the N. W.; its size varies from one to four varas, and its direction is visible in a straight line on the surface for more than 200 varas. In the head or creston the arcilla (white clay) is heavily charged with red ochre, and the cinnabar is found much disseminated in the same.

There exist, besides, other small speculations of poor individuals, worked on a very small scale, such as the Saucillo and the Socorro, with a geognostic formation, the dominant features of which are such as already expressed.

The individuals of the company reduce the ores of their mines with different kinds of apparatus and with enormous losses; and, as we may say that art in this mining district is still in its infancy, it will be somewhat interesting to describe the methods of working. We will commence then with the method most rude; the reduction or distillation in cántaros used by individuals.

Two parallel ditches are made in the earth, of four or five varas in length, of a half vara in depth, and about one third of a vara in width; they are separated by a mass of solid earth, in thickness one third the width of the ditches, except at the corners, where the two ditches are united, forming a semicircular excavation, which serves as a draught to the furnace, for thus it is called. Two rows of cántaros are placed in each ditch, the bottoms of which rest against the solid portion of earth dividing the ditches, and the mouths of the same being upon the exterior border of the ditch, leaving a space below for the introduction of fire. In the mouth of each cántaro, there is introduced a clay tube, which serves as a condenser. The capacity of the cántaros is such as to contain from one half to an entire arroba; there are sixteen in a row; the mineral with which they are charged is broken into small pieces, and the fire in each operation continues from four to six hours.

This method, although simple, is so rude that much of the mercurial vapor escapes, on account of the porous nature of the cántaros, and the small difference of temperature existing between them and the condensers, for the want of water for the purpose of cooling the same. I remember, however, that called "*per tallus*," anciently used (1728) in the Palatinado. (1)

The company have put in practice a method more perfect; but, unfortunately, badly directed, badly calculated, and in no respect adequate to the nature of the criadero, which requires, so to speak, movable apparatus, since the good minerals are usually found in spots at a considerable distance from each other, in pockets or eyes which characterize the formation of the same, as has already been said.

There is therefore a furnace constructed in imitation of those of Idria, the plan of which was taken from the work on chemistry as applied to the arts, by M. Dumas. But, although in the construction they are regulated in strict accordance with said plans, the constructor lacked a knowledge of the ordinary rules to be observed in the general construction of furnaces.

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(1). See in the Museo Mexicano, Vol. 4, No. 4, an article on the sciences, translated from the Dictionary of Arts, Manufactures and Mines, etc. of Andrew Ure, by J. Y. de L., in which are described the different methods of the distillation of mercury.

For instance, the material of which they are constructed is rather a marl than clay, made in the form of wide adobes, a part of which are baked and a part unbaked; these last being those of which the upper part of the furnace is formed, and the first (which after having been exposed to the fire, become twisted and curved, looking like a hollow brick, porous, and wanting in firmness) are those of which are composed the conductors, condensing chambers, and the other parts of the furnace. In consequence of these defects, after the first distillation the furnace cracks, the upper parts fall in or are cracked; notwithstanding which, however, they continue to make in them distillations or burnings, being content with only stopping the openings; so that the company, after spending the considerable sum of $30,000 in the said apparatus, worked with the same for the reasons set forth, with the great loss of 73 per 100, still more than is lost in working by cántaros, by which (*i. e.* by cántaros) from 100 lbs. are extracted twelve ounces (the ley being 2 per 100), working at a loss of 62 per 100.

It is not strange, then, that by this method of working, the company, the primitive capital of which exceeded $28,000, composed of 48 shares at $600 each, should have expended towards the first of September, 1843, $34,113.44, or $5,313.44, more than its primitive capital, paying for each share $710 69 instead of the $600; notwithstanding that within the space of six months, from April to August, 1843, inclusive, there were extracted from the mine of the Manto 2,736 cargas, with a *ley* of 7 lbs. to the carga, which gives as a total.........19.152 lbs.
But from 17 burnings made during this time there
were only extracted........................ 5.015 "

There was therefore a loss of..................14,137 "

Or, as we have before said, the distillations were made at the enormous loss of 73.8 per 100. Thus it was, that the company being discouraged with these results, made a contract with the Messrs. Blume and Castaños, who estimated the shares at $800 (more than their real value), promising to invest a capital equal to the nominal value of the 48 shares; receiving in recompense one half of the properties and rights of the company.

This was the condition of the company up to May, 1844, when they had already expended $4,447.76 of the new fund.

In relation to the advantages of situation, few mineral regions of the Republic present such as are equal to this for the working of their mines. There is found an abundance of oak and pine timber, for the construction of works; fuel and iron is here obtained at a less cost ($4 the quintal) than in any other mineral region; and water for condensation and other purposes, there being many arroyos and rivers traversing that serranía, and also the articles indispensable to mining enterprises. And further, the low price of labor, from 2 to 4 reales a day (on which the miners lived better than they can in many other places on $1.00) is a circumstance for a well-grounded hope, that a mining enterprise in this district, conducted with intelligence and economy, might satisfy, in part, the views of the Government in proposing to stimulate this important branch of mining. It may be now safely alleged, in relation to this mining district, that notwithstanding the imperfect manner in which up to this time the distillations of azogue have been made, that it has paid the expenses of working, with a ley of 1 per 100 in the products.

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## CRIADERO DE SALSIPUEDES IN THE DEPARTMENT OF JALISCO, JURISDICTION OF LAGOS.

Near the hacienda of Puesto, in a region embracing the sierra called Salsipuedes on the east, and Mariquita and Chiringuato to the west and south, there were found in the beginning of the year 1844, very rich minerals of cinnabar. The axis of this sierra has a direction from the south to the north, and from its geognostic character, it appears to be a continuation of the porphyritic quartz formation of the Llano de Pinos in the north. Its base is a white grayish feldspar, which passes to a gray, with much quartz: it has in common with the other porphyritic quartz of the country, ojos, riñones, or veins of oxydized tin (metal of tin), which is also found in the arroyos, subject to the action of the currents, either in separate pieces, or in pockets. The hills and elevations of that part of the region comprised in the space between the Rincon Grande, the valley of las Aguilas and the sierra proper of Salispuedes, is composed of a white quartz rock, which appears subordinate to the grayish porphyry, which at times becomes to be of a milk-whiteness, translucent, with clear and lustrous points of transparent quartz, the variety being that in which the cinnabar is found: others are very ferruginous, of a dark grayish red color, which crumbles, loses its consistency, and becomes to be a loose red sand.

The cinnabar does not form veins or mantos, but appears in the rock itself, penetrating the same in different points, coloring the quartz with more or less intensity. At times it accumulates to such an extent, that it almost becomes to be pure, forming boleos in diameter always small, from a line to a foot. These boleos are always found near the surface, and are irregularly dispersed; at a depth of twelve varas they disappear.

The minerals of the principal and best mine, that of S. Romualdo, have given generally a ley not exceeding 12 per 100, although there are pieces that yield from 50 to 70 per 100.

Notwithstanding, in all the extent of about a square league, in which about 40 mouths or *catas* have been opened, no vestiges of cinnabar have been found in more than 30; it being an accidental circumstance, that in the said mine of S. Romualdo, a sufficient quantity of boleos have been found together to produce in 9 months about 800 quintales of mineral; the product of the rest of the mines, during the same length of time not being one-tenth part of the minerals of the same ley yielded by S. Romualdo. In this last mine, as also in that of Providencia, the excavations have reached from 38 to 40 varas in depth, yet all to no purpose (en borra) the minerals disappearing, as has already been said, at a depth of from 10 to 12 varas below the surface.

The character of the formation in this criadero does not justify the establishment of regular companies for the working of the same; and thus it is, that to those actually formed, the committee give a precarious existence, but among which, notwithstanding, that of S. Romualdo will be the only one which may have a duration of some years more of existence, on account of the precautions which have been taken in relation to the same, since the company owning it have constructed a very well arranged apparatus for distillation, for the purpose of working at once the minerals which have been procured and are on hand, and which are of a sufficient value to cover the cost of the said apparatus; and also to work the products that may be acquired, since the low price of fuel in those places will enable the reduction of the mineral to be done at a small cost, prolonging, on this account, the existence of this company beyond that of the others.

As the construction of the said apparatus may be of some interest to the miner, we will in continuation copy the description of the same, as given by the committee: "The furnace of a particular description," say the committee, "is of a capacity to contain 50 quintales of metal, which is placed in an iron bowl (taza) which is immediately over the fire, and under the cover (boveda) of the furnace, in such a manner as to receive all the reverberating heat. An ascending channel conducts the vapors to a tower which has a perforated covering, containing water, which continually drops through the holes into the tower. In this manner a great part of the vapors are cooled and condensed. The water with the condensed substances flows in a channel steeply inclined to the lower part of the tower, where it is collected in two large chambers, in order to allow the still existing vapors to condense. From these chambers, the water with the quicksilver passes into a receiver (cubo) where the quicksilver is collected. The apparatus is very ingenious; one difficulty, however, being, that the air in the tower adjoining the furnace is likely to become so much cooled as to prevent the fire from having sufficient draught. Who does not remember the shower-chambers constructed by Vivian in 1821, for the condensation of the vapors in the reverberatory furnaces for the reduction of the metals to copper? This difficulty is partially remedied in the furnace of Puesto, by the great declivity of the channel which conducts the water and the condensed quicksilver to the lower part of the tower; since the water must flow from the same with such velocity as to carry with it mechanically much air, which, through the furnace, must reach the tower.

## DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF GUANAJUATO.

The cinnabar is found in divers localities in this Department, as hereinafter set forth:

1. In the immediate neighborhood of the Hacienda of the Rodeo and S. Nicolas del Chapin. The geognostic formation of this criadero is a clayey porphyry, with crystals of feldspar, brittle and decomposed; it contains also grains of quartz and small sheets (laminitas) of grayish-black mica. Its minerals are quartz, colored with cinnabar.

2. Cerro del Pinalillo, at a distance of 14 leagues to the S.W. of the capital. The formation of this is sandy, with a clayish base, containing fragments of pumice-stone and slate impregnated with the oxide of iron, and besides very small crystals of quartz. In the position of the strata it is observed that upon the sandy formation there rests a conglomerate; upon this a layer (capa) of clay of a gray ash-color, and yellowish gray, colored by the oxide of iron, and upon which is the vegetal earth. The minerals constitute a breach of quartz masses connected by a clayey mass in which the cinnabar is found, and at times it penetrates the quartz. The ley of the clean products is of 2.80 per 100. The works are still in a state of catas and activity. There is an abundance of fuel, and clay and sandstone for the construction of furnaces.

3. Mineral of Centeno. Its geognostic formation is a sandy quartz of a fine grain. The threads of cinnabar in the criadero run from north to south at right angles with the direction of the lajas of the mountain. In relation to the position of the layers (capas) it is observed that upon the sand formation there rests a capa of luminous stone, luminous slate? The ley of

the clean products is of 4.00 per 100. The works are superficial, without order, and are abandoned. It has everything necessary for the working of the mines and the reduction of the minerals.

4. Cerro of the Giant. The mines are situated at the skirt of said cerro, at the distance of six leagues from the capital. Its geognostic formation consists principally of a capa of a yellowish gray sand-stone stratified, and porphyry with a sandy base. But it is observed in the position of the capas that upon the sandy formation there is a capa of horny stone (piedra cornea), and upon this another of shell-stone covered by a capa of red sandy clay, very soft in the criadero, and hard when taken from the same; this contains, attached to its surface, a carbonaceous substance, which forms on it and on the capa of esteatita above dendritic figures. On this capa of esteatita there is a manto of two or three varas in thickness and of considerable extent (near two leagues), and upon this a porphyry formation with a clayey base, which contains crystals of grayish white feld spar, grains of esteatita, and layers of gray mica. There exists another below the one already mentioned, and another at a still greater depth; wherefore it is necessary to cross them with a vertical shaft in order to examine them. The minerals consist of an esteatita impregnated with cinnabar and large loose stones, or stony masses and horny stone penetrated by native mercury. The ley of the products (pepenados) is of 4.00 per 100. The circumstances of situation and the particular advantages of the locality are favorable for the working of the same. The mines are sheltered.

5. Mountain called del Toro. At eight leagues to the north of the Gigante, are situated the mines of Toro del Capulin and Clavellinas, and the new ones of Providencia and El Refugio. In that of Toro the geognostic formation is a sandy porphyry, containing grains of quartz and a very little feldspar. The vein crosses the hill of Toro in a N. W. direction; the mountain is also crossed by various threads or cintas of cinnabar in all directions, or rather, some in the direction of N. E. and S. W. The minerals are quartz penetrated by cinnabar, with which it is more or less colored. The ley of the clean products is of 1.62 per 100. The mines are abandoned.

The mine of Providencia is situated in the depth of a cañada distant about four leagues to the north-east from the mine of Toro. The rock surrounding (en que arma) the vein is a limestone, which alternates with shell-stone, and a clayey red sandstone. The lime-stone rests upon the sand-stone, and this upon the shell-stone. The vein has a north-east direction, with a slight inclination to the south-west. The ley of the ordinary production is of 4.3 per 100. The labors are scarcely catas.

The geognostic formation of the mines above mentioned is identical with those that have just been discovered. The last, that of Refugio, is now being worked; it has a depth of from 8 to 10 varas, the average products giving a ley of 2.40 per 100.

6. Mineral of S. Juan de la Chica. The geognostic formation of the criaderos of cinnabar which are found in the same, is a sandy porphyry, placed upon shell-stone and covered by a lime formation, upon which is found the vegetal earth. The vein runs in a north-west direction, with an inclination (echado) to the south-west, and is from 2 to 7 varas in width. The cinnabar is disseminated in the matrix in rich threads of a very variable thickness, the widest being half an inch in thickness. The ley of the products reaches 8.20 per 100. A particular circumstance in this formation is, that parallel to the vein of quicksilver, and at a horizontal distance of about 40 varas, there is found a vein of native gold in quartz. Finally, in the mine of which we speak there are some old works, which are in ruins.

7. Cerro del Fraile, distant 3 leagues from S. Juan de la Chica. The formation of this is a clayey porphyry. The mineral is very scarce and is found in spots (pintas) of cinnabar.

8. Place called Palos Colorados. This point does not merit any consideration. The mineral is quartz colored with cinnabar.

9. Mine of Guadalupe, situated in the mineral region of Targea. The geognostic formation of the criadero is alpine limestone, the capas of which alternate with others of piedra de toque (test stone) and bituminous slate; in the first and last of these rocks there are found very irregularly disseminated riñones of cinnabar up to eight inches in diameter, always with a matrix of a calcareous formation, and at times with crystals in the interior of calcareous spar of the color of yellow wax. The cinnabar of the riñones is hepatic, with a medium ley of 23.40 per 100. When the committee (1) saw this mine, the works were superficial and were sheltered. They were of the opinion that it would be advisable to run a vertical shaft in order to examine all the capas in search of the one abounding most in riñones, or of some manto; that besides, said shaft was indispensable in case of working the mines for the purpose of draining the same, since the water will probably be abundant on account of the local circumstances of the same.

10. Mineral of S. Pedro de los Pozos. The formation of the criaderos in this mineral region is also alpine limestone, the same as that of Targea. The cinnabar, accompanied by oxydes of iron, is found in threads running in a N.W. direction, and with an inclination (echado) to S.W.; of a width varying from

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(1). Composed of the Señores Don Ygnacio Alcocer and Don Benito Herrera.

one-third of an inch to two inches in width; of a ley of 0.30 in the common products, and of 2.20 in the clean products. The works up to the present time are insignificant. The advantages of locality are unfavorable for the working of the mine on account of the scarcity of the materials indispensable to the object.

There are, lastly, some observations to be made in relation to the criaderos and mines of quicksilver already described in the Department of Guanajuato, which are: that the impossibility, from the nature of things, of being able to make an exact computation in relation to the costs of extracting the minerals, and the working of the same, has made it preferable to calculate the ley; that in order to cover expenses, it is necessary for the fruits of the mine to yield, proceeding on fixed data which form a basis for subsequent calculations, according to the condition which the mines may present in the future. Thus, supposing that of the mineral extracted from a mine, only one-fourth part is worth working—the ley necessary in order that the mine may pay expenses, calculating for the ordinary expenses, is 0.91 (centesimas)—supposing that the quicksilver is worth in the market $125 the quintal. Besides, the committee thus expresses itself in relation to the necessity of commencing some important works in the same: "If in the silver mines the rule had been observed, which up to this time has been sought to be established in relation to the mines of quicksilver; that is, to abandon the same when the fruits thereof do not pay expenses at the depth of twenty, thirty, or at most sixty varas; the Republic would have found itself, with very few exceptions, deprived of the same, and of the enormous riches which they have produced."

### DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF SAN LUIS POTOSI.

The small Pueblo of Durango is situated at a distance of 22 leagues to the S. W. of the capital of the Department to which it belongs, in a valley of small extent, through which flows an arroyo, which has its source in a group of mountains 3 leagues to the south of the same pueblo.

The region is composed of porphyritic quartz, with a base of feldspar, with crystals of the first and of brittle feldspar; porphyry which not only forms groups of hills of little elevations, but which is also found on the plains forming the drain of the arroyos, and extending towards all parts. Subordinate to this, is found capas of porphyry, with a base of shell-stone, of a black color, which passes to a dark green by the hidrato silizoso of the constituency of paste, at times, of the lustre of wax, and with crystals of common yellowish feldspar.

In the concavity, so to speak, in which the porphyry is formed, and which constitutes a small valley, there exists a formation of a subsequent deposit composed of layers (capas) of marl and white clay; which layers (capas) are sometimes limited by the sides of the same valley, and at other times extend towards its slopes. These capas cover a manto of cinnabar at a depth of 15 varas, which extends from south-east to north-west, from 300 to 350 varas, and in a direction perpendicular (at right angles) 100 varas or more, with a medium thickness of one vara. This, in its limits, is clearly terminated by the borders of the porphyry, occupying the deepest spaces, as if at the time of the arranging of the metalliferous earths, the cavity being clearly formed, these being the heaviest took their positions first, occupying the lowest parts; so that although the superior capas at times continue towards the slopes, they rest immediately upon the porphyry, as is seen in some ancient excavations which are found under such circumstances.

As is shown by the investigations of the individuals appointed to examine this criadero, the Señores Ernesto Berger and Antonio Blanco, the said manto or capa is entirely exhausted, presenting now only a heap of ruins in consequence of some very irregular works subsequently commenced; the hope of finding another new manto at a greater depth, as some have pretended, being altogether chimerical; we will not enter into further particulars than merely to make a slight review of the origin of its fame, and of the different enterprises of which it has been the object until it has reached its present condition.

Baron Humboldt says in his political essay, in relation to this mineral, as follows: "The mine has had great celebrity in the country, not on account of its richness, which is less than that of S. Juan de la Chica, but because it could be worked á tarjo abierto, and because of its large yield of ore.

During the year 90 of the last century, the time of its greatest production, there were in a few months extracted 70,000 cargas of mineral of a ley of $\frac{1}{8}$ per 100, which produced 700 quintals of quicksilver, and notwithstanding this yield it did not pay expenses, which caused the mine to be abandoned; so that when Baron Humboldt saw the same, it was already inundated and partly in ruins, and according to his judgment, it could not have been profitable to resume the working of the same. But at that time the price of quicksiver was $41 the quintal; so that the value of 700 quintals was not more than $28,000, placing the cost at 3½ reals a carga of metal, which would not cover the expenses of the enterprise, which had to receive derrumbes, and to cause considerable drainages to be made in the mine, and besides to pay a high price for the fuel necessary for working the minerals.

A short time afterwards, quicksilver having risen to the enormous price of $150 per quintal, first on account of the Peninsular war, and afterwards on account of the war of independence in Mexico, and lastly by reason of the monopoly to which the quicksilver of Europe is subject, the criadero of Durazno again attracted the attention of speculators.

At first it was only worked by those who in the country are called buscones, who in order to maintain themselves, worked by the means of cantaros the little metal that they could obtain by their ruinous excavations, throwing down (tumbando) here and there that which they found, and which had escaped former workers. It naturally resulted from this pernicious method of working, that many works having been ruined or covered up, others became inaccessible, in which there were still remaining minerals, which, in a regular manner of working, might have been obtained.

Subsequently a company formed in San Luis Potosi, commenced anew in the year '30 the working of these mines; they worked al partido but at the same time other works were commenced. A shaft was run for the purpose of draining the mine, furnaces were constructed, and the small fruits which the buscones were able to extract were worked. But the principal object of the enterprise was not the exhausted manto, but that the labors might be prosecuted in search of a second virgin *manto*, which it was supposed would be encountered below the first. For this purpose the said shaft was commenced, which, after having been sunk 36½ varas, was found to be imperfect, its dimensions in the plan being less than what were given it above, commencing from the mouth. A new shaft called "de Esperanza" was consequently sunk close to the first, which has already reached the depth of 40 varas without encountering anything. Indeed, all these works have been entirely useless, and the continuation thereof extravagant, since for geognostic reasons, when once the manto is reached, all hope should have been given up, because this is not in the porphyry but upon it; and as a depth had been reached in which the character of the formation towards the lower part had changed, encountering the porphyry of a more ancient formation, the continuation of this work could only have been the result of ignorance or caprice.

The company has therefore found itself obliged to suspend all its labors in the mine of manto, after suffering a loss of about $30,000, excepting the insignificant value of the quicksilver extracted. But notwithstanding this, the Sōr. Don Andres Barroeta, encharged with the direction of the business of the company, has not ceased to continue his explorations, and although not exactly in the Durazno, but a little more to the south in the mines of the Pedernal, a little quicksilver is still being extracted. Wherefore we will pass to the discovery of these last.

### CRIADERO OF THE PEDERNAL.

The loma of the Durazno is united on the part of the south with others of the same formation with it, separated by hollows of small extent, and limited on the east by the same arroyo which passes by the northern skirt of the first. In one of those lomas distant from the last about a half a league, is found the said criadero.

A great crest (creston) of quartz, which runs from east to west, with a slope (echado) to the north, and which extends above the surface in some places to the height of 8 varas, has been the object of the former and present labors at this point, notwithstanding that in all the intermediate extent there is the porphyry crossed by wide veins of quartz and *jaboncillos* (decomposed feldspar) with spots of cinnabar.

The said creston, of the width of sixteen varas, is composed of compact grayish white quartz, with many transparent spots, which gives it a porphyritic appearance, and *jaboncillos* in abundance, which constitute the softness of the mine. It is irregularly divided by many vertical fissures and the *jaboncillo* contains fragments of quartz enveloped in the same. The cinnabar gradually penetrates, or rather colors the quartz; but it is found particularly disseminated in the jaboncillo, or in the form of threads or *cintas*, extremely irregular, which are those that are followed in establishing works. The *ley* of the fruits is from 7 to 8 libras the carga, or of 2.5 per 100.

On this wide vein, running from east to west, various excavations have been made, named mina Blanca, mina de S. Roberto and mina Grande, which have reached a depth of 50 varas, with a prospecting well in order to examine the vein, the other works extending about 35 varas in a horizontal direction. There is besides a *sobacon* called S. Andres, the entrance of which is about 300 varas to the south-east of the mouth of the mina Grande: it commences with a vertical well of 9 varas in depth, and continues horizontally in such a direction as to pass below the planes of the mines that are known; notwithstanding, that which is encountered in the lower part of the vein, which is a decomposed porphyry, does not prove to be of any value whatever. The *cuele* in all these mines is done with bars, and rarely with *cuña* and hammer, without the necessity of augers and fuse, and consequently of gunpowder.

The quantity at present extracted, (1844) is reduced to about

35 cargas weekly, which are transported to Durazno to be reduced in furnaces and *cántaros*, which being somewhat different from those used at Capula, we will briefly describe:

The furnaçes are circular, constructed of adobes, with an opening below and above of about a vara in size for ventilation, terminating above in the form of a sugar loaf. They contain from 20 to 30 cántaros of such capacity as to hold one arroba, which are placed in an inverted position upon vessels (allas), filled with water, which are burned in the floor of the furnace. The connections of the two mouths are stopped with wet ashes.

The cántaros charged with mineral being arranged in the position as expressed, the intermediate spaces between them, and above them, up to the spaces left for ventilation, are filled with a species of combustible matter called mezote (leaves of dry maguey) which gives a feeble heat; care is taken to close the door with bricks, to stop the current of air which would produce an active fire.

This being done, the fire is lighted above, maintaining a moderate combustion.

The operation continues twenty-four hours; in the morning the càntaros are charged and arranged, and on the day following the product is collected.

This manner is altogether similar to the most ancient method of proceeding, which was in use in the Palatinado, and which was called "*per descensum.*"

The total product of these mines from the middle of November, 1840, to June, 1844, reaches 8274 libras 15 ounces of quicksilver; but it is not known certainly from what number of cargas this was produced, the whole of the same not having been weighed. Supposing that during the whole of the said time the works may have been maintained in the same condition as at present, when 22 libras of quicksilver are obtained from 77 cántaros charged with mineral, from 8274 libras have been the yield of 2413 cargas, 8 arrobas of minerals. But as there exist in the books of the company the amounts of azogue entered in S. Luis in three different periods, it may be ascertained under the aforesaid supposition the number of cargas which produced the same, and besides, the progress of the production, as is shown by the following data.

| | Azogue. | Produced from. |
|---|---|---|
| 1st period: from November 40 to July 43 | 3444 lbs. 4 oz. | 1004 cargas 5 arb. |
| 2d " " August 43 " Dec. 43 | 2103 " 11 " | 613 " 7 " |
| 3d " " January 44 " June 44 | 2727 " 11 " | 795 " 8 " |

Or metal produced by the month:

| | | | | | |
|---|---|---|---|---|---|
| In the 1st period | 31 | cargas of mineral give | 107 | lbs. 10 | ozs. of quicksilver. |
| " " 2d " | 122 | " 8½ arbs. | 420 | " 10 | " " " |
| " " 3d " | 132 | " 5½ " | 454 | " 8 | " " " |

It is thus seen that the product has gone on increasing; in the second period, it was four times more than in the first, and the third, increased 8 per 100 in comparison with the second.

There have been extracted an average of 3½ libras of quicksilver to the carga, but the ley of this is from 7 to 8 libras, so that, of the actual contents, there has been lost in distillation more than 50 per 100. Thus it is, that during the space of three and a half years, there have been lost by imperfect working about 9000 libras, that is to say, $12,600, which it amounts to placing the value at $140 the quintal of quicksilver, according to the market price. An amount greater than the product, $11,584, of the azogue actually sold.

Finally, the scarcity of fuel in this mineral region is one of the principal difficulties, as also the scarcity of timber in case it should be needed in securing the mines; notwithstanding, as all the region presents a favorable appearance for a considerable production, the committee recommends, as an enterprise worthy of a protecting government, that there be a minute examination made of all the *crestones* which appear on the surface, by means of *catas;* as also in the hollows or concavities similar to that of Durazno, by wells or shafts; it being very probable that new *criaderos* may be discovered, such as that of the Pedernal, or deposits in mantos or capas similar to that of Durazno. It is worthy of note that the cost of these examinations will not reach the small sum of $4,000.

### CRIADERO OF CARRO.

Is situated on the hacienda of the Carro, pertaining to the Department of S. Luis Potosi, at 18 leagues E. S. E. from the City of Zacatecas, 12 leagues W. N. W. from Pinos and 3 to the north of Los Angeles. About two leagues to the north of this hacienda, a group of hills elevate themselves, called the Serrania of S. Miguel, being a conglomerate of red clay and others of various colors. This conglomerate contains fragments of dark gray lime-stone, from a line to five inches in diameter, of touchstone (*piedra de toque*) grayish white quartz, and rarely red porphyry with a base of feldspar. It rests upon a porphyry which in the plain of Carro appears in long flattened hills. This porphyry is curious in its structure, since it is always found *ampolloso* (blistery) in depth, and never superficially; it forms a mass of a color from obscure red to rosy red, containing abundance of crystals of common feldspar and quartz, with the *ampollos* (blisters) filled with green earth, and with a clayey substance of yellowish green, hard and porous. The separating fissures of this porphyry are frequently covered with *hialita*, which is apt to pass into chalcedony or semi-opal; at the same time it is not uncommon to find crystals of quartz which pass to *hialita*.

Probably the conglomerate of this serrania has been formed from the debris resulting from the distinction of the formations of the mountain lime-stone (*caleza de montaña*), slaty clay and *vacia gris*, which formerly must have covered a great part of the extent of these places, having been either interrupted or overturned by the porphyry. There still exist in the immediate neighborhood of the Carro, in the cerro of Los Angeles to the south, that of La Pastoria to the west, and even in the intermediate plain, the rocks, from the fragments of which is composed the small serrania of S. Miguel. In fact, the formation of the two first montañas is capas of carbonaceous calcareous matter, upon slaty *vacia gris*, which alternates with slaty clay; all of which are rocks which may be recognized in the conglomerate of the group of the cerros of San Miguel.

Half way up the northern side of the hill of San Miguel, a vein passes with a direction (*rumbo*) 7 h. $\frac{1}{2}$, an inclination (*echado*) of 60° north and of $1\frac{1}{2}$ varas in width; its matrix is baryta, at times beautifully crystalized, quartz, ferruginous pebbles and very clayey marl of a reddish white, containing much cinnabar; also, this is usually accompanied by gray, fibrous iron. This vein is confined to a little depth, reducing itself to a *cinta* of quartz and baryta of the width of only a few inches, without any variation of its nature on increasing its depth.

There is besides a clayey *capa* with some vestiges of cinnabar, of a thickness of 14 varas, and with an inclination (*echado*) of from 16 to 20° to the S. E. in the conglomerate; upon this there is a *rebosadero* or deposit of many other composits of marly clay and jaboncillos, with cinnabar, which entirely disappear at a little depth. Experience has shown that the *capas* which are very rich on the surface decrease in richness towards the interior of the hill, proving that these criaderos are only superficial, and that the rich points of the same are to be sought towards the detached parts of the mountain.

The *ley* of the minerals has reached 3 per 100. There is an excavation of 210 varas, and a cañon upon the last capa, already spoken of, of 230 varas in length.

Señor Carrera (administrator of the hacienda) who has worked these mines, constructed a furnace for distillation, which, if imperfect, still gives evidences of the extraordinary practical talent of its constructor. It is of masonry, of double walls, with 22 condensing chambers, the last of which terminates in a chimney in such a manner that no vapors can escape by the same. These chambers are constructed of hard burnt brick, and are supplied with *ollas* placed one above another in order to present a greater surface, in this way facilitating the condensation. It is charged with 280 cargas of mineral, in the form of adobes, the mineral being of an earthy character. The burning continues 6 days, and as many more are required for the furnace to cool; the whole operation requiring 16 days. The cost of the fuel consumed in each burning is $40. The principal defects of the furnace are: that the mineral does not rest upon arches, as in the furnaces of Idria, but upon the ground or floor, and consequently the fire cannot act upon it from below, but only on one side, in the same manner as in the reverberating furnaces; the great length of time the burning continues, in consequence of the arrangement of the hearth, added to the time required for the cooling of the furnace, on account of the double walls of the same; and lastly, in the *ollas* much *ollin* is formed, which envelops many small globules of quicksilver, causing considerable loss.

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### DESCRIPTION OF THE CRIADEROS AND MINES OF QUICKSILVER IN THE DEPARTMENT OF ZACATECAS.

Two leagues to the west of the city of Pinos, in one of the lomas or colinas (hills) which commence at the skirt of the great *serrania* of this mineral region, and which extend to some distance on the western side, until they are lost in the extensive plain leading to Zacatecas, Aguascalientes, etc., are found the criaderos of cinnabar, which will now occupy our attention.

The serrania of Pinos, high, rugged and sterile, which appears to extend on one side as far as the Peñon Blanco, and on the other to the Sierra of la Pila and of Mezquitique near S. Luis Potosí, is composed principally of red porphyry, with a base of feldspar, with crystals of the same, and occasionally quartz. In the most elevated hill of the group (cuesta de la Gallina Gorda) are observed large masses of porphyry, with a base of shell-stone, with crystals of feldspar. The porphyry assumes a stratification in three *capas* inclined 30° to the N. E. In the valleys as well as on the sides of the mountains, a red clayey conglomerate is found upon the porphyry, and upon this others of a pasty whitish calcareous matter. The fragments of which these conglomerates are composed, are for the most part yellowish gray caliza (calcareous), test stone (*piedra de toque*) and porphyry. Here, as in the Cerro, are seen the remains of great formations, which were probably destroyed when the porphyry made its appearance, and before this was elevated to its present height. Upon the conglomerate is found lastly the *caliche* in different capas, alternating with thick banks of clay, lime and marl.

Signs of these formations are also found very near Pinos, to the west, and south-west, where the calcareous matter is found covered with a compact gray sand-stone, without petrefaction, containing between its capas *piedra de toque* (test stone.) Besides, there is found another porphyry, different from that already described, surrounding the calcareous formation, which at the distance of 5 leagues to the north-west of the city forms a small mountain, traversed by veins of quartz with tin. It is seen then, that there have been other causes besides the elevation of the high serrania of Pinos, which influenced the inclination of the calcareous capas.

At about two and one-half leagues to the west of the city of Pinos, the gray sandy and the calcareous formations disappear, and are substituted by capas of different earths, clay, lime and marl, or jaboncillos with ojos of cinnabar, or penetrated by it in different points. The thickness of these capas in this place (criadero of Coyaso,) is more than 60 varas; and about 700 varas to the south of this, is that of S. Pedro, where the thickness of the same capas do not exceed 15 varas, resting immediately upon the porphyry. This last was discovered in the year 1844, and was worked by the Sor. Carrera, who had (from April to June) already extracted with three *paradas*, 240 cargas of minerals of a ley of 2.50 per 100. Notwithstanding this, as the capas containing the same rest immediately upon the porphyry, which has already been tested by the excavations which have been made to some depth, it turns out that those criaderos are of no great importance.

## CRIADERO OF LOS HUAJES.

At a little more than 20 leagues to the north of the city of Guadalajara, is situated the hacienda de campo de Sta. Rosa, pertaining to the Department of Zacatecas, and forming part of its boundaries on the south with Jalisco: three leagues to the west of this hacienda, and six to the south of the mineral of Mezquital del Oro, is situated the rancho of los Huajes, on the right hand side of the river Juchipila, a little above its junction with the large river of Santiago.

The rocks found in the very deep barranca which connects the first with the second of these mines, are red porphyry with a base of feldspar, which passes to horn stone (*piedra crrnea*) and *almendrillas*. In the same rancho and its neighborhood this porphyry takes an appearance more resembling clayey or clay-stone porphyry, and the hill containing the veins of this criadero, at a quarter of a league from the rancho, consists of the same porphyry.

There appears upon the skirt of this hill a crest (creston) formed of various *cintas* of quartz, from two to four fingers in width, with divers inclinations (*echados*), comprehending an extent of from two and a half to three varas in width. Its direction (*rumbo*) is from N. E. to S. W. The cinnabar is found principally in those small veins of quartz, and at times penetrating the rock of the *respaldos* (sides) to considerable distances; it sometimes happening that this gives a higher *ley* than the small veins themselves. The richest metals are found in an earthy porphyry near the surface, of a *ley* of 3 per 100; while the metalliferous cintas rarely give 2 per 100; the common *ley* is 1 per 100.

By the northern falda, these start from near the apex (*cuspide*) of the hill, and passing towards the lower part of the same, a species of round borders (*bordos*) or crestons, from three to four varas in thickness, of an intermediate longitude, and which are perceived by the color of the rock composing the same (brick red), and by its elevation above the surface of the falda, naturally causing small undulations in the same. At the side of one of these borders (*bordos*) there has been made a small excavation, from which have been extracted fragments of the rock to which are attached particles of cinnabar of a clear color, and which contain some irregular *cintas* of calcareous spar; but toward the summit these *cintas* which follow the direction of a *creston* are more clearly formed, from four to six fingers in width, and are accompanied by the red oxyd of iron in masses, and other earthy oxydes of the same metal.

In this part of the hill no examination has as yet been made, and it would be proper to seek a well of some depth at the point where the two borders aforesaid meet. But notwithstanding this, and the abundanee of fuel and water existing in the neighborhood, the veins are so narrow and uncertain, and the mass of the rock impregnated with cinnabar is of such small *ley*, besides the unfavorable topographical position of the place, that this *criadero* presents but little prospect of becoming an object of great interest in mining.

### CRIADEROS OF SAN COSME AND OF BAÑON.

The first is found in the neighborhood (a quarter of a league to the east) of the Pueblo of the same name, which is distant about fourteen leagues to the north-east of Zacatecas. It consists of a vein of quartz with points (pintas) of pure cinnabar; it is surrounded with or armed in a red conglomerate composed of fragments of black calcareous matter, test stone (piedra de toque,) and compact quartz, cemented by an impure ferruginous clay. The vein runs in the direction 9 hours of the German compass; it is almost vertical in its slope (echado); it appears to be of considerable extent, but its surface is covered with a thin layer of gravel, which prevents the examination to any great distance. Besides the quartz, it contains some calcareous spar as the matrix.

The "catas" of Bañon (thus named from a hacienda, distant from Zacatecas 8 leagues to the east,) are in some hills of mountain lime-stone, the layers of which alternate at times with others of test-stone. The course (rumbo) of the vein, apparently, is two hours by the compass, and its inclination thirty degrees to the west; but this is not a regular vein, only some branches of quartz and clay with some cinnabar, which fill the superficial crevices of the mountain, wherefore they merit no consideration.

## MINES OF TEQUEZQUITE—NEIGHBORHOOD OF THE PUEBLO DE MELILLA.

The mountain of Tequezquite, which belongs to the red sandy formation, is interrupted by masses of porphyry with a base of feldspar, which crops out to the surface in the form of great veins or *crestones*. The group of the sandy formation, contains a conglomerate of clay and lime (which in some places forms pure sand, and in others oolita) a variety of limestone, and extensive layers of red clay.

This formation is more ancient than that of the porphyries of feldspar, because among those fragments of conglomerate there are found no vestiges of porphyry. Upon this formation, porphyry forms the culminating points of the highest hills. In a similar manner and in continuation of this, is presented augitic porphyry (*Melaphyre*) which passes to *Mandelstein*.

The veins of this formation generally assume a direction between the hours of four and eight of the compass, from which it is deduced that the longitudinal axis of the land elevated by porphyric masses, have a direction from west to east, or more exactly W. N. W. W. to E. S. E. E. as is shown by the plan. [Plate 2].

Professor Hopkins, of Cambridge, has demonstrated that the elevation of a large extent of land by continual force must form fissures corresponding to its longitudinal axis, and upon these others perpendicular to the same. An exact investigation, and which extends towards the east and west of Nieves and Melilla, the maximum points of the Sierra Madre and its continuation with the mountain of Nieves will demonstrate if the veins of porphyry as principal longitudinal fissures, or as diagonal fissures, subordinate to the Southern Cordilleras of Mexico.

From the resemblance between the veins of cinnabar of Tequezquite, and the principal veins of porphyry, it may be deduced that their origin was not posterior to but contemporaneous with the elevation of the porphyry.

The said veins are really branches of quartz, that intersect the conglomerate. The presence of cinnabar as the result of sublimation, and the fact of the adjacent rock being impregnated with it, appears to indicate that it rose from below in the form of vapor, and was condensed upon the compact stone in the globular form, and impregnated the earthy masses. The cinnabar then is found in veins in the conglomerate of the group of red sand-stone, which is upon the porphyry, and to which it probably owes its introduction into these fissures (1). Now, after that land had been formed in its fundamental physiognomy, there followed to the platonic elevation of the porphyric masses a watery precipitation, which was composed of all these recent layers of calcareous matter known under the name of "caliche."

Finally, the general covering in the valleys and neighborhoods of Tequesquite is a porous clay, in relation to the knowledge of which, the discovery of certain shells will afford more light.

In the centre of an ample and extensive valley, less than one league to the west of the pueblo of Melilla, the multitude of venas or cintas of quartz of which we have spoken, cross each other without much uniformity in their direction (*rumbo*) and inclination (*echado*); we may nevertheless adopt as a medium course, that of north-east, 60 degrees, and of inclination, 70 degrees to the north-west. The small veins of quartz, which number at least twenty, comprehending a breadth of twelve varas, are of very different thickness. Quartz is the common matrix, and is found as well crystallized as in masses, the first form being that in which are found the richest specimens of cinnabar; which is at times in small particles uniting in masses which fill the hollows of the quartz crystals, forming plates of the thickness of half an inch. It is also apt to be found in small riñones, (kidneys), formed by the grouping of small crystals, the surface of which is marked with lines; occasionally with small globules of native mercury. There is also calcareous spar, as a matrix, sometimes crystalized. The small veins of quartz traverse and penetrate the clayey conglomerate, heavy charged with foamy talc, much disseminated in many places. The small veins of quartz are separated by a brown clay, sometimes yellowish, penetrated by earthy talc, which at a small depth is found mixed with carbonate of lime.

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(1). We have faithfully extracted the geological description given by Sor. Berger, of this and other mineral districts, founded upon the elevation of platonic or igneous masses, notwithstanding we entirely disagree with these principles, because that the theory of central heat, or an incandescent nucleus of the earth, cannot be sustained. And we think that the arguments cited in its favor, are sufficiently disproved by the experience of some years of subterranean work in deep mines.

These earths are the principal products, since, besides the small particles of cinnabar which they are apt to contain, they are more or less penetrated by this mineral. Even the clay which cements the conglomerate contains at times pulverized cinnabar, and this is not only the case in the immediate vicinity of the veins, but extends to the distance of many varas towards the "*respaldos*," it having been found in pieces of the same dug up at 20 varas from the veins.

The average "*ley*" of the products (generally earths) is 2 per 100. The highest of the good earths reaches to 8 per 100.

The mining, as is noticed by the works near the surface, is very regular; they are inundated; the water has risen to within 10 varas of the mouth of the well. The depth that has been reached in these mines, according to recent notices, is 60 varas. They were worked by an English company in 1834. The timber for securing the mine bears the same price as in Zacatecas. There is not sufficient water for condensation and other purposes; the river Melilla is half a league distant from this place.

Supposing that the minerals continue constant in depth, there would be a weekly extraction of 500 quintals, or a product of 16 quintals of quicksilver, and supposing the cost to be one dollar for every 2 libras of quicksilver, as the expense of extraction and the working of the same, the mine would then yield a moderate profit, or at least pay expenses, a circumstance appreciable to those who, for patriotic views, propose the advancement of this class of enterprises.

To the preceding extract from the "*informe*" which was presented to the Junta de Fomento by the members of the committee for examination of the "*criaderos*" and mines of quicksilver of the Department of Zacatecas, Dr. Erneste Berger and D. Antonio Blanco, it is proper to add the opinion in relation to the same given by Professor del Rio at the request of the Junta de Fomento, as this fixes by a sound criterion the true geognostic formation to which the first belong. His opinion is as follows:

"It appears that Dr. Berger treats of variegated sand-stone (*Bunter Sandstein*), calcareous shells (*Muchelkalk*), and kéuper or variegated marl, that are now united under the name of *Trias*, being three, or of the formation *Poiquilítica;* that is, of various colors.* * * The Trias are rich in marine salt, but what is asked of us is quicksilver."

The preceding descriptions are those of the criaderos of five principal Departments of the Republic (not including that of Mexico except the southern part), being the only ones in which it has been possible to carry into effect the dispositions of the decree of 25th September, 1843; we are wanting in a proper knowledge of a great part of the vast extent of the Republic, the mineral wealth of which, with perhaps the exception of the mines of silver and gold, is yet unknown to us, notwithstanding that besides its rich deposits of precious metals, there exist, especially in the Departments of the north (Sonora, Sinaloa, Chihuahua, etc.), specimens of pure cinnabar and native quicksilver, which certainly indicate rich and abundant criaderos.

Therefore, the interest that must be felt in this class of investigations augments in proportion to the increase of sure indications in our soil of the existence of rich and abundant deposits of mercury.

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## CONSIDERATIONS UPON THE ANNUAL PRODUCTION AND EXPENSE OF WORKING OUR QUICKSILVER MINES.

As with respect to the production of which our deposits of cinnabar are susceptible, we cannot establish fixed data, in consequence of the variation, inconstancy and irregularity with which the greater part of them have been prospected, we will content ourselves with presenting here an estimated calculation of the quicksilver that, under favorable circumstances, the mining being active, has been produced at divers recent periods; and starting from this point we may be allowed to suppose that the progress of the work will continue regularly, and that the products will be constant, in order to be able to estimate, then, of what annual production they are capable.

| | |
|---|---|
| Thus, then, we already know that the mines of Capula produced for the months of April to August of '43, 5.015 libras, or per month..... | 1.003 libras. |
| Besides, that which was yielded in the same time by the small speculation of the operatives...... | 200 " |
| From the mine of San Romualdo were extracted in nine months 800 quintals of mineral, which should have produced on reduction 9.600 libras, per month estimate.................. | 100 " |
| The mines of Pedernal produced from November, 1840, to June, 1844, 8.274 libras 15 ounces, per month............................. | 192 " |
| The mines of Carro produced for the year '41, 16,000 libras, and supposing these to have been | |

| | |
|---|---|
| obtained during the whole of the year, the monthly result would be.................. | 1.333 libras. |
| From one of the mines of Pinos (San Pedro) there were extracted in about three months, 240 "cargas" of metal with a ley 2.50 per 100; which should have produced on reduction 600 libras, or monthly.......................... | 200 " |
| Total........................ | 3.028 libras. |

| | | | | |
|---|---|---|---|---|
| Therefore, under such circumstances, the estimated annual production would reach.................... | 363 | quintals | 36 | libras. |
| But it is necessary to add that which is actually known to exist in other mineral regions and new mines, such as that of Guadalcazar and various mines of Capula, valued at: | | | | |
| New mines of Capula (1).......... | 117 | " | 00 | " |
| Mines of Guadalcazar (2).......... | 1.080 | " | 00 | " |
| Sum total, or estimated annual production........................ | 1.560 | quintals | 36 | libras. |

We observe, moreover, in relation to this production, that excepting the quicksilver obtained from Carro, Pinos, and that from the mine of San Romualdo (criadero de Salsipuedes), by a proper distillation of the metals, that of all the other districts is the half, and even less than that which the minerals produced really contain, by the loss of more than 50 per 100, on account of their having been reduced in rude and imperfect apparatus.

| | | | | |
|---|---|---|---|---|
| So that, deducting from the estimated annual product................ | 1.560 | quintals | 36 | libras. |
| (1.333 † 200 † 100, of the Carro, Pinos and Salsipuedes), or....... | 16 | " | 33 | " |
| We have a remainder of.... | 1.544 | " | 3 | " |

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(1) The "Jalisciense" of the 29th of August, 1845, contains some notices in relation to the condition and production of the mines of quicksilver in the district of Capula (Mineral Martinez); its productions are as follows: "In a few months," it says, "there were exported from one mine alone (el Manto) 800 libras of quicksilver. The mine of S. Benito produces weekly 6 arrobas of quicksilver; with an apparatus of sufficient capacity, its annual product would be 600 quintals. The vein is one and a quarter varas wide, The Socorro produces 3 arrobas weekly.

(2) It is noticed (in the Siglo XIX, July 20, '45), by a letter written to Sor. Perez Galvez, that in the quicksilver mines of Guadalcazar (Department of San Luis Potosi) there are being extracted monthly 120 flasks of quicksilver, which extraction is increasing, and which it is expected will be very considerable in a short time.

As this may be believed to be an exaggeration, it may be well to mention that 120 flasks contain 90 quintals of quicksilver, while the *ley* being two and a half libras per carga (as says the letter), it must be the result of 3.600 cargas, or of a weekly extraction of 900 cargas, which are easily obtained in new mines of little depth. Probably the true *ley* will be more, and in consequence of an imperfect reduction, the result is only two and a half libras.

Doubling which, allowing for the loss of 50 per 100, adding the 16 quintals 33 libras before expressed, it gives us...................... 2.104 quintals 39 libras for the annual production, estimated according to the calculation in the first supposition, and where the minerals were supposed to have been distilled in good apparatus.

It is seen then, that even thus, that is to say, under the supposition of circumstances the most favorable to production, this scarcely amounts to the sixth or seventh part of the total quantity of quicksilver consumed in Mexico in the reduction of silver ore, estimated at 14,065 quintals by the establishment of mineria. (1)

If we only allow to enter into the calculation the quantities of quicksilver produced by the mines actually in operation, and of which we have an approximate knowledge, as those of Capula, Pedernal and Guadalcazar (2), and if we prudently estimate the amount extracted from the other districts at 280 quintals, the effective annual production would amount to 1500 quintals, doubling which would give . . . . . . . 3000 " if, as we have said before, good apparatus for distillation had been employed.

But from the adoption of these, in the country, such as the cylindrical retorts of Dr. Ure, or by another name "*aparato hermetico y económico*" (hermetical and economical apparatus), or even the simple furnaces of Galera, with iron retorts, condensers and refrigerating current of water, it is not only to be hoped that the production will be doubled by extracting all the ley from the minerals, but that in reality this will be considerably augmented, since then the poor minerals more than paying the cost of working, by the advantages to be obtained by these apparatus working without loss of quicksilver, with less expense of fuel, less cost of labor, and above all its constant and active working, as we will presently explain, business will multiply, and with the more probability, because, as has been previously explained, the Republic abounds in criaderos of small ley, but abundant and extensive, and of easy exploration.

In examining the *leyes* of its minerals, we find the following:

| | |
|---|---|
| Average richness of the quicksilver minerals of Mexico............................ | 3.90 per 100 |
| [or rather, their absolute richness is equal to 0.00390.] | |
| Common ley of the same..................... | 2.50 " " |
| Common minimum.......................... | 1.00 " " |
| Average maximum (Guadalupe Targea)...... | 23.40 " " |

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(1) Exposition of the Junta de Fomento y Administrativa de Mineria, page 19.

(2) Sor. Tovin, who in September of this year saw this mineral (mine), calculated the monthly production to be more than 100 flasks.

"The average (says Dr. Ure), of the specimens of cinnabar of Obermoschel [1], are ten times poorer than those of Almaden." It has been seen, on the other hand, that in the Republic various mining establishments are supporting themselves, even with less than one per cent., which they succeed in extracting from their metals [really richer] in consequence of a very imperfect reduction.

At present, a hermetical apparatus of Ure has cost more than one thousand dollars; keeping it constantly at the proper degree of heat for the decomposition of the mercurial minerals, one burning, by skillful management, can be made in the space of three hours. So that by relieving the workmen, they can make in twenty-four hours eight burnings of about five quintals each, if the minerals are poor (like those of our mines), or from twelve to twenty quintals, with rich minerals [2].

According to Mr. Tovin, the ley of the minerals of Landsberg is of ½ per 100, the reduction of which, nevertheless, leaves a moderate profit, by using the cylindrical retorts of Ure.

It is then beyond all doubt, that the greater part of our criaderos or mines of quicksilver, will not only pay for working, but will become productive, if there should be established in them perfect apparatus for distillation.

Fortunately, we now owe to Sr. Perez Galvez the benefit of the introduction of these apparatuses into the country, since, as we are informed by Sr. Tovin, his agent, after having personally examined the apparatus of Ure, put up in Landsberg, he went to London, and caused one with new improvements to be constructed in Glasgow, the parts of which, as it appears, are now actually in the Republic, and on the road to Guadalcazar, where it will be put up under the direction of the same Sr. Tovin, who, we hope, will in a little time have it in operation with good results.

Thus, then, the hope is aroused that the Mexican miners, availing themselves of the improvements of science in perfecting the distillation of quicksilver, will succeed in giving to their country an increase both of power and of public wealth.

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(1) Place in the vicinity of Landsberg, where was placed the apparatus of his invention.

(2) Dictionary of Arts, Manufactures and Mines, etc.—"Mercury."—Translation already referred to.—"Museo Mexicano."—Vol. 6, num. 4.

FINIS.

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## TABLE OF THE CRIADEROS AND MINES OF QUICKSILVER OF THE REPUBLIC

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| DEPARTMENTS. | JURISDICTIONS, OR MINERAL DISTRICTS. | CRIADEROS OR MINES. | GEOGNOSTIC FORMATION. | LEY OF THEIR PRODUCTIONS: Production and periods when they were examined or worked, or their actual state. |
|---|---|---|---|---|
| MEXICO. | J. Chilapa. | C. Chapitzaco. | The veins surrounded by (armanen) Micapizarra. | 0.25 per 100: shafts or openings actually abandoned. They were prospected for copper mines in the year 1627, and lastly examined in the year 1677. |
| | J. Ajuchitlan. | M. Huamuchil. | Old red sandstone. | 3.25 ,, ,, Old mines which are not actually worked. |
| | Idem. | C. Candelaria. | Id., Id. | 0.50 ,, ,, Criadero actually virgin. |
| | J. Tlalchapa. | C. de Tecusco. | Id., Id. | 0.87 ,, ,, Was worked during the year 1750, and afterwards, also, to a very small extent. |
| | M. Tasco. | Ms. de Pregones. | Calcareous matter of transition. | There are two veins: that of the mine of Negrilla produced 0.3125 per 100, and that of Santa Gertrudis 0.25. This last was worked by the ancient Tribunal of Mineria during the year 1810; it was abandoned during the war of independence. |

| | | | | |
|---|---|---|---|---|
| | J. CUERNAVACA. | CS. DE TEPEYOPULCO Y CUAXISTENGO. | Calcareous carboniferous, or metalliferous matter. | 0.914 „ „ Calculated by the product of reduction. They were developed during the year 1740, and were afterwards worked from November, 1780, to the middle of 1782, under the orders of the Exmo. Sor. Viceroy, Don Martin de Mayorga, with the direction of the ancient Tribunal of Mineria. The production was 6½ quintals of quicksilver. |
| JALISCO. | M. MARTINEZ. | MS. DE CAPULA. | This appears to consist of the members which form the group of variegated sand-stone, that is to say, variegated marl, calcareous shells. new red sand-stone, resting immediately upon the calcareous carboniferous formation. | 2.33 per 100 (apt to be greater at times). The production of this district, for the months of April to August of 1843, 50 quintals, 15 libras, besides what was produced by the small extractions of the speculations of the workmen, which amounted to 75 libras weekly. So that if we add this to the first, for the five months that that lasted, it gives 65 quintals 15 libras. The first metals of quicksilver were discovered at the end of the last century. |
| | J. LAGOS. | CRIADERO DE SALSIPUEDES. | That of the serrania, is an ancient red porphyry. That of the criadero is quartz rock subordinate to the porphyry. | 12.00 per 100, of the minerals assayed from the mine of S. Romualdo. In the space of nine months there were extracted 800 quintals of mineral, which should have produced upon reduction 96 quintals of quicksilver. |

| | | | | |
|---|---|---|---|---|
| GUANAJUATO. | | Criadero of Quicksilver in the neighborhood of the Hacienda del Rodeo and San Nicolas del Chapin. | Clayey porphyry. | Unknown. |
| | | Criadero de Pinalillo. | Sand-stone on a clayey foundation, upon which rest conglomerate, clay, and vegetal earth. | 2.80 per 100 from the clean minerals. The works in the condition of catas in active operation. Production unknown. |
| | M. Centeno. | Minas de Centeno. | Sand-stone mingled with quartz of fine grain, upon which rests a layer of brilliant rock. | 4.00 per 100 from the clean minerals. The period when the mines were worked is not known, they being actually abandoned. |
| | | Minas del gigante. (6 leagues N. W. of the capital.) | Layers of gray sand-stone, yellowish, and porphyry upon a clayey foundation. | 4.00 per 100 of the minerals "pepenados." The mines are sheltered. |
| | Mines of the mountain called Del Toro. | Mina del toro. | Clayey porphyry containing grains of quartz. | 1.63 per 100 of the clean minerals. Mine supplied by the Junta de Mineria. |
| | In the same mountain. | Mina de providencia. | Calcareous matter alternating with layers of shell-stone and of clayey red sand-stone. The calcareous rests on the sand-stone and the latter on the shell-stone. | 4.3 per 100, of minerals ordinarily clean. The mine in operation, not deep. |
| | San Juan de la Chica. | Minas de S. Juan de la Chica. | Clayey porphyry, placed upon shell-stone, and covered with calcareous matter, above which is vegetal earth. | As high as 8.20 per 100. Mines abandoned. |
| | M. Targea. | M. de Guadalupe. | Alpine calcareous, its layers alternating with others of test stone and bituminous slate according to Sr. Alcocer. Would not carboniferous or metalliferous calcareous be better? | The minerals that are cinnabar, epático en riñones, have an average ley of 23.40 per 100. The mines are actually habilitadas by the Junta de Fomento y Administrativa de Mineria. |
| | M. San Pedro de los Pozos. | Minas de Animas, Soledad y S. Rafael | Also Alpine calcareous, similar to that of Targea. | 2.20 per 100 from the clean minerals. Mines abandoned. |

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| S. LUIS POTOSI. | J. DE SANTA MARIA DEL RIO. | CRIADERO DEL DURAZNO. | The region is composed of porphyry impregnated with quartz, with subordinate fragments of porphyry founded upon shell rock. Above these, in the little valley of Durazno, a formation of later deposit composed of layers of marl and slaty clay, which cover a manto of cinnabar at the medium depth of 15 varas. | 0.33 per 100, calculated by the product obtained from quicksilver.<br>The "manto" is entirely exhausted. The period of its greatest production was in the year 90 of the last century: there were taken out 70,000 cargas of mineral which yielded 700 quintals of mercury. |
| | ID., ID. | M. DEL PEDERNAL. | The same porphyries as Durazno. | 2-50 per 100. Extraction in 1844, 35 cargas weekly. Production of the mines from November 1840, to June 1844, 82 quintals 75 libras, which should give the result of 2.413 cagas, 8 arrobas de minerals. The reduction was at a loss of 50 per 100. |
| | | CRIADERO DEL CARRO. | Red clayey conglomerate of various other colors according to Sr. Berges. May not the new red conglomerate, of the geological column, be of the formations which in other parts, is above coal? In this is found "capas" of clay, lime and marl, some of them impregnated with cinnabar. Rocks which form the members of the groups of variegated sand-stone. | The ley of the minerals has reached 3 per 100. At present the extraction is small. It was developed about the middle of the last century, and was closed by order of the Spanish Government when the prohibition of working quicksilver mines arrived; but at the same time they had suspended the works, because the vein had narrowed immediately under the surface (at the depth of 6 varas). Various times afterwards it was re-developed, and in the year 1841 it yielded 160 quintals of quicksilver, thanks to the great industry of Sr. D. Rafael Carrera in working mines of quicksilver. |

| | | | | |
|---|---|---|---|---|
| ZACATECAS. | M. DE PINOS. | CS. DE PINOS. | The criaderos are thick capas of clay, lime and marls, of which the two last are apt to be impregnated with cinnabar, or all are traversed with little threads of jaboncillos or with cinnabar which are apt at times to pass into the porphyry upon which they rest. The thickest of these capas is, 2½ leagues to the west of the Ciudad de Pinos in the criadero de Collaso, more than 60 varas, and about 700 varas south of this last, in that of S. Pedro its thickness diminishes to 15 varas. | The ley of the productions of the first amounted to 1.25 per 100; this last was discovered in the year 1844, and from the months of April to July Sr. Carrera had extracted 240 cargas. |
| | | C. DE LOS HUAJES. | Clayey porphyry subordinate to the red porphyries of base of feldspar. | 1 per 100 of the common minerals. They were discovered in the year 1831. In that of 40, a hasty and badly conducted experiment was made upon one of the veins by means of a well ten varas deep, Afterwards (in the year '44) a company of Guadalajara formed by D. Antonia Nieto undertook to develop it. |
| | | MINAS DEL TEQUESQUITE. | According to Sr. del Rio, it ought to contain with variegated sand-stone, calcareous of shells, keúper or variegated marls, which are united under the name of Trias or formation Poiquilitica. | 2.00 per 100, average ley of the productions, which are generally earths. The mines are abandoned and inundated.<br>They were unsuccessfully worked by an English Company in 1834. |

# TRANSLATION EXHIBIT CASTILLO No. 2.

## LECTURE READ

*To the Class of Mineralogy, by the Professor Don Antonio del Castillo, on the 17th of November,* 1845.

GENTLEMEN:

In former times, when the Mining Ordinances were in a vigorous condition, the Professors of this College were required to present, every six months, according to Art. 12 of Title 18, "a report (*memoria*) or dissertation upon some subject useful and interesting to the mining interests, and pertaining to the faculties applicable to this exercise" (these are the words of the *testo*); the subsequent laws contain no clause that actually imposes upon them this obligation, and it is doubtless from this circumstance, that there have been read in this place (*) some productions by Professors, which may be more properly called literary pieces than scientific articles.

Desiring to comply, as far as possible, with those provisions of our wise ordinances, I will proceed to read the following instructions in relation to veins (*vetas*), which are to be considered rather as an essay, which I may hereafter perfect, than as a finished report which would do me some honor.

## INSTRUCTIONS IN RELATION TO METALLIFEROUS VEINS.

### CRIADEROS IN VEINS.

Designation of the word Criadero.

*Criadero* is a generic word, used in mining to designate the deposits of mineral substances, contained on the surface or in the interior of the earth, and which are objects of speculation to the miner.

Divers kinds of Criaderos.

The irregular metalliferous *criadores* scattered in *reñones*, *boleos*, or *ojos*; the great isolated masses or *trozos*, the *cumulos*, and the *capas*, *mantos*, and metalliferous veins, are distinguished from the superficial deposits, such as quarries, deposits of sulphur (*solfateras ó azufreras*), salt pits (*salinas*), *tequezquiteras* (deposit of a mineral salt used in reducing ores), deposits of *tubas*, *placeres*,

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[*] Hall of the National Mining College.

and gold washings, of platina and precious stones, including the *gruesas capas* and *mantos* of mineral coal.

Geognosy does not furnish rules so certain for the working of metalliferous criaderos, as for those that are not metalliferous.

Geognosy leads us to the determination of these mineral deposits, from a knowledge of the rocks in which they are generally found, since it teaches us the relations they bear with the same, as well as their particular structure and character. But, notwithstanding these relations are sufficiently understood and fixed in the criaderos which are not metalliferous, that is to say, the *fontaminero* may be able to determine the depth to which he will have to bore, or sink his artesian well, in the formations *supraliasicas*, by a knowledge of the *capas* which he may be crossing, or that he may have studied in that geological region, and the worker of a mine of stone coal may be able to determine, beforehand, his plan of labor, before he commences to realize the fruits of the same in the *capas* or *mantos* of mineral coal; the miner cannot with such decided certainty, mark and determine the extent of the works to be traced out upon the indication of metalliferous criaderos, in order to reach the point of concentration most productive, or as the miners say, in order to "*alcanzar ò cortar bonanza*"—(meet with success).

Much has been written upon the character of the metalliferous *criaderos*, and their relations with the rocks by which they are surrounded (*en que arman*), and also upon those (rocks) which are found within the same; but there is still much to desire, on account of the disagreement found in all the instructions upon the matter, especially in relation to the irregular metalliferous *criaderos*, and those in veins.

This discord, and at times contradiction, or exceptions, generally proceed from the fact that such miner, after studying his respective locality, or that of a certain mineral region, desires to make his local observations applicable to all other known mineral countries; applying said observations as general rules.

The conjunction of the local descriptions has furnished the knowledge of the common characters of the same species of criaderos, and determined the practical rules which guide the miner in his labors.

These particular observations, notwithstanding the diversity of theory accompanying the same, in relation to the formation of the veins, *camulos* and *trozos*, form, taken together, the special description of these *criaderos:* from which are deduced the most notable points that serve to determine their nature; giving a knowledge of their various forms; the changes of these forms; the substances composing their mass; the constant association of the same, constituting what are called formations; and finally, the phenomenon observed in the diverse relation of the veins among themselves, when they cross, meet each other, are displaced, or deviate (*guiñan*).

Thus, the constant observation of the same phenomena in the study of the veins, has determined certain practiced rules, which, notwithstanding the occasional apparent exceptions to which they are subject, are those which guide the miner in determining the character of the work he has to plan in order to establish or perpetuate a mine.

Change of horizontal direction and dip.

Thus, for example, if the miner in following a vein *emborrascada* (losing itself) finds that its direction varies more than 45°, there is reason to believe that he is not upon the same vein, but that he has followed a branch of the principal vein, which will lose itself, or that it is a new vein which he has found, since observation has shown that the changes of direction, or the serpentine curves of the veins, do not exceed this variation.

It may also happen that the vein is separated into two or more parts by an intervening rock, which is called *caballo*, and that the branches, although they have a course altogether different from the course of the principal vein, will meet or join at a distance, and again form one vein. Or the vein may be ramified in such a manner into branches (*cintas*, *venas ó hilos*) that it will totally diappear, there remains to the miner then no choice but to continue his excavation.

These different changes of direction, ramification or division which are observed in the veins, when they are followed in a horizontal direction, are also naturally observed when they followed on an inclination or slope (*sobre su echado*); and in the same manner that, in order to understand the matter more clearly, we refer the vein to the plane of the general middle horizontal direction; thus, also, in order to determine what is to be done on a slope (*sobre el echado*), we refer the vein to a plane passing through the slope; it resulting from this, that in case of the loss of the vein, when following it either in a horizontal direction, or upon an inclination (*sobre su echado*) if there is no other cause of interruption (such as the intervention of another vein, *reliz* or *falla*) the excavation is to be continued in the horizontal direction, or on the inclination which are determined by the planes referred to; and if it is ramified without losing itself, either in its horizontal direction or inclination, that branch is to be followed which differs least from the same planes, that is to say, which approximates nearest the middle of the horizontal course, or that of the inclination.

In the narrow veins these cases occur more frequently than in those that are wide, and in these last (the wide) the miners call "*cuerpos de veta*" (bodies of the vein), the subdivisions of the same, divided by entering mountain masses. Thus in Guanajuato, for example, the mother vein has three principal bodies,—1st, 2d and 3d body.

Formations and systems of veins.

The constant association of the same mineral substances, or those which are always found together, constitute as has already been said, that which is called formation; and in general it is observed that the veins which correspond to like formations, or are of the same formations, run in parallels, whether in a horizontal direction, or on an inclination, at least in all that space comprehended within the same mineral region; so that there may be enumerated within the same as many different formations as there are groups of parallel veins, which run in different directions.

Hence it will be conceived, that these groups of parallel veins, to which is given the name of systems, having distinct courses, will present in the same mineral district a multitude of crossings, unions and separations, partial and general, of many of the veins which form the same; giving rise to difficult problems, as to the best mode to be adopted by the miner in working the same.

But the geometrical representation of all the systems of our mineral region, or more particularly its horizontal projections in the same plane, will be the best guide for the pursuit of his object; because, in a surface study, if these systems of veins are projected on different planes, according to the accidental circumstances of the land, and the *trazos* or *crestones* on the same, it gives a false idea of the respective position; which is also the case, although with less error, when the common planes of the mines are examined, in which the drawing shows the horizontal projections of all the cañons, made on different levels; some under others.

Crossings and dislocations.

The veins, then, considered individually, and in a general manner, may intersect each other either in a horizontal direction or on an inclination (although properly speaking, the greater part intersect each other horizontally and on a slope), the first case occurring oftener than the second, and a vein may be cut or divided by the whole body of the dividing vein, and continue immediately afterwards in its original direction, like two planes crossing each other, or it may deviate more or less in its continuation to one side or the other of its primitive direction, as it happens when the vein forks; or lastly, they may become confounded in the common intersection, mingling together, to separate themselves afterwards in their respective proper directions: it is to be understood, that this takes place as well in intersections in a horizontal direction, as in those on an inclination.

In this last case, the miners are accustomed to direct their labors towards the common intersections, as they are the richest spots, as well on account of the increased richness of the vein, as because of the accumulation of its mass; and as a general rule, they aim to strike these common intersections of two veins which cut each other in a horizontal direction; but as the line of intersection of both veins, considering them as planes, becomes to be oblique to the line of the horizontal plane cutting the same, the direction which might be taken, following this inclination, would be defective, and the result would be beyond the rules of the art; wherefore the common practice is to take such a direction as at a certain depth to cut said veins at the point of common intersection, and when they are the richest.

But the most interesting problem presented in mining, is that based upon the dislocation (*dislocamiento*) which frequently occurs, as has already been said, principally in these metalliferous districts in which there are many systems.

And these cases of dislocation (*dislocamiento*) are apt to be so indeterminate, notwithstanding the mathematical exactitude which is pretended to be given,* that it will be very difficult for the miner, without a long practical experience in the locality, to determine on which side they have taken place.

Notwithstanding, as the theories in relation to the explanation of this phenomenon are various, and cases frequently occur analogous to those from which have been deduced the rules established for the solution of the problem, we will mention those that are best known, in order that the miner, when similar cases arise, may apply the same with all the intelligence possible.

Geometrical representation of the dislocation of veins, produced by the sinking or elevation of one of the *respaldos* of the vein (*secante*).

The representation of the dislocation (*dislocamiento*) of veins by descriptive geometry, solves the cases which most commonly arise in practice, directing where the lost vein is to be sought, when the dislocation (*dislocamiento*), when it happens *por el rumbo* in horizontal works, or when it takes place *en el echado* (on a slope) when working by plan.

The plan (Plate 1st) is constructed under the supposition that there may have been a sliding of one of the *respaldos* of the displacing vein, either by depression or elevation; because the same may occur in one case (Fig. A), that it may have been the upper part (*el alto*) *m n r s*, which has fallen (*hundido*), or the lower part (*el bajo*) *o p q t*, which has been elevated; and in the other (Fig. B) that the lower (*bajo*) may have been sunken and the upper (*alto*) elevated: the question is always reduced to knowing which of the two *respaldos* of the displacing vein *o s* is the one that has fallen.

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* Manual of Geology of Señor Don Andres del Rio, p. 6.

In the first case, that is to say, when the upper part (*el alto*) of the vein or *falla secante* has sunken, and has carried with it the portion V' of the vein imbedded in the same, and naturally the other portion V has remained above; so that if we pursue the vein in the *respaldo alto*, we must seek for its continuation in an upper direction through the *alto*, *o m n r*, of the vein, referring to the profile; and towards the obtuse angle if we refer to the horizontal plane, or pursue the direction of the vein; but if we find ourselves in the *respaldo bajo*, we will have to seek it in the lower direction through the *bajo s t q p*, of the same vein which we are pursuing.

If, on the contrary, it has been the lower (*bajo*) and not the upper (*alto*) that has sunken, opposite principles to the foregoing will have to be followed, which is manifest from an inspection of the figure, which represents this other case.

From what has been set forth it appears, that in solving the problem of the dislocation of a vein, all the difficulty consists in knowing how the sliding (*resbalamiento*) has taken place, which is sometimes a very difficult matter to determine.

"Notwithstanding," says Ezquerra, from whom we have taken this geometrical construction, "a practical knowledge of geology will be of the greatest assistance, and when there is no other remedy, an excavation will be made lengthwise of the *falla* by way of examination, in order to clearly observe the relation of the corresponding *capas* on one and the other side of the same."

And this difficulty is augmented still more, when there are rocks in mass, or one rock alone stratified, upon those that enclose (*que armen*) the vein, as happens in most parts of the country.

For example, in the District of Fresnillo, in the northern part of the hill, the *vácia gris* in mass is encountered towards the surface, and is crossed by two systems of veins, those that are metalliferous in directions approximating parallels to the northwest, and east and west the *lamosas*, with inverse inclinations, the first to the south-east, and the second to the north. The displacements (*dislocamientos*) are consequently encountered on the inclination (*por el echado*), and there have been counted more than twenty dislocated veins. The principal one of the *lamosas*, is that which is called veta echada (45°) of San Pedro, and is that which displaces the greater part of the metalliferous (veins), one of which is the rich vein of Valdenegros, and that of Colorado (planes del Burro) the continuations of which have not been thoroughly sought for up to this time, the miners being content to consider them as lost.

In all probability, then, in view of the system of veins (*lamosas*), we may feel assured that at the time of their formation many mechanical slides took place, from which resulted the sinking of the *respaldos altos* in some of the dislocating veins, and of the *respaldos bajos* in others. A careful study of the mechanical conditions most favorable to those slidings will enable the miner to form an opinion as to whether the vein has remained sheathed (*envainada*) in the *alto* of the dislocating vein, or in the *bajo*, according to the representation of the geometrical problem. The first appears to be the case, as indicated by all the local circumstances, in relation to the lost view of Valdenegros, according to the recollections of an examination made of it in 1842.

Dislocation of veins explained by the influence of terrestrial magnetism, according to the theory of Mr. Hopkins.

Finally, the formation of veins, as explained by the influence of terrestrial magnetism, gives rise, according to the theory of Mr. Hopkins, to all the different dislocations, and to the accumulation of rich matter in the immediate vicinity thereof, on account of the different positions of the *fallas* or southern veins (*) with respect to the general direction of south to north, which in his theory the magnetic currents of the interior of the globe are supposed to take. The following is a brief extract in relation to the case:

According to that theory, the crust of our globe presents in its structure a general system of layers, or a grain running from south to north, produced by the force of the perpetual currents of its interior magnetism, which is called polar force.

Let it be imagined now that an extension is given to its mass by being submitted to the elongating action of this force; the tension resulting in the same would produce fissures more or less transverse to its direction, if the rock constituting the mass should not possess sufficient elasticity to accommodate itself to this elongation; and the number and nature of these fissures

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(*) We have adopted here the ancient denomination of veins, observed according to the cardinal points (vientos) south or north (meridional ó septentrional) and east or west (oriental ú occidental), according as they fall between the hours of 12 and 3, or between 9 and 12 for the southern or northern (Mediodia ó Septentrion) respectively; or between 3 and 6 and 9 and 6 near the cardinal points east and west. The first correspond to those that our practical miners call *trasversales*, and the second to those denominated by them legitimate, although they also distinctly call them *diagonal* to those that run between the semi-quadrants. The German miners distinguish them as *rectas* to those that run between the hours of 12 and 3; *estendidas* between 9 and 12; *matutinas* between 3 and 6, and *vespertinas* between 6 and 9. (Plate VI. Fig. C.)

would depend on the variable condition of the mass. And if the rock should contain channels, subject from elasticity to variable widths, then there would be formed *fallas*, lengthwise of, or diagonally to the layer (*foliacion*) according as there was the least resistance. It will be observed, that rocks are not, as they are commonly supposed to be, rigid and incompressible, but on the contrary elastic, subject to the undulatory movements, and capable of prolongation; properties well proved to exist in the same.

There result then from the polar effect the following series of lines: the southern layers (*foliacion*) the oblique or diagonal splits, and the fractions from east to west, or transverse to the direction of the currents. And besides, a multitude of fissures of little importance.

This is the slate rock which possesses great tenacity, and is capable of prolongations, the fissures from east to west do not often occur, but are limited by the subordinate southern canals; the diagonal *fallas* being most frequent, the lips or sides of which are curved or arched, and much polished by reason of the friction caused by the movement from south to north of the corresponding masses, which is very distinctly observed in the central cordillera of South America.

In Mexico, the porphyry predominates, and the diagonal *fallas* or southern veins are therefore intercepted by an infinite number of fissures or eastern veins. The rich mineral is here found in both classes of veins, while in Cornwall it is only found in the eastern veins (*lodes*).

Both classes of veins, southern and eastern, subject to the continual movement produced by the constant action of the polar force, produce great disorder in the general structure of the globe, which is the cause of the interruptions in the order of the masses, being the effect of the horizontal or diagonal movement of large portions of earth contained between the *fallas* or diagonal veins, out of their primitive position. These great displacements are occasioned by the boreal action of the rocks contained between *fallas* or polar veins, while the slidings observed in eastern veins are occasioned by the sinking of the *cuñas de montaña*, contained between the great fissures or veins. (Plate II). (*)

The discussions which have taken place in relation to those phenomenas, have created opposite opinions, owing principally to the impossibility of establishing the continuation of the fissures (*rajas*) on one and the other side of the diagonal *fallas*. A little reflection will suffice to convince us that a similar coincidence in all the fissures (*rajas*) is not to be expected, since in the first place, the fissures (*rajas*) crossing the diagonal *fallas*, are formed at the point where the least resistance is met, regardless as to whether or not it is in a straight line; it not following from this, that the cross is to be perfect with said *fallas*. Besides, if we recollect that the rocks, by reason of the continual action of the polar current, are moved towards the North, slowly but constantly, it may be supposed that there will occur from time to time new fissures in the same masses (which no one can doubt) then, even when the offsetts (*guiñados*) should be of 1, 10, 20, 30, or 50 feet, how would it be possible to establish the continuation of all the series of fissures? And to make a trivial comparison, to attempt to re-establish a dislocated mass of rocks in its primitive condition, would be like attempting to unite, by new coagulation, pieces of shattered ice which had been moved many times.

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* The plates of Hopkins are accompanied by another, with an example taken from the mines of the country. (Plate III).

When we consider the pasty and humid nature of the masses which permits a continual molecular action through its pores in a southern direction, similar to the circulation of the sap in a tree, we need not be surprised that the *respaldos* of the fissures cannot always be identified; their interrupted sides are in a very short time changed by chemical action; the southern parts very often penetrate into those of the north by new layers (*laminacion*) formed subsequently to the repletion of the fissures, as is represented in Plate IV.

The miners know very well that the guards or sides of the veins undulate at times, as for the want of mechanical resistance, and that it requires good practical knowledge to be able to keep the excavations open, so that the mineral can be extracted, particularly where the rocks are very soft and humid.

In the mines of Fresnillo this obliteration of the veins is very observable from the seventh cañon below, between the shafts of Beleña and San Francisco, and west of this last, at the depth of more than 250 varas; and the rock, which is common slate, is here so soft and humid that the laborers are able to penetrate the same with no other tools than long bars.

Returning now to the veritable displacements produced by the movement of great mountain masses, it is observed that if the *fallas* or diagonal veins run in a north-east course, the masses of rocks on the western side have generally been forced more to the north than those on the eastern side; and if they run in a north-east direction, the contrary happens. (Plate V.)

The cause of this order in the displacement of the masses is made manifest by examining the nature of the mechanical interruptions. Admitting that the magnetic force operates in the meridian, the direction of the oblique *fallas* destroys the uniformity of the polar forces; therefore, the masses which present the greater transverse base to the south will be forced to the north more in proportion to the others. It is commonly said that the veins are dislocated, or make off-sets to the right or left, because in whatever part one may be of the dislocated vein running in a horizontal direction, its continuation will be found running towards the same break.

With a view to compare the mines of America with the principal ones of Cornwall, Wales and Ireland, Mr. Hopkins has lately made extensive investigations of the same, and has confirmed, by these investigations, his previous opinion, that "the dislocation in the large formations of veins has been simultaneous with their repletion."

According to his opinion, the meridional *rajas*, or veins, are, generally speaking, more ancient than the eastern ones. Among the many examples that could be cited of eastern (*oriental*) *rajas* or veins being limited by the southern ones (*meridionales*), the mines of Flintshire are mentioned. The reason why the southern (*meridional*) *rajas* or veins cross the eastern ones (*orientales*) is not because there are more or less new or later formations, but is owing to the perpetual longitudinal movement to which one series of *rajas* are subject to transverse actions.

Opinion of Budge in relation to the off-set (guiñado) of veins, and practical rules which he advises in searching for the lost vein.

Favoring this opinion in part, which is discordant with that commonly admittted of Werner, in relation to the different ages of veins that are cut or crossed, that which is crossed being more ancient than the one which crosses, is found Mr Budge, according to whom, "the veins are contemporaneous with the rocks which enclose them (que arman)." "It very often happens," he says, "that a dislocating vein crosses several veins, dislocating some, the dislocations differing materially in their distance, and others are not entirely dislocated; and there are cases known of dislocations to the right and to the left of the same vein secant. Besides, the dislocating veins are serpentine, or zig-zag, in their horizontal course, and are not interminable, but run out or discontinue when they enter a different class of rock."

In relation to the phenomenon of dislocation, if we may well admit the general rules of nature, he says, they also have their exceptions, and that although for the practical miner there are known indications from which he may be able to form an opinion as to whether the dislocation is to the right or left, yet there are many errors committed in working, the common indications not being reliable, because of a certain swelling or bulging of the vein towards the place where it is dislocated, before being crossed, and on account of the jaboncillos (an unctuous matter said to indicate rich ore) and the particles of mineral disseminated in that direction.

He counsels the miner, as a prudent measure, when the vein has been lost and cannot be found by making an examination on either side of the dislocating vein, to the distance of several varas, to take the true course of the vein, return to the point where it was lost, and follow the *cuele* in this direction. It is a well known fact, he says, that although the direction of a vein may have changed with the dislocation, it always has a certain tendency to return to its original course; but as sometimes it is destroyed, slides or adheres to the vein secant, in such a manner as that it is impossible to distinguish it, it is more secure to seek beyond the vein in the said direction and then to turn back, or to break ground at right angles, in order to seek it by crossings from one side to the other, by which he will be better able to discover when he strikes it. But this is only practiced when search has been made in vain on each side of the dislocating vein.

In relation to the accumulation of rich matter in the immediate neighborhood of veins, which are crossed by other veins that are impermeable, whether causing dislocation or not, and the greater probability of encountering rich deposits of metals, or success, upon the *criaderos* in veins, according to certain conditions of position more or less favorable with respect to the interior channels in conducting the metallic solutions, following the same theory of terrestrial magnetism,—this subject will be treated of after speaking of the *theories on the formation of veins*, which will be the subject of another article.

## NOTES UPON SOME MINERALS,

*Taken from the Annual Lecture of* 1846, *of the Professor Antonio del Castillo, in charge of the Class of Mineralogy, of the Mining College of Mexico.* (*The lectures of the said year have not been published.*)

### IN RELATION TO THE CRYSTALLIZATION OF THE SULPHATE OF MAGNESIA.

Mineralogists have differed in relation to the crystallization of this substance. Mr. Breithaupt makes it correspond to the rhombic or prismatic theory, since he assigns to it as a fundamental form the figure of an obtuse rhombic pyramid, and describes its crystals as prismatic rhomboids, with the salient points truncated. Don Andres del Rio has observed a cross parallel to the faces more or less curved of a rhomboid, a little oblique angular, and according to his disciples, Herrera (D. Vicente) and Obregon, the inclination of the faces of the *crucero* is 93° 46′ (*) which determines the hexagonal or rhomboidal system, by the rhombic form which results; and other authors give it a cubic form.

There exists in the collection of the class a specimen classified as sulphate of copper, given by Don Ramon del Moral, from some mines in the vicinity of Tepeyatucalco, which on being examined by me proved to be crystallized sulphate of magnesia, in the form of octahedrons combined with cubes, or octahedrons with the corners truncated, also hemitropes of tabular octahedrons (octahedrons segminiformes de Haüy); and as the crystals are of a medium size, and well terminated, and the octahedral figure determines the teseral or cubic system of crystals, I understand that its true form is cubic, and that the angle of 93° 46′, observed by the aforementioned gentlemen, and which Señor Rio adopts, results from the fact that the *caras de crucero* or of the fragments approaching the cubic form, are generally somewhat curved by the leafy texture of that which is in mass: wherefore, the dimorphism attributed by this gentleman to this substance, as set forth in page 166 of his preparatory part, has not been well proved, attending alone to the measurement of the angle referred to.

New specimens of the same crystallized mineral and from the same place (†) were afterwards added to the collection by

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(*) Orictognosia of Sor. Rio, p. 121 and 6, and preparatory part (1846) of the same author, p. 166.

(†) Cerro de San Miguel Tlachiaque, mine of la Hucha, Dist. of San Juan de los Llanos, State of Puebla.

Señor Moral, presenting, besides their crystallographic character already mentioned, the following exterior characters: brilliant or of a bright metallic lustre: a dark iron color: the facial surface of the octahedron marked with horizontal lines, rarely smooth, that of the cube rough: at other times the faces of the crystals are excavated, the hollows being incrusted with pyrites: adhering one to another in a mineral mass, composed of sulphate of magnesia of an irregular form, blende, galena and pyrites. These are accompanied by medium-sized and small crystals of red magnesia, of native sulphur, and rhomboidal prisms of white or prismatic pyrites.

I have since received still more mineral masses from the said mines, with abundance of gray, irregularly crystallized copper, and I find that all the fossils of which they are composed constitute a particular formation, or are almost always accompanied by the sulphate of magnesia, blende, pyrites, galena, and gray copper; these two last substances being those which constitute its richness. This formation, newly discovered in this country, I understand is without analogy in Europe.

## NEW SPECIES OF MINERAL?

### MERCURY CORNEO (HORNY) OF THE DRUGGIST, AND THAT CALLED IODIDE OF MERCURY DE CASAS-VIEJAS.

*Crystallization.—Primitive form.*—Sharp rhomboidal pyramid, in which the major axis of the three *rectangulares*, increased from two to six millimeters, the pyramids appearing then like fine needles: the increase of the axis may be of even more millimeters, since there are presented some long fragments of very sharp pyramids, as if they were fragments of rhomboidal prisms.

Almost all the pyramids, when examined with a lens or microscope, present a structure of rhomboidal layers, which go on successively increasing until the pyramid is completed, as if placed upon the braquidiagonal (the shortest of the diagonals in the rhombic prism), taking a horizontal view of the pyramid, with an obtuse corner of the base in front. (Fig. I. Plate VI).

The pyramids that are very sharp have their two opposite larger faces marked with obtuse feathery lines, indicating a formation composed of an infinity of individual particles incorporated into steps (escalas) parallel to the braquidiagonal, and in the direction of the major axis of the very sharp pyramid. (Fig. II).

The small pyramids form confused groups of crystals.

These are of a diamond lustre, and their color varies from a fiery red to that of yellow beeswax: and also there are some of a pistachio green and dark green, in which case they lack transparency and the diamond lustre.

It is also found in an irregular form (*amorfo*) disseminated in calcareous matter and in spar, and with a curving (*revestimiento*), its color is then, in texture fresh. yellow of a fine lemon color, and bright green: in time it returns to a greenish gray and dark green.

The texture of the crystals is "*concoidea*" with a diamond lustre: that which is disseminated and with a covering, of an earthy texture, unequal and of a fine grain.

Soft and ductile, it receives a lustre when rubbed, which is of a lemon yellow in the crystals, and of a dark greenish yellow approaching a bright green in the *amorfo* (that which is of irregular form).

The crystals that are red, yellow and pistachio green, are transparent and semi-transparent, while the *amorfo* (irregular form) is opaque.

In a tube closed at one end, exposed to the flame of a small spirit-lamp, it will immediately give a sublimation of a yellowish color while hot, which turns white on cooling (prochloride of mercury), leaving a residuum of an obscure red color while hot, which turns to an orange yellow when cooling. Treated with a simple blow-pipe, on the first impression of the flame, it turns to an auroral red with a blueish tint, and is dissipated, leaving an odor *resembling that of selenium?*

The first experiment appears to indicate the presence of some other substance in the mineral, which is fixed at the temperature at which the chloride of mercury sublimes.

Besides, the character *orictonósticos* already noted, which does not agree in all respects with the mercury *córneo* of the mineralogists, leads me to think that the mineral in question is probably not a simple chloride of mercury, but that its composition is more complicate.

The same irregular mineral (*amorfo*) is that which is described by Sr. Rio as iodide of mercury, and pieces of the specimens of the collection of the College, classified by him, have given me the same results, and even supposing they contain iodine, which I have not been able to extract, it certainly cannot be a simple iodide of mercury.

It is then interesting to understand the true composition of this mineral by a rigorous analysis, in order to decide in the end whether or not it is a new species in mineralogy. It is found often with native mercury, which appears to be essential to its presence, in calcareous spar, which forms veins in the Doctor adjoining Zimapan, and also disseminated in the compact calcareous matter of Culebras.

## NATIVE LEAD.

In the Mineralogy of Alger and Phillips, pages 529, this metal is spoken of as follows:

"Lead is described, he says, as found in a metallic state, and in small masses, in the lava of the Island of Madeira and other volcanic districts, constituting the native lead of some mineralogists. Lately, it has been found in the neighborhood of Alston, in Cumberland, in small masses, embedded in galena and in a scorial substance, accompanied by the red oxide of lead, blende and quartz; the vein in which it has been found is surrounded (*arma*) by calcareous matter. It is said that the lead mines of Michigan, near the English river, have produced specimens of native metal.

Examining in the course of the lessons of this year, the *azarcon* (term sometimes applied to lead) found in the almond grove adjoining Zimapan, and which Señor Rio describes as native in page 206 of his *Orictognosia*, we observe that it is accompanied by pieces of lead resembling small almonds, but these specimens appear suspicious, and we have no doubt but that both substances are the product of art.

Produced from the same cause, but natural (volcanic action), appears to us to be the beautiful specimen presented by S^or^. Don Tomas Ramon del Moral to the Cabinet of Mineralogy, which was discovered by S^or^. Don Andres Castillero on the Rancho of Saucillo, Bay of San Francisco, Upper California, of the weight of 9 oz. 7 drs., taken, as is said by its discoverer, from a large bank of the same metal, which is washed by the sea and submerged in water.

It has the appearance of a volcanic breach enveloped in fragments and detritus of various kinds of rocks, such as slate, *vacia gris*, *caliza*, *piedra cornea* quartz, etc. and the remains of marine and fresh water shells, *paludinas* and *mitilus* without alteration; where the lead makes its appearance, the eminences are smooth and not pointed; and, also, it is found moulded, although imperfectly, into the cavities of some shells, presenting the appearance of a complete fusion.

All, then, tends to prove the volcanic origin of this mass of lead, the superficial portion of which, still hot, would in its course under the water, in the manner of lava, roll up (*arrolar*) the shells, enveloped in sand and alluvion of primitive rocks, without altering them.

And I believe it necessary to add, that the lead is very poor, containing a scarcely appreciable quantity of silver, according to the assay, which gives less than $\frac{1}{576}$ of silver.

## CRIADERO OF MERCURY OF SANTA CLARA, ALTA CALIFORNIA.

I will lastly make mention of the new criadero of azogue, discovered in the Mission of Santa Clara, to the south of the port of San Francisco, Alta California, the minerals of which give the richest *ley* of all that are known in the Republic, which as we know have a *ley* very low, of from one to three per cent. in general; while that of the minerals of the criadero before mentioned exceeds 28 per cent., and, according to its discoverer, who is the Señor Castillero, its longitudinal extent examined by him is more than 200 varas.

# DEPOSITION OF JOSE MARIA YRISARRI.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 30, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came José Maria Yrisarri, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

QUESTIONS BY COUNSEL FOR CLAIMANT.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. José Maria Yrisarri. I am forty-three years of age. My residence is the capital of Mexico.

Q. 2. What is your occupation?

A. I am Fifth *Oficial* in the Ministry of Justice of the Mexican Government.

Q. 3. When and in what capacity did you first enter the public service?

A. I entered in 1834, as *Meritorio*, that is, on probation, and without pay, as a clerk in the Ministry of Justice.

In 1836, I obtained the situation of third clerk in the Ministry of Justice, with a salary.

Q. 4. Have you been employed in the Ministry of Justice from that day to this; and if yea, what offices have you held in that ministry?

A. I have been so employed from that day to this. The first situation I held there, in which I received a salary, was that of third clerk. Afterwards, I was appointed first clerk; then I was appointed second clerk of the Archives, and afterwards first clerk of the same; and afterwards I was appointed Keeper of the Archives. Then I was promoted to the place of Eighth *Oficial* in the said Ministry of Justice. I afterwards became the Seventh *Oficial*, afterwards the Sixth, and after that the Fifth, which office I now hold.

Q. 5. Who was Minister of Justice in 1846?

A. José Maria Luciano Becerra was Minister of Justice from the 7th of January to the 18th of June of that year.

Q. 6. What was his profession?

A. He was Bishop elect of Chiapas.

Q. 7. Do you know when he was elected Bishop of Chiapas, and when he took charge of that diocese?

A. When I first knew him, that is, when he first entered into the Ministry of Justice, he was Bishop elect of Chiapas. He was ordained Bishop in 1848; then he took charge of that diocese.

Q. 8. When did he die, and where?

A. He was Bishop of Puebla in 1852, and he died at that place on the 17th of December of that year.

Q. 9. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H."; state whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the office of the Secretary of the Junta de Fomento y Administrativa de Minera. I compared it in the office of the Secretary of the said Junta, on the 20th of April, 1859. The mode of comparison was this: the original was read to me whilst I read the traced copy, and then the traced copy was read to me while I read the original. This is a true copy of said original in said office.

Q. 10. Did you examine said original expediente; are you acquainted with any of the persons whose handwritings or signatures appear therein; do you know any of the said handwritings or signatures; how do you know them; and are they genuine?

A. I have examined the said original expediente. I know some of the persons whose handwritings and signatures appear therein; they are, to wit: José Maria Tornel, José Maria Luciano Becerra, Ysidro R. Gondra, Agustin Ruiz, Teodoro Sotomayor, and Vicente Segura.

The handwriting of the various documents in the original expediente, copies of which are found on the first leaf of this traced copy, and also on pages (numbered in red ink) 1, 8, and 9, and marginal note on page 11, are in the handwriting of the said Gondra. The signature affixed to the original document, a copy of which is found in this Exhibit on pages (numbered in red ink) 19, 20, 21, 22, is that of the said Gondra. The said handwriting and signature on said original are genuine.

The signature of José Maria Tornel, affixed to the original document, a copy of which is found on pages (numbered in red ink) 5, 6, and 7 of this Exhibit, is the genuine signature of the said Tornel.

The signature of Vicente Segura to the original marginal note, a copy of which appears on page numbered 5 in red ink of this Exhibit, is the genuine signature of the said Segura. The second marginal note on the original, a copy of which appears on the last named page of this Exhibit, is in the handwriting of the said Gondra.

The original communication from Becerra, Minister of Justice, to Segura, President of the Junta de Fomento, dated the 9th of May, 1846, is in the handwriting of Agustin Ruiz, and bears the genuine signature of the said Becerra. A copy of said original appears on page 10 (in red ink) of this Exhibit.

The original communication from the said Becerra to the said President of the Junta de Fomento, dated May 20, 1846, is in the handwriting of Don Teodoro Sotomayor, and bears the genuine signature of the said Becerra. A copy of the said original is found on pages 23 and 24, (in red ink,) of this Exhibit.

I know the handwriting of the said Sotomayor and Ruiz, because they were employees of the Ministry of Justice at the same time that I was, and there I had frequent occasions to see them write. And as to the signature of Becerra, I know it because, being Minister of Justice, I have seen him sign his name frequently. I know the signature of Tornel, because, while he was Minister of War, he addressed various communications to the Ministry of Justice, where I was employed. I know the handwriting and signature of the said Gondra, because, being keeper of the National Museum, he addressed various communications to the Ministry of Justice concerning said Museum, and for that reason I knew his handwriting and signature when he was keeper as aforesaid. I know the signature of Segura, because, as President of the Junta de Fomento, he addressed various communications to the Ministry of Justice, where I was employed.

Q. 11. Is Augustin Ruiz living; if not, when did he die?

A. No. He died on the 3d of May, 1848. At the time of his death he was escribiente of the Ministry of Justice.

Q. 12. How long and how well had you known him?

A. I had known him for two or three years; my intimacy with him was that which exists between companions in the same office.

Q. 13. Examine the document now shown you marked "Exhibit Bassoco No. 8, O. H." State whether you have compared it with its original; where the original exists; when, where and in what manner was the comparison made, and is this a faithful copy of the original?

A. I have compared it with its original which exists in the Ministerio de Relaciones. The comparison was made in the same Ministerio on the 18th of April, 1859, and in the same manner in which "Exhibit Bassoco No. 7," was compared with its original; it is a true and faithful traced copy of the original.

Q. 14. Did you examine the said original expediente; are you acquainted with any of the persons whose handwritings or signatures appear therein; do you know any of the said handwritings or signatures; how do you know them, and are they genuine?

A. I did examine the said original expediente. I know several of the persons whose handwritings and signatures appear therein; that is to say, Don Mariano Rodriguez, Vicente Segura, Ysidro R. Gondra, Joaquin Romanos, and Becerra.

The caractula or superscription on the original expediente, a copy of which is found on page 1 (in red ink) of this "Exhibit Bassoco No. 8," is in the genuine handwriting of the said Rodriguez. The original communication from the Junta de Fomento to the Minister of Justice, dated the 5th of May, 1846, bears the genuine signatures of the said Segura and Gondra; a copy of the said original communication will be found on pages 2, 3, 4 and 5 (in red ink) of this Exhibit.

The signature to the original, a copy of which is found on pages 6, 7 and 8 (in red ink) of this Exhibit, is the genuine signature of the said Gondra.

The document in the said expediente purporting to be a copy of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 9th, 1846, is in the handwriting of the said Rodriguez; a copy of it appears on page 9 (in red ink) of this Exhibit.

The original communication addressed by Vicente Segura, President of the Junta de Fomento, to the Minister of Justice, dated the 14th of May, 1846, bears the genuine signature of the said Segura; a copy of it will be found on pages 10, 11, 12, 13, 14, 15 and 16 (in red ink) of this Exhibit.

The second marginal note or acuerdo on the last mentioned original communication is in the handwriting of the said Joaquin Romanos, and bears the genuine rubric of the said Becerra;

a copy of said acuerdo and rubric, will be found on the margin of page 10 (in red ink) and on the margin of the reverse of page 11 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be a copy of a letter addressed by the Minister of Justice to the Junta de Fomento, dated May 20th, 1846, is in the genuine handwriting of the said Rodriguez, a copy of it will be found on page 23 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be a copy of a communication addressed by the Minister of Justice to the Minister of Relaciones, etc., dated May 20th, 1846, is in the genuine handwriting of the said Rodriguez; a copy of it will be found on page 23 (in red ink) and on the reverse of page 24 (in red ink) of this Exhibit.

I know the above mentioned signatures of Segura, Gondra and Becerra for the reasons I have before stated. I know the handwriting of Rodriguez, because he was an employé and my companion in the Ministry of Justice, and there I had frequent occasions to see him write. I know the handwriting of Romanos for the same reasons.

Q. 15. Are the said Romanos and Rodriguez living?

A. Romanos died in 1847, and Rodriguez is still alive.

Q. 16. What employment had Romanos at the time of his death?

A. He was second first official (official segundo primero) in the Ministry of Justice.

Q. 17. What has been the employment of Rodriguez since 1846?

A. In 1846 he was official cuarto in the Ministry of Justice, and remained in that situation up to 1851 or 1852, I am not certain which, when he was allowed to retire from active duty on full pay.

Q. 18. What is the condition of the health of Mr. Rodriguez?

A. He is very sick.

Q. 19. Was he well enough to travel from Mexico to San Francisco, in your company, with others?

A. He was too sick; his physician said that he could not undergo the fatigue of such a long journey, his condition might have been made worse, or he might have died.

Q. 20. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H." State whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made, and is this a faithful copy of the original?

A. I compared it with the original, which exists in the Ministerio de Gobernacion, on the 19th day of April, 1859; the comparison was made in the same Ministry, and in the same manner in which I compared "Exhibit Bassoco No. 7, O. H." with its original. This is a true and faithful copy of said original.

Q. 21. Do you know any of the persons whose handwritings and signatures appear in the said original expediente; do you know any of the said handwritings or signatures, and are they genuine?

A. I do. I know Don Manuel Quintanar, José Maria Ortez, Monasterio, Mariano Miranda, and Becerra.

The caractula or superscription on the original expediente is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 1 (in red ink,) of this "Exhibit Bassoco No. 9, O. H."

The note or acuerdo written on the margin of a document in the said original expediente, purporting to be an original communication from Pio Pico to the Ministro de Relaciones, etc., dated Angeles, February 13th, 1846, is in the genuine handwriting of the said Monasterio; a copy of it will be found on the margin of page No. 2, (in red ink,) of this Exhibit.

The document in the said original expediente, purporting to be an office copy of a communication addressed by the Ministro de Relaciones, etc., to the Governor of Californias, dated April 6th, 1846, is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 7, (in red ink,) of this Exhibit.

The document in the said original expediente purporting to be an original official communication addressed by Becerra, Minister of Justice, to the Minister of Relacions, etc., dated May 20th, 1846, is in the genuine handwriting of the said Miranda, and bears the genuine signature of the said Becerra; a copy of it will be found on page 8, (in red ink,) and the reverse of page 9, (in red ink,) of this Exhibit.

The document in the said original expediente purporting to be an office copy of an official communication from the Minister of Relations to the Governor of Californias, dated May 23d, 1846, is in the genuine handwriting of the said Quintanar; a copy of it will be found on page 10, (in red ink,) of this Exhibit.

I know the handwriting of Quintanar, because he was employed with me a short time in the Ministry of Justice, where I had frequent occasions to see him write. I know the handwriting and signature of Monasterio. He was Oficial Mayor in the Ministerio de Relaciones, and, as such, he frequently acted as Minister; in that capacity he frequently communicated with the Ministry of Justice, and I had occasion to see his handwriting frequently. I know his signature and handwriting for another reason: he was Mayordomo of three convents, and, as such, he rendered his accounts to the Archbishop of Mexico, who passed them over to my father, who was contador of the Ecclesiastical Court, for revision; all the accounts were in the handwriting of Monasterio, and I had frequent occasions to see it. I know the handwriting of Mariano Miranda, because he was employed with me in the Ministry of Justice, where I frequently had occasions to see him write. Becerra's signature I know, for the reasons I have above stated.

Q. 22. Where is Miranda?

A. He is here in San Francisco.

Q. 23. What is "membrete," and what an "acuerdo"?

A. A membrete is a compendium or brief note of contents, written on the margin of all the communications addressed to the Government (al Gobierno); this is required to be done by a circular.

An acuerdo is a marginal note written on a document, expressing the resolution of the Government (Gobierno) on the matter submitted in the document. When the Government has resolved on the matter, the acuerdo is then called an acuerdo de resolucion. But if the action of the Government (Gobierno) is suspended, whether because the communication is addressed to the wrong Ministry, or because the Government is not sufficiently informed, or for any other reason, then the acuerdo is called acuerdo de tramite. Both acuerdos are signed with the rubric only of the Minister.

Q. 24. On the top of the first page of the communication addressed by Vicente Segura, the President of the Junta de Fomento, to the Minister of Justice, dated the 14th May, 1846, inclosing and recommending to the Government (Gobierno) Castillero's proposals, I find these letters and figures, "L. g$^{l}$. 15. Sf, 140 v$^{ta}$;" what do they mean?

A. They mean "Libro general tomo quince fojas 140 vuelta," which is rendered by the interpreter, as follows: Fifteenth volume of the general book, reverse of leaf 140.

Examination adjourned until Monday next, August 1st, at 11 o'clock.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., August 1st, 1859.

Direct examination of José Maria Yrisarri resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 25. In your last answer on Saturday, you said that the letters and figures referred to in the question mean "Libro general tomo 15 foja 140 vuelta;" by whom were those words and figures written?

A. They were written by myself.

Q. 26. For what purpose were they written.

A. For the purpose of showing thereby that the communication or dispatch upon which this inscription was written, was registered in the proper book.

Q. 27. Was that a book of record; if yea, what was recorded in it?

A. It was a book in which was entered a note or compendium of the contents of a particular class of official documents.

The Oficial Mayor opened the communications addressed to the Ministry of Justice, and classified them; those which were to be noted in this book he delivered to me and I noted or registered them therein in the manner I have stated.

Q. 28. Who made the note of contents of the communications as recorded in that book?

A. I did myself.

Q. 29. Was anything recorded in that book besides the membrete, or note of contents?

A. The acuerdos which were made upon the communications were also copied into this book.

Q. 30. In the year 1846, which one of the clerks made these entries or records, in that book?

A. I did myself, I was Oficial Octavo of the Ministry of Justice, from the 25th November, 1845, until 19th December, 1846, and as such it was my duty to make those entries in that book.

Q. 31. Examine the document now shown you, marked "Exhibit Bassoco No. 12, O. H;" state where the original existed, whether you have compared this Exhibit with its original, when, where, and in what manner was the comparison made, and is this a faithful copy of the original?

A. The original of this document existed in the archives of the Ministry of Justice. I have compared it with the original. I made the comparison on the 18th April, 1859, in the office where the archives of the Ministry of Justice are kept, in the city of Mexico. I made the comparison by spreading this traced copy over the original, and then examining it to see if the tracing was accurately done; I found that it was, and that the copy was perfect.

Q. 32. In what form does the original exist?

A. The original is the leaf of a bound book, containing one hundred and fifty-seven pages. The book is entitled "Libro General 15," and contains the entries for the years 1841 to July 10th 1846, inclusive. The book is a large folio.

Q. 33. Did you examine the original of this copy; are you acquainted with the handwritings on it; if yea, state how you know the same, and are they genuine?

A. I did examine said original; I am acquainted with the handwritings on it.

The last entry on the original, beginning with the words, "Yd., 27, Dn. Antonio Carrillo," and ending with the words, "Ministo. de Hacienda," is in the genuine handwriting of Don Gregorio Groso; I know his handwriting because he was an Escribiente de Archivo in the Ministry of Justice, and I have often seen him write.

The third entry from the last, beginning with the words, "Yd. 28, El C. Agustin Peza," and ending with the words, "Como lo pide," is in the genuine handwriting of Don Juan Pablo Castro; I know his handwriting, because he was Oficial Septimo in said ministry, and I have often seen him write.

All the other writing on the original, of which this is a copy, is my own.

Q. 34. Explain what is meant by "foja vuelta?"

A. It is customary in Mexico to number the leaves (fojas) on one side only. In a book, the number is put in the upper right hand corner of the face of the right hand leaf; the other side of that leaf is called the vuelta, and is not numbered, but is referred to always by the number of the leaf, with the addition of vuelta.

Q. 35. As the "Exhibit Bassoco No. 12, O. H," is a copy of the 140th leaf of the 15th volume of the general book, please refer me to the words which are the record referred to by the letters and figures, "L. Gl. 15, Sf. 140 Vta," found on the top of the first page of the official dispatch from the Junta de Fomento to the Minister of Justice, dated the 14th May, 1846, transmitting to the Government (el Gobierno) and recommending for approval Castillero's proposition?

A. The witness refers to an entry which the interpreter translates as follows: "The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

"May 20th. It is granted in the terms proposed; and as regards the land, let the proper order issue to the Ministry of Relations for the measures which it belongs to him to take, with the understanding that the Government assents to the petition."

Q. 36. I find in this same Exhibit an entry which the interpreter translates as follows:

"The citizen José Maria Yrisarri, official octavo of this Ministry, asks permission to marry the Senorita D. Carlota Herrera." "May 18. Granted."

Are you the same Yrisarri referred to in that entry?

A. I am. It is usual in Mexico for the employés of the Government to ask its permission to marry, for the purpose of securing to their families or widows a pension, in case of the death of the employé.

Q. 37. In the same Exhibit I find an entry which the interpreter translates as follows:

"June 18. The Excellent Señor Minister of Exterior Relations inserts the communication addressed to the Excellent and Illustrious Señor D. José Maria Luciano Becerra, advising him that the Excellent Señor President had accepted the resignation which he makes of the charge of this Ministry; D. José Maria Duran remaining in charge of this Ministry."

"June 23. Received to-day. Duly noticed."

When did Becerra leave the Ministry, and by whom was he succeeded?

A. Mr. Becerra's resignation was accepted on the 18th June, 1846, and his Oficial Mayor, Don José Maria Duran, acted as Minister until a new one was appointed. The newly appointed Minister was José Maria Jimenes.

Q. 38. In whose handwriting are the original entries in the general book, referred to in the 35th, 36th and 37th question?

A. They are all in my own handwriting.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Aug. 2d, 1859.

Direct examination of José Ma. Yrisarri, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 39. At what time, and in what manner, were these entries made?

A. They were made when the documents were received from the Oficial Mayor.

The manner of making the entries was this: When I first received a communication from the Oficial Mayor, I made an entry of its contents, and left a blank space thereunder, and then returned it to him. He then delivered it to the Minister, and the acuerdo was made upon it, and thereupon it was returned to me, and I copied the acuerdo into the blank space which I had left for it, as above stated.

In making the entry of the note of contents, as above stated, I would sometimes copy the membrete from the communication itself, and at other times I would draw up the note of contents myself. The acuerdo was always literally copied.

When I returned the communication to the Oficial Mayor, after making the first entry, I mean the entry of the note of contents, or membrete, I marked upon the communication the name of the book, and the number of the page upon which the entry was made.

Q. 40. Do you know Andres Castillero?

A. Yes, sir.

Q. 41. Have you any recollection of any business relating to the mine discovered by him in California, that was done in the Ministry of Justice, independent of the knowledge which you may recently have acquired by examining documents relating to that business?

A. No, sir.

Q. 42. When did you leave Mexico for California; in whose company, and for what purpose did you come?

A. I left Mexico, the capital, on the 25th of April last, in company with Don Joaquin Castillo Lanzas and his son, Don Blas Balcarcel, Don Antonio del Castillo, Don Agustin Velasco, Don José Maria Bassoco, Don Mariano Miranda, Don Francisco Villalon, Don Guillermo Barron, Mr. Billings, and Don Francisco Negrete. These were the only persons who came with me from the capital.

My object in coming, was to testify in regard to original documents existing in the archives of the Ministry of Justice, Ministry of Relaciones and Gobernacion, and in the Secretaria of the Administracion de Mineria.

Q. 43. Are you acquainted with the handwriting of José Maria Duran?

A. I am.

Q. 44. Examine the document now shown you, marked "Exhibit Bassoco No. 8, O. H," and state if his handwriting is found in the original expediente of which this is a copy?

A. The original note, or acuerdo, which is written on the margin of what purports to be the original communication from the Junta de Fomento to the Minister of Justice, dated May 5, 1846, is in the handwriting of said Duran; it begins with the words "Mayo 9, 1846, Enterado," etc., and ending with the letters "fho." A copy of it is found in the margin of the reverse of page 3 of this Exhibit.

Q. 45. What do the letters "fho" signify?

A. They are the abreviations of the word "fecho," and they signify that the acuerdo had been complied with.

Q. 46. How do you know Duran's handwriting?

A. I know it because he was Oficial Mayor of the Ministry of Justice, and because I have frequently seen him write.

Q. 47. Where and for how long did he hold that office?

A. He held that office from the year 1843 or 1844, until 1853, when becoming too old and sickly, he was granted his jubilacion, that is to say, to retire from active duty on full pay.

Q. 48. When you came to California, did you obtain leave of absence, and from whom?

A. I did obtain such leave from the Government of Mexico.

Q. 49. How much have you received, or are you to receive, for coming to California to testify in this case?

A. I am to receive in all four thousand dollars, of which I have received already fifteen hundred.

Q. 50. Do you receive your salary for the time you are absent from Mexico, and what is it per annum?

A. I am to receive no salary for the time that I am absent; my salary is eleven hundred dollars per year.

Direct examination closed.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 3, 1859.

Examination of José Maria Yrisarri resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 51. When you left the city of Mexico, did you get any passport?

A. No, sir.

Q. 52. Is this the first time that you ever left the Mexican Republic?

A. It is.

Q. 53. Still, did you not know that it was customary for persons leaving the Republic of Mexico for foreign countries to obtain a passport?

A. I knew it was customary to do so, but when I was leaving I did not apply for one, because I did not deem it necessary.

Q. 54. Why did you suppose it was not necessary in this case; did it not occur to you that the United States, against whom you were about to testify, would desire some official evidence that you were the person you represent yourself to be, and also of the position which you hold at home?

A. As this was the first time I left Mexico, I did not know that it was necessary to obtain a passport—it did not occur to me to ask for one. It did not occur to me that the United States would require any such evidence, nor did it occur to me that such evidence of my position at home would be required.

Q. 55. Do you not belong to the Church party, of which General Miramon is chief?

A. I desire to be excused from answering this question, because, as I have been always an employé of the Government, I have taken no part in politics, and an answer to this question might injure me. For these reasons I decline to answer the question.

Q. 56. How is the Ministry of Justice of the Mexican Government composed; how many persons are employed in it, and what are their several positions and official designations?

A. The Ministry of Justice is composed of the Minister, the Oficial Mayor, the Oficial Primero, the Oficial Segundo, the Oficial Tercero, the Oficial Cuarto, the Oficial Quinto, the Oficial Sexto, the Oficial Septimo, and the Oficial Octavo. There are besides five clerks (escribientes), one porter and two assistants (ordenanzas). This is the present organization of the Ministry.

Q. 57. Is there not also an Archivero, keeper of the archives?

A. The person who has charge of the archives is the Oficial Tercero.

Q. 58. What are the duties of the eight oficiales?

[Question objected to by Mr. Peachy, for the reason that the duties of the various offices of the Ministry of Justice are defined by written law, which cannot be proved by parol testimony.]

A. It is the duty of the Oficial Mayor to consult with the Minister about the Acuerdos that are made, and when they are made, to distribute the documents to the corresponding Bureau (Mesa). He has the supervision of the Ministry, and in the temporary absence of the Minister he discharges his duties. He also draws up the acuerdos for the Minister.

The Oficial Primero has charge of the Ecclesiastical branch.

The Oficial Segundo has charge of the department of Justice.

The Oficial Tercero has charge of the archives.

The Oficial Cuarto has charge of the department of Public Instruction.

The Oficial Quinto is associated with the one who has charge of the section or department of Justice.

The Oficial Sexto has charge of the section or department called Administracion de Justicia.

The Oficial Septimo attends to the business of the branch of Criminal Justice.

The Oficial Octavo is associated with the Oficial Tercero, who attends to the Archives.

The Escribientes are occupied engrossing, or making fair copies.

Q. 59. What are the archives made up of? Has the Oficial Tercero the custody of all the official papers belonging to that Ministry?

A. There is but one collection of archives in the Ministry; it is composed of expedientes which have been completed, laws, decrees and orders, which have been made by the Government, collections of newspapers, and the general books which I have described.

Q. 60. When you say the general books which you have described, do you mean to include the bound book containing 157 pages, to which you refer in your answer to the 32d question?

A. Yes, sir. I include that book in those to which I allude.

Q. 61. And which bound book contains, with the other entries you have mentioned, the following entry: "The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine, which he has discovered at the Mission of Santa Clara, in Upper California," etc.?

A. It is. It is the Libro general, 15.

Q. 62. And you say that book is now in the keeping of the Oficial Tercero, acting in his capacity of Archivero, or keeper of the archives?

A. Yes, sir. He is responsible. He keeps it in the archives.

Q. 63. What is the name of the Oficial Tercero who has the keeping of that book?

A. His name is Don Ramon Gachicoa.

Q. 64. Do you know any reason why he did not come instead of you, to prove the official character of the entries to which you have testified, and that they formed a part of the archives which he kept?

A. He did not come because he is merely the present custodian of the book, and had nothing to do with it at the time of those entries.

Q. 65. Could not you have told Mr. Barron, or whoever it was that asked you to come here, that entries in an official book would be worthless as evidence, unless the official character of the book, and of those entries, was first proven by the legal custodian of the book.

[Question objected to by Mr. Peachy, because it implies that there is no proof in this case of the official character of that book; whereas, it is proved by the certificates of the Oficial Primero in the Ministry of Justice, and of the Oficial Mayor Primero of the Ministry of Relations, affixed to a copy of the 140th leaf of that book, entitled "Exhibit Bassoco No. 12, O. H," the said copy being authenticated in the only manner permitted by the laws of Mexico, as certified by our late Minister, Mr. Forsyth, and by Mr. John Black, American Consul at the City of Mexico, and as further shown by duly proven copies of the Mexican decrees on the subject, which have been introduced in evidence in this case.

Counsel for the United States would correct the counsel for the claimant, by suggesting that the certificates referred to are *ex-parte* unsworn statements, and not evidence.

Also, that Mexican decrees cannot prescribe rules of evidence in courts of the United States.

Mr. Peachy objects to the introduction of the foregoing remarks of the counsel for the United States in this deposition, because they are purely argumentative.]

A. The person who keeps the book could give no certificate at all, it could only be given by the Oficial Mayor of the Ministry.

Q. 66. Might not the third Oficial of a Ministry as well come to California, as the fifth Oficial of the same Ministry?

A. He could, but it did not suit him to come, and I suppose he was not asked to come.

Q. 67. What makes you suppose he was not asked to come?

A. I don't know whether he was spoken to about coming or not. I suppose he was not spoken to about coming, because if he had been he would have come.

Q. 68. Who spoke to you about coming, and when?

A. I was first spoken to about coming by the licenciado (lawyer), Mr. Pardo, on behalf of the house of Barron, in March last. I replied that as my wife was then very sick, I could not agree to come until I should know the result of her sickness.

Q. 69. When did you make up your mind to come?

A. I made up my mind to come some five or six days after my wife's death, which occurred on the 6th of April last.

Q. 70. When did you begin to prepare yourself for giving testimony?

A. After the 15th April, and before I left the city of Mexico.

Q. 71. Tell me every thing you did to prepare yourself to testify, and that had any connection with this case.

A. I examined the expedientes relating to this matter, and the leaf of a book to which I have alluded for the purpose of

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Q. 70. When did you begin to prepare yourself for giving testimony?

A. After the 15th April, and before I left the city of Mexico.

Q. 71. Tell me every thing you did to prepare yourself to testify, and that had any connection with this case.

A. I examined the expedientes relating to this matter, and the leaf of a book to which I have alluded for the purpose of satisfying myself that it was in my handwriting, and I compared the traced copies with the originals; this was all that I deemed it necessary to do.

Q. 72. All this you did between the 15th of April last and the day on which you left Mexico?

A. Yes, sir.

Q. 73. Had you not for a long time before been looking up these expedientes and entries, and making yourself familiar with their contents?

A. Not before the 15th of April last.

Q. 74. But had you not frequently for more than a year past referred to these expedientes and these entries at the request of Mr. Pardo, Mr. Barron, or some other person, or for some reason or other?

A. No, sir.

Q. 75. Have you not at some time or other since the month of May, 1846, made it your business to turn to this general book of which you have testified, and look up these entries in the same, to which you have testified, and impress them upon your memory?

A. I had no reason to impress them on my memory, and did not make any examination of them until the 15th of April, as I have stated.

Q. 76. Can you not now remember to have read these entries at any time since their date in 1846, up to the 15th April last?

[Question objected to by Mr. Peachy, on the ground that there is no date to the entries.]

A. No, sir. I did not read them during that time.

Q. 77. You say that Pardo was the first who spoke to you about coming here; who else spoke to you on that subject, and when?

A. Mr. Barron and Mr. Pardo both spoke to me when I made up my mind to come, as I stated before.

Q. 78. What was it precisely that Messrs. Barron and Pardo asked you to do; what was itthey asked you to testify to?

A. They told me to endeavor to recall to mind the Castillero business, and to see the book and the expedientes, so that I might be able to testify here. They requested me to examine those documents, and to endeavor to recall thereby the facts to my mind.

Q. 79. What did you say upon the moment to Mr. Pardo and Mr. Barron, in reply to their request?

A. I stated to them that I would do my best to recall to mind what I was coming to testify to.

Q. 80. Did you not tell them then that they would find in the general book the entry of which you have testified?

A. No, sir; because it was only when I began to examine the papers that I recollected it.

Q. 81. You say they told you to look at the expedientes and the book; do you mean this General Book 15, of which you have been testifying?

A. I do.

Q. 82. Did they not tell you that you would find in that book this very entry of which you have been testifying?

A. They told me nothing of it. I examined it so as to be able to testify that it was in my handwriting.

Q. 83. What did they tell you was the nature of the expedientes they wanted you to look at?

A. They told me to look at the expedientes relating to this business in the Ministry of Relations, in the Ministry of Gobernacion, and in the office of the Administracion de Mineria, and see if I knew any of the handwritings or signatures, so that I might testify to their genuineness.

Q. 84. And what did they tell you, you would find in the book?

A. They told me to endeavor to recollect the time when I kept the book, and to compare this traced copy with the original entries in the book.

Q. 85. Who put this traced copy into your hands, and on or about what date did you first see it?

A. It was' first shown me by Mr. Pardo, during the time between the 15th of April and my departure from the city of Mexico.

Q. 86. Had they not spoken to you about this traced copy before the 15th April, and at the same time shown it to you?

A. No, sir. It was first shown me when I compared it with the original.

Q. 87. Have you not said that Messrs. Pardo and Barron, or one of them, asked you to examine the expedientes, to see whether you could recollect the signatures and handwritings; also to compare this traced copy with the original in General Book 15, at the time when you first consented to come, that is, on or about the 6th day of April last?

A. I have stated that Mr. Pardo saw me first in March, and that I then would not consent to come because my wife was then sick. They did not speak to me about the matter from that time until after the death of my wife, which occurred on the 6th of April. It was not immediately upon my consenting to come, that I was told to endeavor to recall those matters and look at the papers.

Q. 88. Do you mean that they did not ask you to examine the expedientes, and to compare this traced copy with the book until after the 15th April?

A. It was after the 15th April that they asked me to compare this traced copy with the original in the book, and not before; the request to make all the comparisons was made after the 15th April last.

Q. 89. Had you not seen this traced copy of the entry in the book at any time before the 15th April; had not Messrs. Barron and Pardo told you that they had it?

A. No, sir. I did not see it until I made the comparison, and they did not tell me they had it.

Q. 90. Who showed you the entry in the General Book, and when?

A. The keeper of the archives produced the book at the request of Mr. Pardo, so that I might make the comparison, and showed us the page from which the copy was made.

Q. 91. Did Mr. Pardo have the traced copy there then?

A. He took it with him in his hand.

Q. 92. This happened on the 18th April last, did it not?

A. Yes, sir.

Q. 93. This was the first time you had ever seen that traced copy, was it not?

A. It was.

Q. 94. It was also the first time that you had seen those entries in the book since they were made, so far as you can now remember, was it not?

A. Yes, sir.

Q. 95. Are all the entries in the 157 leaves of that book in your own handwriting?

A. No, sir; because I was in charge of that book only from the 25th November, 1845, to the 19th December, 1846; and the book comprises the years from 1841, to the 10th July, 1846.

Q. 96. During the time that you were in charge, did no one but yourself ever make an entry in that book?

A. There are entries made during that time which were not made by me.

Q. 97. On that leaf—140—are there not entries which were not made by you?

A. Yes, sir; there are two.

Q. 98. Do you write the same hand now that you did in 1846?

A. It has not changed.

Q. 99. Soon as Mr. Pardo showed you the entry, you immediately recognized it as your handwriting, did you not?

A. Yes, sir.

Q. 100. The archivero handed you the book, open at the place Mr. Pardo produced the traced copy, and you made the comparison with the original, and the whole matter was over in a very few minutes, was it not?

Yes, sir.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 4, 1859.

Cross examination of José Maria Yrisarri resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 101. Is there any book of this description (I mean similar to General Book 15) now kept in the Ministry of Justice?

A. No, sir.

Q. 102. What time did the keeping of a book of that nature cease, in the Ministry of Justice?

A. That is the last book of the kind.

Q. 103. Do you know when it was first begun to keep a book of that sort in the Ministry of Justice?

A. The first of those books was begun when the Secretaria was first established, in 1821.

Q. 104. Were they afterwards regularly kept up to July, 1846?

A. Yes, sir.

Q. 105. Was all the business of every description in the Ministry of Justice noted in that book?

A. All the official documents were noted in that book, which were delivered by the Oficial Mayor to the person who had charge of the book.

Q. 106. Did the Oficial Mayor deliver to that person the expedientes, or other memoranda, of all the business of every description which was done in the Ministry of Justice?

A. No. The Oficial Mayor classified the business, and required only some of the documents from the Ministry of Justice to be noted in that book.

Q. 107. Were the rest of the documents of the Ministry of Justice noted in some other book?

A. No, sir. They were delivered to the proper oficial at the corresponding bureau (mesa).

Q. 108. Of the rest of the business of the Ministry then, I understand you to say, that there was no note or abstract like this kept any where?

A. No, sir. Those other documents went to make up their respective expedientes.

Q. 109. Please tell me exactly, what were the various kinds of business which were required to be noted in this book?

A. I do not know that, because it was the Oficial Mayor who made the classification, and my duty was confined to merely noting what he gave me.

Q. 110. Did you not observe, during the time that you kept the book, that all the subjects noted might be referred to general heads?

A. I did not observe that.

Q. 111. Did you not observe, whether the subjects noted belonged to the class of the Ecclesiastical business—to the Department of Justice—that of Public Instruction—that of the Administration of Justice—to that of the branch of Criminal Justice, indifferently and alike, or whether they related to some one or more of these classes?

A. The subjects noted belonged to all those classes indifferently. What I noted in the book was the contents of such documents as I received from the Oficial Mayor.

Q. 112. You know then of no rule of selection of the subjects which were noted in this book; and you noted such only as the Oficial Mayor thought proper to order?

A. No, sir; and I did note only such as I received from the Oficial Mayor. I was a mere clerk of the Ministry at that time.

Q. 113. You mean that your work was purely mechanical, and that you paid no attention to what it was you were writing?

A. I was a mere clerk; my work was merely manual, but I cannot now remember whether I paid any attention to the subjects treated of, in the entries made by me.

Q. 114. In answer to the 41st question, I understood you to say that you have now no personal recollection of any thing having been done in the Ministry of Justice, on the subject of Castillero and his mine; and all that you now know about it, is what you see in the papers and in the book. Is that so?

A. The recollections which I have are solely from what I see in the papers and the book. I had no recollection of the matter before I saw the papers and the book.

Q. 115. Have you any personal recollection at all about the matter, even now? Have you any other knowledge than that you see certain things written in the papers and the book?

A. I have no personal recollection of anything connected with this mine. I remember about asking permission to get married.

Q. 116. To which of the branches of the Ministry of Justice, is the subject of the marriage of the employés referable?

A. There is a branch called that of Ministerios, to which that subject appertains.

Q. 117. Which of the eight Oficiales has charge of that branch?

A. The one who attends to the affairs of Public Instruction —the Oficial Cuarto. This is the present condition of things.

Q. Which had charge of it in 1846?

A. There was a different organization (planta) in 1846. That business then belonged to the miscellaneous class (yndiferente). I cannot remember with certainty which Oficial had charge of this class in 1846, but I think it was the Oficial Sexto.

Q. 119. How is this general book made; do you purchase it already bound, or is it bound after the sheets have been written on?

A. It is a blank book, purchased already bound, to be used for that purpose.

Q. 120. Is it all written to the end of the 157 leaves?

A. It is all written on, to the last leaf.

Q. 121. What was the reason for not keeping a book of this description in the Ministry of Justice after the 10th July, 1846? Why was it stopped on that day?

A. I do not know.

Q. 122. It must have been stopped by the order of some one, must it not?

A. It must have been stopped by order of the Minister, or Oficial Mayor. I don't remember such an order, or the reason why the keeping of the book was discontinued.

Q. 123. Then you do not know why such an order was given, just at the moment when you had reached the bottom of the last page in the book?

A. I do not remember what happened then.

Q. 124. Can you swear that you had reached the last page of the book, just at the moment when the Oficial Mayor ceased to give you any more papers to note in it; and might there not, on the contrary, have been some seventeen or eighteen blank leaves remaining at that time?

A. I cannot swear to what happened then, because I have not an exact recollection of what occurred at that time.

Q. 125. As it is not to be supposed, I presume, that the Ministry of Justice changed its routine of business merely for the want of paper to write upon, does it not appear to you a very remarkable coincidence, that these entries should cease just at the moment you reached the bottom of the last page of your book, and that a custom which had prevailed in that Ministry since 1821 should stop just there?

A. Upon reflecting that I was in charge of the book up to the 19th December, 1846, I am uncertain as to whether the entries were continued in another book or not—the entries in that book being only up to July, 1846.

Q. 126. Why, then, in answer to the 102d question, did you say that this particular volume was the last book of the kind kept in the Ministry of Justice?

A. I meant to say that the custom or method of keeping such a book ended in the year 1846.

Q. 127. Do you, or do you not know, whether, after the 10th July, 1846, when you say that the general book 15 was concluded, another general book of the same nature was begun?

A. I do not remember whether another was begun or not.

Q. 128. Do you wish me to understand that there might have been such a book kept after that date, and you not remember it?

A. It is possible that that might have happened.

Q. 129. How could that have been, when you continued Oficial Octavo after the 10th July, 1846, and until the 19th December of that year, and, as such, it was your duty to make those entries in that book?

A. I remember that I was Oficial Octavo up to the 19th December, 1846; but what I do not remember is, whether any such book was kept or not, after the 10th July of that year.

Q. 130. Of course, then, you do not remember whether such a book was kept after the 19th December, 1846, when you ceased to be Oficial Octavo, and it was no longer your duty to keep it?

[Question objected to by Mr. Peachy, on the ground that the counsel for the U. S. has no right to state to the witness what he does not remember.]

A. I don't know whether any such book was kept after the 19th December, 1846, and until the end of that month; but I do know that there was no such book kept after that year.

Q. 131. How do you know?

A. Because I saw that it was discontinued. I don't know why; but I saw that it was not continued.

Q. 132. How should you remember that the book was not kept after you went out of office, and not remember whether or not it was kept while you were in office; can you remember better what another man did than what you did yourself?

A. Because I cannot remember whether the book was kept or not at so remote a period; but I can remember that, after 1846, such a book was not kept.

Q. 133. If you cannot remember whether you continued to keep a book of this sort after the 10th July, 1846, or not, how can you be certain that you continued to keep this book up to precisely that day?

A. I am reminded that I kept the book up to 10th July, 1846, by the certificate of the Oficial Mayor, and by my knowing that I was the Oficial Octavo from the 25th of November, 1845, to the 19th December, 1846.

Q. 134. If you had never seen the certificate of the Oficial Mayor, to which you refer, would you be able to swear to anything at all about this book; do you now know or remember personally anything about it?

A. I would remember, without having seen that certificate, that I had kept the book. I have a personal recollection of the book.

Q. 135. Could you remember, without that certificate, whether you had ceased to keep the book before or after the 10th July, 1846?

A. I certainly would not; for before I came I did not examine the book, except merely for the purpose of comparing the traced copy, which I spoke of.

Q. 136. The only reason, then, which you have for saying that this book contains the entries down to the 10th July, 1846, is, that you believe what is stated in the certificate of the Oficial Mayor, attached to the traced copy filed in this case as "Exhibit Bassoco No. 12, O. H."?

A. Yes, sir; because I did not examine the book myself.

Q. 137. But, as the certificate does not say anything about continuing to keep such a book after the 10th July, 1846, you are unable to say whether any such was or was not kept?

A. It is not because the certificate does not say so, but because I do not remember whether such a book was kept or not after that date.

Q. 138. Believing the Oficial Mayor, when he says that this book was kept up to the 10th July, 1846, and knowing that you were an Oficial Octavo at that time, you conclude that you must have kept it, and so swear that you did keep it, up to that date, do you not?

A. No, sir. I do not swear that I kept the book, on account of what the Oficial Mayor says, but I know that I did keep it up to that date. What I am in doubt about is, whether any other book was kept after that, up to the end of 1846.

Q. 139. Do you say distinctly and positively that you remember the fact of your keeping this book up to the 10th July, 1846, without any reference to the certificate of the Oficial Mayor?

A. I would not remember the date at which this book ended, without having seen the certificate, as I did not examine the book myself before coming.

Q. 140. How then, in answer to the 138th question, could you say that you swore to the keeping of the book, up to the day mentioned in that question, not on account of what the Oficial Mayor says, but that you did know that you kept it up to that date?

A. I meant that I kept that book during the time that I had charge of it. I stated before, that I did not examine the book before leaving to see the date to which it ended, but I know that I kept it. I may have misunderstood the question No. 138.

Q. 141. Then I repeat question 138?

A. I certainly did not understand this question as I understand it now.

I conclude from the certificate that the book ends at the date, July 10th, 1846, but I know that I kept it.

Q. 142. If you only know by the certificate that the book ends on July 10th 1846, how can you know otherwise, than by the same certificate, that you kept the book up to that day?

A. Because it was my only business at that time to keep that book.

Q. 143. If the fact that it was your only business to keep that book, enables you to remember that you kept it up to the 10th July, 1846, ought it not also to suffice to enable you to remember, that on that day the entries in the book ceased to be made, without resort to the certificate of the Oficial Mayor?

[Question objected to by Mr. Peachy, because it incorrectly states the witness' testimony; the witness having answered whenever the questions on the subject were explained to him, and comprehended by him, that but for the certificate of the Oficial Mayor he would not be able now to state that he had kept that book up to the 10th July, 1846.]

A. I could not precisely remember the date at which the volume ends, without seeing the certificate of the Oficial Mayor.

Q. 144. Without that certificate, would you have been able to swear that the book did not end some time before the 10th July 1846; for example, the 1st April or the 1st May of that year?

A. Without having seen the certificate, I could have sworn that the book was written upon up to the last leaf, but I could not have stated the last date in the book.

Without seeing the certificate, I could have sworn that the book did not end on the 1st May, because in that month I asked for leave to marry.

Q. 145. On what day did you obtain that permission?

A. On the 18th day of May 1846.

Q. 146. Were you married on the same day?

A. No, sir. I was not married until the 25th of the same month.

Q. 147. Did you continue in the ordinary discharge of your duties a short time before and after that event; or did you obtain a leave of absence?

A. I was absent one or two days when I was married; and during several other days, about that time, I was not as long in attendance as usual.

Q. 148. Did you not have a leave of absence from the office, to commence shortly after obtaining the permission, *i. e.* before the celebration of your marriage, and ending some time after that event?

A. I obtained leave to be absent for some hours every day. I don't remember what the terms of the permission were; but I began to make use of it, I think, on the day of my marriage.

Q. 149. Don't you think that you obtained this leave of absence on or about the same day that you got the permission to marry?

A. I will explain that it is not necessary to ask two permissions, it is only necessary to ask for permission to be absent for a certain time, stating why such permission is asked; as, in my case, I asked leave of absence for the purpose of getting married. This permission gave me the right to be married, and also to absent myself for that purpose.

Examination adjourned until Saturday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 6, 1859.

Cross Examination of José Maria Yrisarri resumed from Thursday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Examination adjourned by consent to Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., August 8, 1859.

Cross Examination of José Maria Yrisarri resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Q. 150. Were you married in the city of Mexico?

A. I was.

Q. 151. If a clerk or other employé in any of the Ministries of the Mexican Government marries without permission, and asking leave of his superior, would he be prejudiced by that circumstance?

A. He would not be prejudiced himself, but his widow would, because the object of the permission is to secure to the widow, in case of the death of the employé, the pension which is allowed.

Q. 152. And if the employé marries without that permission, would not his widow have the same pension?

A. No, sir.

Q. 153. What is the object of such a regulation as that? What has the Mexican Minister to do with the choice of a wife by one of his clerks or employés?

A. I don't know what the object of such a custom is, but it has always been the custom as far as I know; it was so when I became an employé of the Ministry.

Q. 154. Do you know of any law, decree, or reglamento to that effect?

A. No, sir. I learned from my associates in the office, when I was about to be married, that it was necessary to have permission, for the reason I have mentioned.

Q. 155. Do you know of any case where the widow was refused a pension because the marriage was without the permission of the Minister?

A. I don't remember any such case.

Q. 156. Do you remember to have heard that regulation spoken of at any other time than on the occasion of your own marriage?

A. That was the only time I heard that custom spoken of; I also learned in the Ministry itself, that, before the widows got the pension, it was usual to apply for a certificate showing that permission for the marriage had been obtained.

Q. 157. When did you learn that, and from whom?

A. I learned it from my associates in the Ministry, many years ago.

Q. 158. Did you not learn it at or about the same time that you obtained leave to marry?

A. I learned it about the same time, and for that reason.

Q. 159. Tell me the amount of the pension allowed to the widows of the various employés of the Ministry, respectively.

A. The amount of the pension depends upon the length of time they have been employed.

Q. 160. Does it not also depend upon the grade of the employé?

A. It does.

Q. 161. What would have been the amount allowed to the widow of the eighth official, which grade you held at the time you were married?

A. I received a salary of fifty dollars per month, at that time; and if I had died then, having been ten years in the service, my widow would have received an amount between ten and sixteen dollars a month, as near as I can now remember.

Q. 162. What is the name of the fund, and how raised, out of which this pension is paid?

A. It is called Monte Pio, and it is raised by withholding from the employés a portion of their salaries. If the employé dies, leaving no widow, but minor children, they receive the pension, but if the children are of age they receive nothing from the Monte Pio.

Q. 163. As this fund is raised out of the salaries of the employés, how should it be necessary to ask permission of the Minister before marrying? Why should not one employé have as much right as another to avail himself of this regulation to provide for his widow by laying up a part of his salary?

A. I don't know why that is the case; I only know that it is so.

Q. 164. How was the Ministry of Justice constituted in 1846, and before the change in the schedule of employés of which you have spoken?

A. There was a Minister, an Oficial Mayor, Mayor Segundo, Segundo Primero, Segundo Segundo. There were Oficiales, third, fourth, fifth, sixth, seventh and eighth; an Archivero; two Escribientes de Archivo; four Escribientes of the Secretaria; a Porter; an office boy (Mozo de Oficio) and two Ordenanzas (Messengers.) These were the offices constituting the Ministry at that time.

Q. 165. What were the duties of these officers respectively?

A. It was the duty of the Minister to consult with the President, in regard to the disposition of business, the making of acuerdos, and other duties which I can't remember. He was the head of the office.

The Oficial Mayor acted in lieu of the Minister, when he was absent; he might also make certain acuerdos in regard to business, which did not require the action of the Minister; he was the immediate head or chief of the other employés.

The Mayor Segundo, as well as I can recollect, had charge of the Bureau (Mesa) of Public Instruction.

The Segundo Primero had charge of what was called the Ramo de Eclesiastico Regular.

The Segundo Segundo had charge of what was called the Ramo de Eclesiastico Secular.

The third Oficial had charge of the Ramo de Agenteo de Negocios y Escribanos.

The fourth Oficial had charge of the Ramo de Mineria.

The fifth Oficial had charge of the Ramo de Justicia.

The sixth Oficial, as well as I can recollect (for I don't recollect distinctly), had charge of the Ramo de Ministerios é Yndiferentes.

The seventh Oficial had charge of the Ramo de Justicia Criminál.

The eighth Oficial had charge of the book which was called, at that time, Libro de partes.

It was the duty of the Archivero to arrange and keep the archives.

It was the duty of the two Escribientes de Archivo to write whatever they were required to, in the office where the archives were kept, (Archivo.)

It was the duty of the four Escribientes of the Secretaria to make all the fair copies that were required.

The Porter took care of the office.

The office boy kept the office clean, and the Ordenanzas went on messages.

Q. 166. What sort of a book was that kept by the eighth Oficial? Describe it.

A. It is a book in which was entered a note of contents (membrete) of documents set apart by the Oficial Mayor for that purpose; and in which also were copied the acuerdos upon said documents.

Q. 167. Was that the book which you kept.

A. Yes, sir.

Q. 168. As you kept that book, you are certain of the proper name for it—are you not?

A. It was called Libro de Partes, because it was by reference to it that the condition of the business of the Ministry was ascertained: It was also known as the general book, No. so and so.

Q. 169. It is the same book, then, as that called Libro general?

A. Yes, sir. That was the true name; but on account of the use which was made of it, it was also called Libro de partes.

Q. 170. What salary did you get at that time?

A. Six hundred dollars a year.

Q. 171. Was not that a large salary for doing nothing but making an entry for a few days in that book?

(Question objected to by Mr. Peachy, because it is irrelevant.)

A. That was the salary that was provided for that office.

Q. 172. This "Exhibit Bassoco No. 12, O. H.," purports to be a traced copy of two pages from that book, to wit: the leaf 140, on both sides of it; the first date I see in it is May 11; at the beginning of the first page, and near the bottom of the second page is June 27, which seems to be the amount of your labors in keeping that book for one month and sixteen days, or that you wrote a page and a-half in a month—say eighteen pages in a year. Is it possible that you were paid six hundred dollars for doing that little work?

A. Sometimes there was more business done than is indicated by this leaf.

Q. 173. On the two pages, taken together, I find about forty lines; deduct half a page, there remain thirty lines; at ten words to the line, there are three hundred words in a month; twelve months, thirty-six hundred words, which is something more than a day's work. I suppose, therefore, that the general average of your labors on that book (your sole business you say) must have been very much greater than your labor during the months of May and half of June, 1846; seeing that by the calculation I have just given you must, at that time, have been receiving sixteen cents and a fraction for every word you wrote.

A. I cannot state what the average would have been, but it sometimes was more than it was in the months of May or June. I did all the work I was required to do, whether it was much or little. That was the salary which was prescribed for that office.

Q. 174. Why was it that about this time in the year 1846, viz: in May and June, you had so little writing to do in this book?

A. I don't remember why.

Q. 175. What is the reason that such wide spaces are left between these entries, so that another entry of equal length might be written immediately after each of these which appear on this exhibit?

A. When I took charge of this book I found that it had been kept in this way, and I continued to keep it in the same way.

The object of leaving those blanks, as I understood, was, that the Acuerdos might be copied into them; and they were left pretty large, so that the Acuerdo, if a long one, would have space enough for it. There was sometimes more than the Acuerdo to be entered in those blanks, because some business was not at once dispatched by an Acuerdo, because there were other proceedings which had to be noted in those blanks.

Q. 176. Please look at this exhibit, and say how many entries on these two pages would require to be followed by an Acuerdo?

A. Each one has an Acuerdo.

Q. 177. Then by an Acuerdo you mean a note of the disposition which was made of the subject, no matter what the disposition might be; as for example, after the entry of the fact that you had asked permission to marry, the single word Concedido (granted) you call an Acuerdo?

A. Yes, sir. The resolution which is made of the business is what is called an Acuerdo. In leaving those blanks I only followed the custom, and in stating what the object of having them was, I stated merely what I supposed it to be.

The word Concedido is an Acuerdo in the matter referred to.

Q. 178. Do you remember whether the leaves in that book are all writen upon on both sides, like this leaf, 140?

A. Yes, sir. They are all written on both sides, just like this one.

Q. 179. The three and a half lines on the reverse of this leaf, 140, constitute what you call the membrete of the communication from the Junta de Fomento, etc., transmitting the petition of Don Andres Castillero, etc., etc., do they not?

A. Yes, sir. That is what I consider the membrete?

Q. 180. After that was entered, then this very wide blank which immediately follows was for the purpose of entering the Acuerdo which should express the action of the Government in the matter, was it not?

A. Yes, sir.

Q. 181. If the Minister had kept the communication from the Junta, under advisement, from the day on which it was presented until the present day, then the three lines and a half beginning with the words May 20, and constituting his Acuerdo, should now be written in that blank, should they not, according to the custom of the office in the manner of keeping that book?

A. A case of that kind never occurred, but if it should occur, I suppose there would be a consultation to determine with regard to the entry of the Acuerdo.

Q. 182. That I presume is merely your conjecture, but as you have said the blank was left to be filled up afterwards, I suppose you have no means of knowing how long a time might be suffered to elapse before the Minister should deem proper to give his determination, and have it entered in the blank which had been left for it; whether it would be days, weeks, months, or even years, have you?

A. I have no reason to know the time that might have been allowed for that purpose. I have stated my present conjecture of what would have been done in the case suggested.

Q. 183. The dates written on the margins of these two pages are intended as the dates of the several papers noted in the different entries, and not as the days on which those entries were written in this book; is not this so?

A. They are the dates taken from the documents to which the entries refer.

Q. 184. Is there anything on that paper to show the day, month, or year, that you wrote the words of the first entry on the reverse of the leaf 140; that is to say, those words which you say constitute the Membrete and Acuerdo?

A. No, sir.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 9, 1859.

Cross-examination of José Maria Yrisarri resumed from yesterday.

On account of the indisposition of Mr. Peachy, of counsel for claimant, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 10th, 1859.

Cross-examination of José Maria Yrissari resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Q. 185. How is it that you remember the day on which Becerra became Minister of Justice, and the day that he surrendered that office?

A. I ascertained these dates from the books in the Ministry before I came here.

Q. 186. How do you recollect Becerra, when he entered the

Ministry of Justice, was Bishop elect of Chiapas, that he was ordained in 1848, and died on a certain day in 1854?

A. When Mr. Becerra became Minister of Justice he was known as, and called, the Bishop elect of Chiapas; this was how I knew it. I learned in the Ministry, shortly before coming here, from my associates, that he was ordained in 1848, and I read of his death, shortly before I left Mexico, in the newspapers of 1854.

Q. 187. On what day did he die?

A. On the 17th December, 1854.

Q. 188. You say you have seen Becerra sign his name; where?

A. In the Ministry, when he was Minister.

Q. 189. In the room where you were yourself employed?

A. No, sir; in his office (despacho).

Q. 190. What business had you in the Minister's office?

A. It was the custom to have one of the oficiales and an escribiente in attendance on the Minister every day, to submit documents to him for his signature, and when signed to make the proper disposition of them; it was in the discharge of this duty that I had occasion to be present in his office (despacho).

Q. 191. Did you not say that your only business was to keep the general book, to the entries on the 140th page of which you have testified?

A. Yes, sir, but it has been the custom, from time immemorial, for each oficial to attend, in turn, upon the Minister, as I have stated; for example, our office hours begin at 9 o'clock, A. M., and end at 4 P. M., and after that hour (4 P. M.) there is what we call a guardia left to attend the Minister; by guardia is meant an escribiente under an oficial—the Minister having no regular hours of business; this guardia remains until they are notified they are no longer wanted.

Q. 192. Why does not this guardia attend the Minister before, as well as after, the hour of 4 P. M.?

A. Because before that hour all the employés were present in attendance.

Q. 193. Has not the Minister secretaries or clerks of his own, whose exclusive business it is to be in attendance upon him, in his office, at all hours that he is there himself?

A. No, sir, they are all, in general, at his service.

Q. 194. Do you know the signatures of all the different officers of the Government who addressed communications to the Minister of Justice during the time you have been employed under that Ministry?

A. I cannot say that I know the signatures of all, but I do know the signatures of the greater part of those persons.

Q. 195. It will soon be fourteen years since, as you say, you entered upon the office of eighth Oficial of the Ministry of Justice. During that time there have been a great many changes in the Government of Mexico, and a very great number of persons holding office in the same, and doubtless corresponding frequently with the Minister of Justice. Can you now venture to swear that you know the signatures of even one-tenth of this great number of persons?

[Question objected to by Mr. Peachy, as irrelevant.]

A. I know a great many, but I cannot fix the precise proportion—whether one tenth, or less or more.

Q. 196. You say you know the signature of Tornel because he was Secretary of War in 1846, and addressed various communications to the Ministry of Justice, where you were at that time employed; ought you not, for the same reason, to know the signatures of all other Ministers who were in the habit of addressing communications to the Minister of Justice?

A. I do know some of their signatures, but not all.

Q. 197. Why should you know the signature of Tornel any better than you know that of any other Minister, who has corresponded with the Minister of Justice for the last fourteen years?

A. I have reason to know his signature better than those of other Ministers, because, besides having been Minister, he was at one time Governor of the District of Mexico.

Q. 198. Do you know the signatures of all the other Governors of the District of Mexico since 1846?

A. I cannot say whether I do or not, because I don't remember who they were.

Q. 199. Why should you be more familiar with the signature of Tornel than that of any other Governor?

A. I do not say that I am more familiar with his signature than that of any other, but I do not at this moment remember any whose signature I am as familiar with.

Q. 200. Why then did you say that the fact of Tornel's being Governor of Mexico, aided you to remember his signature?

A. Because, as Mr. Tornel is spoken of, I remember that he was Governor of that district at one time, and as such he signed the decrees (bandos) which were posted at the corners of the streets, and therefore I saw it more frequently.

Q. 201. For the same reason ought you not to know the signatures of all the other ministers as well as Tornel's?

A. I do not say that I do not know them as well, nor do I say that I do know them all; I only say that I do not now remember who they were.

Q. 202. You say you know the signature of Gondra, because he was the keeper of the National Museum, and as such, addressed communications to the Minister of Justice; have there not been other persons, during the last fourteen years, keepers of the National Museum?

A. The only other keeper of that Museum whom I now remember, is the present one, Don Fernando Ramirez.

Q. 203. When did Gondra first assume the office of keeper of the Museum?

A. I do not recollect.

Q. 204. When do you remember to have first known of his being keeper of the Museum?

A. I know he was keeper of the Museum, but I cannot recollect at what time.

Q. 205. Will you swear that he was keeper of the Museum in 1846?

A. I will not, because I am not certain about it; I know he was keeper at some time between that time and this.

Q. 206. In 1847?

A. I cannot state positively that he was in that year; I have an idea that his immediate successor was Mr. Ramirez, the present keeper.

Q. 207. In 1848?

A. I know that he was keeper of the Museum, but I cannot state during what time.

Q. 208. In 1849?

[Question objected to by Mr. Peachy as having been already answered.]

A. I cannot fix the time.

Q. 209. In 1850?

A. I have said I cannot remember the time.

Q. 210. If you do not remember enough even to be able to swear that Gondra was keeper of the Museum in any one of the five years I have mentioned, what is it that has impressed his handwriting so strongly upon your memory?

A. I knew his handwriting when he was keeper of the Museum, and I remembered it upon comparing the traced copy of the communication from the Junta de Fomento with its original, which is signed by him as Secretary.

Q. 211. If you paid so much attention to the communications of Gondra, as to be able to swear to his handwriting and signature, how is it that you cannot remember any one year in which you saw such communications?

A. Because I cannot remember at what time he was keeper of the Museum, at which time I knew his handwriting, and upon making the comparison referred to, I remembered the handwriting and signature.

Q. 212. Who was the Minister of Justice next before Becerra?

A. According to my recollection the Oficial Mayor of the Ministry was acting as Minister. I thought of this in Mexico before I came here, and this was my recollection then.

Q. 213. Who before that Oficial Mayor?

A. I have an idea—but I am not at all certain—that Don Demetrio Montesdioca was.

Q. 214. Who before him?

A. I don't remember.

Q. 215. Please mention all the Ministers of Justice whom you can remember since Becerra, and in the order of their succession?

A. I will state the names of those I recollect, but I cannot remember the order of their succession. They are these: José Maria Jimenes, José Ramon Pacheco, Teodosio Lares, Benito Juares, Ezequiel Montez, Francisco Xavier Miranda, and Manuel Larrainzar, who is the present incumbent. These are all that I remember.

Q. 216. Can you not remember in what year each of these held their office respectively?

A. Mr. Jimenes was Minister about the latter part of 1846 to the best of my recollection; Mr. Pacheco was Minister in the same year also; Mr. Lares was Minister in 1853; Mr. Juares was Minister in 1855; Mr. Montez in 1856 or 1857, I am not sure which; Mr. Miranda I think in 1858.

Q. 217. Who was President of the Republic of Mexico in 1846?

A. The first was Don Mariano Paredes, as I remember—I am not certain—José Mariano Salas, and about the end of the year, Don Antonio Lopez de Santa Anna.

Q. 218. Mention all the persons who held the office of Minister of War since 1845, and the order of their succession, respectively.

A. I have not thought of this matter, and I can now remember only Don José Maria Tornel and Don Juan Nepomuceno Almonte. They both held that office in 1846, Tornel first and Almonte next.

Q. 219. Do you remember any better the persons who have filled the various Ministries of Mexico during the last fourteen years?

A. I can remember only a few of the other Ministers.

Q. 220. Mention such as you now remember, and the times in which they were in office.

A. As I remember, Don Manuel C. Rejon was Minister of Relations in 1846; Mr. José Maria Lafragua was also Minister of Relations in that year; Mr. Joaquin Castillo y Lanzas was also Minister of Relations in that year. Mr. Parres was Minister of Hacienda in 1846, and Mr. Iturbe also held that office in that year. Mr. Valentin Gomez Farias also held the same office in that year. Mr. Bonilla is now Minister of Relations. These are all that I can now remember.

Q. 221. As the persons you have named do not, as I suppose, constitute the tenth or even the twentieth part of those who have held places in the various administrations of the Mexican Government during the last fourteen years, how is it that you say that you recollect the handwriting and signatures of a large portion of these same persons, who must have all corresponded at some time or other with the Ministry of Justice; how do you know that you could identify the handwriting and signatures of such a multitude of persons, whom you cannot now even remember?

A. I cannot remember all those persons, but I know the handwriting and signatures of a great many whom I cannot call to mind.

Q. 222. How is it that you have so clear a recollection that all the persons who signed the documents offered in support of this claim, held their respective offices at the dates of the making of those papers, and also so clear a recollection of their respective handwritings and signatures, when you have forgotten everything about so many others, that held the same offices both before and after those whose names appear on the paper in question?

A. There are a great many of those persons whom I have forgotten, but whom I should remember at once if I should see their handwritings; and the persons whose handwritings and signatures I have sworn to, I knew in 1846; and when I made the comparisons referred to, I recollected them.

Q. 223. Do you mean that you have a better recollection of the various handwritings to be found in the Ministry of Justice, than you have of the various persons who, during your time, have held office in the Mexican Government; that is to say, would you resort to those handwritings to enable you to remember who the person was that held office at a given time, rather than to your recollection of the person that held the office, in order to identify the handwriting appearing on a given paper?

A. I knew the persons and handwritings of which I have spoken, in 1846, and have known them since; and when I made the comparisons in Mexico, before I set out to come here as I stated, I was reminded of those persons and their handwritings, though I knew them before, as I stated; but, with regard to the other persons and handwritings which I have known, I have had no occasion to remember them; there has been nothing to remind me of them.

Q. 224. Before you left Mexico to come up here to testify, Mr. Pardo asked you about all the persons, handwritings, and signatures to which you have testified, did he not?

A. He only told me to compare the traced copies, and see what signatures and handwritings I knew.

Q. 225. You discovered that you knew all the persons, handwritings, and signatures appearing on those traced copies, just as you have testified on your direct examination, did you not?

A. Yes, sir.

Q. 226. Do you not think that if Mr. Pardo had shown you any other papers purporting to come from the same offices, that you would have remembered just as well, all the persons, handwritings and signatures appearing therein?

A. No, sir. I know these because they are original expedientes which I have seen.

Q. 227. But if he had shown you other papers purporting to be original expedientes and traced copies of the same?

A. I cannot say what I would have answered if I had been shown other expedientes, but with regard to these I knew the handwritings and signatures, and that they were the original expedientes.

Q. 228. Did it not happen that you knew all that Mr. Pardo seemed desirous to learn about those papers; was there anything that you had forgotten?

[Question objected to by Mr. Peachy, upon the ground that it does not appear that Mr. Pardo desired to know anything about those papers, except to learn from the witness whether he was acquainted with either the handwritings or signatures.]

A. If Mr. Pardo desired to know anything, he did not state to me what it was.

Q. 229. He wished to know about the handwritings and signatures to which you testified, did he not?

A. He merely asked me whether I knew them, and I said I did; this was all that passed.

Q. 230. You knew them all?

A. I did not state that I knew all the handwritings and signatures in the expedientes, because there were some which I did not know.

Q. 231. Those that you did not know were only a few, were they not?

A. Yes, sir.

Q. 232. Have you any objection to writing a few words for me?

A. No, sir.

[The witness, at request of counsel for the U. S., then wrote the following words, which were dictated to him by the interpreter, and not copied from any paper. The contractions which occur after the word "Mayo 20" were written as dictated by the interpreter, which said writing is hereto annexed, and marked "Exhibit Yrisarri No 1, W. H. C."]

Examination closed.

JOSE MA. YRISARRI.

Sworn to, and subscribed before me, September 17, 1859.

W. H. Chevers,
U. S. Commissioner.

Note by the Commissioner. — The foregoing deposition was signed by the witness at this date, because the interpreter was unable, on account of other engagements, to attend to the reading of the deposition any sooner.

San Francisco, Sept. 17, 1859. W. H. Chevers,
U. S. Commissioner.

Filed: Sept. 17, 1859.
W. H. Chevers,
U. S. Commissioner.

## EXHIBIT YRISARRI No. 1, W. H. C.

El S. Presidente de la Junta de Fomento de Mineria acompaña con recomendacion la solicitud de D. Andres Castillero p$^{a}$ el Fomento de la mina de azogue q$^{e}$ ha descubierto en la Mision de S$^{ta}$ Clara en la Alta California.

Mayo 20.—Se concede en los terminos en que se propone; y por lo tocante al terreno librese la orñ correspondiente al Minist$^{o}$ de Relac$^{s}$ p$^{a}$ las providencias de su resorto en concepto de que el Gob$^{no}$ Sup$^{mo}$ está anuente á la solicitud.

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## TRANSLATION OF EXHIBIT YRISARRI No. 1.

The Señor President of the Junta de Fomento de Mineria, accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California.

May 20th.—It is granted in the terms proposed; and as regards the land, let the proper order issue to the Minister of Relations, for the measures which it belongs to him to take, with the understanding that the Governmant assents to the petition.

# DEPOSITION OF MARIANO MIRANDA.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 11, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came Mariano Miranda, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

On motion of Mr. Randolph, counsel for the United States, the examination of this witness is continued until the 18th inst. at 11 o'clock, A. M.: the said motion having been made on the ground of indisposition.

Mr. Peachy, the counsel for claimant, desires to state that the United States District Attorney is absent from the State; that the gentleman to whom the District Attorney has entrusted the business of the Government during his absence, says he has no authority to appear for the Government in this case, and therefore to Mr. Randolph's motion for an adjournment for the reason assigned, he has nothing to oppose.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., August 18th, 1859.

Direct examination of Mariano Miranda resumed from August 11th.

Present: Mr. Peachy, of counsel for claimant.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. Mariano Miranda; my age is 30 years, and my residence at the city of Mexico.

Q. 2. Were you ever in the employment of the Mexican Government, and in what capacity?

A. In January, 1846, I entered the Ministry of Justice as meritorio, that is, on probation, and without pay; and in 1847 I was appointed a clerk (escribiente) in that Ministry. I continued in that appointment until 1852, since which time I have not been in the employ of the Mexican Government.

Q. 3. What has been your employment since?

A. I have been employed in a mercantile house in the city of Mexico—the house of Don Joaquin Borbolla, in which I have an interest.

Q. 4. Who was Minister of Justice when you were first employed in that department, in 1846?

A. Don José Maria Luciano Becerra.

Q. 5. Is Mr. Becerra living; if not, when did he die?

A. He is dead. He died on the 17th December, 1854.

Q. 6. What was his occupation at the time of his death?

A. He was Bishop of Puebla.

Q. 7. Was he in holy orders while he was Minister of Justice in 1846?

A. He was in holy orders at the time, and Bishop elect of Chiapas.

Q. 8. When was he ordained Bishop?

A. I don't remember; I know that he acted as Bishop of Chiapas, and must of course have been ordained before he acted as Bishop; he was afterwards transferred to the diocese of Puebla.

Q. 9. Which is the most important diocese in the Republic of Mexico?

A. The most important is that of Mexico, which is presided over by the Archbishop of Mexico. The next most important diocese in the Republic is that of Puebla. The Archbishop of Mexico and the Bishop of Puebla receive yearly the same revenue.

Q. 10. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H."; state whether you have compared it with its original; where the original exists; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the office of the Administracion del Fondo de Mineria. I made the comparison in that office on the 6th April of this year. I made the comparison by having the original read to me while I read the copy, and then having the copy read to me while I read the original; I then laid each leaf of this traced copy upon its original. This is a perfectly faithful copy of the original.

Q. 11. Are you acquainted with any of the persons whose handwriting and signatures appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. I do know some of them; to wit, Ysidro Rafael Gondra, José Maria Tornel, Agustin Ruiz, José Maria Luciano Becerra, Teodoro Sotomayor, and Vicente Segura.

The caratula or superscription on the page preceding that marked No. 1 (in red ink,) is in the genuine handwriting of the said Gondra.

The document in the said original expediente purporting to be an office copy of a communication addressed by the Junta de Fomento to the said Tornel, Director of the National College of Mining, dated the 21st April, 1846, and requesting him to have assayed the accompanying specimens of cinnabar, is in the handwriting of the said Gondra; a copy of the said document will be found on page No. 1, (in red ink) of this "Exhibit Bassoco No. 7, O. H."

The document in the original expediente purporting to be an original letter from Tornel, Director, etc., addressed to the President of the Junta de Fomento, making known the result of said assays, and dated the 29th April, 1846, bears the genuine signature of said Tornel. The marginal note on the said original communication, in the words following, "Recibido el dia 3 del presente Mayo," bears the genuine signature of said Segura. The next marginal note, in the words following, "Mayo 4, 1846. Que se inserte al Gobierno manifestando haberse recibido la nota hasta ayer," is in the genuine handwriting of the said Gondra. A copy of the said original communication and marginal notes is found on pages 5, 6, and 7, (in red ink) of this Exhibit.

The document in the original expediente purporting to be an office copy of a communication addressed by the Junta de Fomento to the Minister of Justice, dated May 5th, 1846, and informing the said Minister of Castillero's discovery, of the result of the assays, etc., is in the genuine handwriting of the said Gondra; a copy of it will be found on pages 8 and 9, (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from the said Becerra, Minister of Justice, to the said Segura, President of the Junta de Fomento, acknowledging the receipt of the Junta's communication of the 5th May, 1846, bearing date the 9th May, 1846, is in the genuine handwriting of the said Agustin Ruiz, and bears the genuine signature of the said Becerra; a copy of it will be found on page 10 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be a communication from the said Junta de Fomento, addressed to the said Minister of Justice, dated May 14th, 1846, inclosing and recommending certain propositions which Castillero had made to the said Junta, is in a handwriting with which I am unacquainted, with the exception of certain interlineations and emendations, which are in the genuine handwriting of the said Gondra. The marginal note, or membrete, on the said office copy, is also in the handwriting of the said Gondra; a copy of this document is found on pages 11, 12, 13, 14, 15, 16, 17, and 18, (in red ink) of this Exhibit.

The document in the original expediente purporting to be a copy of certain propositions made by Castillero to the Junta de Fomento, dated May 12th, 1846, certified by the said Gondra, is in a handwriting with which I am unacquainted, but the certificate bears the signature of the said Gondra. A copy of this document will be found on pages 19, 20, 21 and 22 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from Becerra, Minister of Justice, addressed to the said Segura, President of the Junta de Fomento, dated May 20th, 1846, making known that the President had approved of all of Castillero's propositions, is in the genuine handwriting of the said Sotomayor, and bears the genuine signature of Becerra. A copy of it will be found on pages 23 and 24 (in red ink) of this Exhibit.

I am acquainted with none of the other handwritings or signatures in the said original expedientes.

I know the handwritings and signatures of the said Tornel, Segura and Gondra, from having seen the same in official communications written and signed by them, and addressed to the Minister of Justice, while I was employed in the said Ministry.

I know the handwriting of Becerra, Minister of Justice, from having frequently seen him write and sign his name while he was Minister. I sometimes acted as his amanuensis for his private correspondence, and would see him sign the letters which I wrote under his direction.

Agustin Ruiz was a fellow clerk with me in the Ministry of Justice, where I saw him write every day, and in this way, I know his handwriting; in the same way I know the handwriting of Teodoro Sotomayor.

Q. 12. Is Agustin Ruiz living?

A. No. He died on the 3d May, 1848.

Q. 13. Examine the document now shown you marked "Exhibit Bassoco No. 8, O. H." State whether you have compared it with its original, where the original exists, when, where, and in what manner was the comparison made, and is this a faithful copy of the original?

A. On the 29th March last, I compared this copy with its original, which exists in the Ministry of Relations in the office of that Ministry. The comparison was made in the same manner in which I compared "Exhibit Bassoco No. 7, O. H," with its original, as I have testified, and this is a perfectly faithful copy of its original.

Q. 14. Are you acquainted with any of the persons whose handwritings and signatures appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them, and are they genuine?

A. I do know some of the persons whose handwritings and signatures appear in the said original expedientes, to wit: Mariano Rodriguez, who in 1846 was Fourth Oficial; José Maria Duran, who in that year was Oficial Mayor Segundo; Joaquin Romanos, who in the same year was Oficial Segundo Primero. They were all employed in the Ministry of Justice. I am also acquainted, as I have said, with Vicente Segura and Ysidro Rafael Gondra.

The caratula or superscription on the original expediente is in the genuine handwriting of the said Rodriguez; a copy of it will be found on page No. 1 (in red ink) of this "Exhibit Bassoco No. 8, O. H."

The document in the original expediente purporting to be an original communication from the Junta de Fomento to the Minister of Justice, bearing date the 5th May, 1846, making known the discovery of this mine by Castillero, the result of the assay of the specimens from said mine, etc. etc., bears the genuine signatures of the said Segura and Gondra. The second marginal note on that document beginning with the words "Mayo 9, 1846," is in the genuine handwriting of the said Duran. A copy of this document will be found on pages 2, 3, 4, and 5 (in red ink) of this Exhibit.

The documents in the said original expediente purporting to be copies of certain letters and extracts from letters, written by Castillero from California, on the 19th and 22d February, 1846, to certain persons in Mexico, and certified by the said Gondra, are in a handwriting with which I am unacquainted, but the certificate bears the genuine signature of the said Gondra. Copies of these documents will be found on pages 6, 7 and 8 of this Exhibit.

The document in the original expediente purporting to be an office, copy or minuta of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 9th, 1846, and acknowledging the receipt of the said Junta's communication of the 5th of the same month, is in the genuine handwriting of the said Rodriguez. A copy of it will be found on page 9 (in red ink) of this Exhibit.

The document in the said original expediente purporting to be an original communication from the Junta de Fomento to the Minister of Justice, dated May 14th, 1846, inclosing certain original propositions which Castillero had made to the said Junta, and recommending them to the Government, bears the genuine signature of the said Segura; I am unacquainted with the handwriting in the body of said communication, but the acuerdo on the margin of the said document, beginning with the words "May 20, 1846, Le concede en los terminos que se propone," etc., is in the handwriting of the said Romanos, and bears the genuine rubric of the said Becerra; a copy of the said document and acuerdo, or marginal note, will be found on pages 10, 11, 12, 13, 14, 15, and 16 (in red ink) of this Exhibit.

The document in the original expediente purporting to be the original propositions of Castillero to the said Junta, and to be signed by Andres Castillero, I am not acquainted with either the handwriting or signature of. A copy of it will be found on pages 17, 18, 19, 20, 21 and 22 (in red ink) of this Exhibit.

The document in the original expediente purporting to be an office copy or minuta of a communication addressed by the Minister of Justice to the Junta de Fomento, dated May 20th, 1846, acknowledging the receipt of the Junta's communication of the 14th of the same month, and of Castillero's proposals, and stating that the President had approved of said propositions in all their parts, is the genuine handwriting of the said Rodriguez. A copy of it will be found on page 23 (in red ink) of this Exhibit, above the letters and words, "E. S. Hoy, digo," etc.

The document in the original expediente purporting to be an office copy or minuta of a communication addressed by the Minister of Justice to the Minister of Relations, dated the 20th May, 1846, in which is inserted the foregoing communication from the Minister of Justice to the Junta de Fomento, and directing the Minister of Relations to do certain acts with regard to a grant of two leagues of land to Andres Castillero, is in the genuine handwriting of the said Rodriguez: a copy of it will be found on pages 23 and 24 (in red ink) of this Exhibit, beginning on page 23, with the words "E. S. Hoy, digo," etc., and ending on page 24, with the words "E. S. Ministro de Relaciones Exteriores y Gobierno."

I know the aforesaid signatures of Gondra and Segura in the way I have above stated. I know the handwriting of the said

Rodriguez, Duran and Romanos, because, being employed in the Ministry of Justice while I was there, I saw them frequently write and sign their names.

Q. 15. Is Romanos living?

A. He died in 1847.

Q. 16. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H.;" state whether you have compared it with its original, where the original exists, when, where, and in what name was the comparison made, and is this a faithful copy of the original?

A. On the 29th March last, I compared it with its original, which existed in the Ministry of Gobernacion, in the office of that ministry. The comparison was made in the same manner in which I compared "Exhibit Bassoco No. 7, O. H." with its original, as I have testified, and this is a perfectly faithful copy of its original.

Q. 17. Are you acquainted with any of the persons whose handwritings and signature appear in the said original expediente; do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. The document in the original expediente purporting to be an original communication addressed by Pio Pico in California, to the Minister of Relations, dated February 13th, 1846, making known the discovery of the mine of quicksilver by Andres Castillero, and inclosing an original communication from the said Andres Castillero to the said Pico, is in a handwriting and bears a signature with which I am unacquainted; but the marginal note on said document, beginning with the words "Abril 6, 1846," bears the genuine rubric of Castillo y Lanzas, who was at that date Minister of Relations. A copy of this document will be found on pages 2 and 3 (in red ink) of this "Exhibit Bassoco No. 9, O. H."

I do not know either the handwriting or signature to the next document in the said original expediente, purporting to be an original letter addressed by Andres Castillero to Pio Pico, Governor of the Department of the Californias, and to be dated at the Mission of Santa Clara, December 10, 1845. A copy of it will be found on pages 4, 5 and 6 (in red ink) of this Exhibit.

I do not know the handwriting of the next document in the said original expediente which purports to be an office copy or minuta of a communication addressed by the Minister of Relations to the Governor of California, dated April 6th, 1846, in reply to the foregoing. A copy of it will be found on page 7, (in red ink) of this Exhibit.

The next document in the said original expediente is an original communication addressed by Becerra, Minister of

Justice, to the Minister of Relations, dated 20th May, 1846. It inserts a letter of the same date from the Minister of Justice to the President of the Junta de Fomento, and it concludes with these words (which the interpreter translates as follows): "and I have the honor of inclosing it to your Excellency to the end that with regard to the petition of Senor Castillero, to which his Excellency the President, *ad interim*, has been pleased to accede, that as a colonist there be granted to him two square leagues of land on his mining possession; your Excellency will please to issue the proper orders." The body of this letter is in my own handwriting, and it bears the genuine signature of the said Becerra. The marginal note on the said original letter, which as translated by the Interpreter, reads as follows: "May 23rd, 1846. Let the orders referred to in this communication issue," is in a hand-writing with which I am unacquainted, but it bears the genuine rubric of Senor Castillo y Lanzas: a copy of the original communication and marginal note will be found on page 8 and the reverse of page 9 (in red ink) of this Exhibit.

The next document in the said original expediente purporting to be an office copy, or minuta, of a communication addressed by the Minister of Relations to the Governor of the Californias, dated May 23rd, 1846, inserting the foregoing communication from the Minister of Justice to the Minister of Relations, and ending with the words, which as translated by the interpreter are as follows: "and I transcribe it to your Excellency, so that in accordance with what is provided by the laws and regulations upon the subject of colonization, you may put Mr. Castillero in possession of the two *sitios* which are mentioned," is in a handwriting with which I am unacquainted: a copy of it will be found on page 10 (in red ink) of this Exhibit.

I know the signature of Castillo y Lanzas, because I have seen communications addressed by him to the Ministry of Justice, while I was employed there.

Q. 18. Where is Mr. Castillo Lanzas at present?

A. Here in San Francisco.

Q. 19. This original communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, dated May 20th, 1846, you have said was written by yourself, and signed by Mr. Becerra. When was that letter written by you, and when signed?

A. It was in May, 1846, on the day of its date.

Q. 20. Independent of all the documents you may have recently seen relating to the matter, have you any recollection of having heard, in 1846, of the discovery, by Castillero in California, of a Quicksilver mine?

A. I remembor having spoken with Mr. Del Rio, in 1846, about the discovery of such a mine, and that he showed me some specimens of cinnabar from it. He spoke to me about the immense richness of the mine, as shown by the specimens, and of the importance, in his opinion, of the discovery, and of the effect it would probably have upon the mining interests of Mexico.

I remember that this occurred in 1846, because he was connected with my family — his daughter married my uncle, and during a part of that year, 1846, I lived in his house. I think about August of that year I left his house and went to live elsewhere. I had this conversation with him before I left his house.

Q. 21. Who was this Mr. Del Rio?

A. He was Professor of Mineralogy in the National College of Mining.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 19, 1859.

Direct examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy of counsel for claimant.

Examination adjourned until to-morrow, (Saturday) at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 20th, 1859.

Direct examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy of counsel for claimant.

Q. 22. When did you arrive in San Francisco, and for what purpose did you come?

A. I arrived here on the 14th May last, and my object in coming was to testify to what I knew touching the matter of the New Almaden Mine.

Q. 23. In whose company did you travel from the city of Mexico to San Blas, and from thence to the city of San Francisco?

A. In company with Messrs. Bassoco, Castillo y Lanzas, Martinez Negrete, Balcarcel, Castillo, Villalon, Yrissari, Velasco, Castillo Lanzas, jr., Barron and Billings.

Q. 24. What compensation have you received, or are you to receive, for coming here to give your testimony in this case?

A. I am to receive two thousand dollars, with the understanding that my absence should not exceed two months and a half or three months. I have already received five hundred dollars of that amount.

### DIRECT EXAMINATION CLOSED.

Examination adjourned until Monday next, 22d inst. at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 22, 1859.

Examination of Mariano Miranda, resumed from Saturday last.

Present: Frederick Billings, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the U. S.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 25. Before leaving Mexico to come to San Francisco, did you obtain a passport?

A. No, sir. I brought with me a certificate signed by Mr. Alegria, the Oficial Primero of the Ministry of Justice, showing that I was employed in that Ministry as I have heretofore stated. I have also brought with me the commission I received when I was appointed escribiente, as I have stated. I have these papers with me now.

Q. 26. Please file those papers.

A. I will file them, but I desire to get back my commission at some future time.

Q. 27. Is there any one in San Francisco, not of the party you came with, that you have formerly known in Mexico?

A. Yes, sir. There are Messrs. Schleiden and Casal.

Q. 28. Do you not belong to the Church party in Mexico, of which Miramon is chief?

[Counsel for claimant requests the interpreter to state to the witness, that if he has any reasons for desiring not to answer this question, to make them known.]

A. I desire to be excused from answering this question, because in the present agitated condition of Mexico, it might be prejudicial to my interests to answer. I therefore decline.

Q. 29. Where were you born?

A. In Guanajuato, and I have resided in the city of Mexico since 1833.

Q. 30. For what business were you educated?

A. For commerce.

Q. 31. Who was Minister of Justice, when you entered that Ministry as Meritorio?

A. Don José Maria Luciano Becerra.

Q. 32. Are you certain of that?

A. Yes, sir.

Q. 33. On what day did you enter?

A. It was in January, 1846; but I don't remember the precise day.

Q. 34. Who was President at that time?

A. Gen. Mariano Paredes y Arrillaga.

Q. 35. At what time in the year 1847, did you become Escribiente?

A. It was in May, 1847. My commission will show.

Q. 36. Who was Minister of Justice at that time?

A. Don Luis de la Rosa.

Q. 37. Who was President?

A. Gen'l Don Pedro Maria Anaya.

Q. 38. Was he President Propietario, Interino, Sustituto, or what?

A. I think he was Sustituto.

Q. 39. Then who was the Propietario?

A. Gen'l Santa Anna.

Q. 40. Please name all the other Ministers who were in office in 1846, when you entered as Meritorio; also, those in office at the time that you received your appointment as Escribiente?

A. In 1846, Mr. Becerra was Minister of Justice (as I have said), Mr. Castillo y Lanzas was Minister of Relations, Gen'l Tornel was Minister of War, Mr. Parres was Minister of Hacienda First, and Mr. Iturbe was his successor. After Paredes' administration, there was the administration of Gen'l Bravo, which lasted only a few days. During Bravo's administration the Minister of Relations was Don José Joaquin Pesado, the Minister of Justice was Don José Maria Jimenes, the Minister of War was Gen'l Almonte, and the Minister of Hacienda was Don Antonio Garay. Next after this administration, was the administration of Gen'l Salas, during which, the Minister of Justice was, I believe, Don José Ramon Pacheco, and I don't remember who the others were. When I was appointed Escribiente, the Minister of Justice was Don Luis de la Rosa, the Minister of War was Gen'l Alcorta, and the others I don't remember.

Q. 41. Are any of the persons you have named alive now; if so, which, and where are they?

A. Messrs. Castillo Lanzas, Iturbe, Pesado, Jimenes, Salas, Pacheco and Almonte, are living; and all, except Almonte, (who is in France) are in Mexico.

The Commissioner asked if Mr. Castillo Lanzas was not here in the city of San Francisco, and the witness answered that he was.

Q. 42. How long have you been acquainted with Mr. Castillo Lanzas?

A. Since 1846, when he was Minister of Relations.

Q. 43. Did you have a private personal acquaintance with him, or did you know him only as Minister?

A. I knew him only at that time as Minister. I have since become acquainted with him in his personal private character.

Q. 44. How long since you have had a personal acquaintance with him?

A. About six months.

Q. 45. You became acquainted with him then about the month of February last, did you not?

A. Yes, sir.

Q. 46. Who introduced you to him?

A. I don't remember.

Q. 47. Try again, and see if you cannot recollect; on what occasion was it—at what place—who else was present?

A. I think it was Mr. Barron, but I cannot be positive about it; I think it was in the Ministry of Relations.

Q. 48. Which Mr. Barron?

A. Mr. William Barron, one of the claimants in this case.

Q. 49. What were you doing in the Ministry of Relations.

A. I think I was there for the purpose of comparing the traced copies with the originals; I don't remember distinctly.

Q. 50. What was Castillo Lanzas doing there?

A. I believe he was there for the same purpose.

Q. 51. What was Mr. Barron doing there?

A. I don't know; I suppose he went there with Mr. Castillo Lanzas.

Q. 52. What did Mr. Barron say when he introduced you?

A. He said what is usually said at an introduction, or when one person is introduced to another; he said to Mr. Lanzas, "Mr. Miranda," and to me "Mr. Lanzas."

Q. 53. What did Mr. Lanzas then say?

A. Nothing more than the usual expression, such as "at your service," "your servant," or the like.

Q. 54. And what did you say?

A. I replied in the same way, using the usual expression, "at your orders."

Q. 55. Did not Mr. Lanzas say that he recollected you since 1846, when you first entered into the service of the Government?

A. No, sir.

Q. 56. Did you not say that you recollected Mr. Castillo Lanzas since that date?

A. No, sir; I did not.

Q. 57. Where has Castillo Lanzas lived since January, 1846?

A. His residence is in the city of Mexico, but he has been absent as Minister to England; he is now here.

Q. 58. Did you go to the Ministry of Relations in company with Mr. Castillo Lanzas and Mr. Barron?

A. I remember being there once with Mr. Lanzas; I am not certain about being there with Mr. Barron; I did not go there in company with them.

Q. 59. Then you are not certain that you were introduced to Mr. Castillo Lanzas by Mr. Barron?

A. I am not certain.

Q. 60. As it was only a short time ago, and you have seen so much of Castillo Lanzas since that time, how do you account for your not remembering distinctly the circumstances attending your introduction to that distinguished gentleman?

A. The explanation of that is, that about that time I was in the habit of frequently seeing Messrs. Billings, Pardo, Barron and other persons, and I can't remember which of them it was that introduced me to Castillo Lanzas.

Q. 61. Have you a very bad memory?

A. I cannot say whether it is bad or not, but some things I remember well, and others not.

Q. 62. Can't you say which one of the gentlemen it was that introduced you to Castillo Lanzas, whether it was Mr. Billings, Mr. Barron or Mr. Pardo?

A. I cannot recollect.

Q. 63. Can you swear that it was some one of them?

A. Yes, sir.

Q. 64 Can you not by an effort now say which one of the three it was?

A. I have been endeavoring to recall which one of them it was, but I have been unable to do so.

Q. 65. Can you swear that it was in the Ministry of Relations that you were presented to him, and not in any other place?

A. I don't remember whether it was in the Ministry of Relations, or in one of the other offices.

Q. 66. In what place, other than one of the Ministries, might it probably have been, that this introduction took place?

A. I don't think it could have occurred anywhere else.

Q. 67. Do you remember having first met with Castillo Lanzas at any other place, that is, about the month of February last?

A. I saw him often, and I knew him since 1846, but the first time that I spoke to him was when I was introduced. The introduction took place I think in the Ministry of Relations, but I am not certain.

Q. 68. On your first meeting with Castillo Lanzas, in one of the Ministries where you think the introduction took place, were Messrs. Pardo, Barron and Billings, all three present?

A. I don't remember whether they were all three present; one of them was, and there may have been two. I think Mr. Pardo was present?

Q. 69. Do you not think that it might have been Mr. Pardo that introduced you to Castillo Lanzas?

A. It might have been him.

Q. 70. Might it not have been Mr. Billings; do you remember seeing him at any time in the Ministry of Relations, distinctly?

A. I remember having seen him there, and he may have been the person that introduced me.

Q. 71. In answer to question 58, you said—"I am not certain about being there with Mr. Barron;" but you are quite certain that you saw Mr. Billings there?

A. I am certain that I saw Mr. Billings once in the Ministry of Justice.

Q. 72. You are certain, also, that you have seen Mr. Pardo there?

A. Yes, sir.

Q. 73. Then as you are not certain of being there with Mr. Barron, and you are certain that you were there with Messrs. Pardo and Billings, is it not probable that you were introduced to Castillo Lanzas by one of the two, either Mr. Billings or Mr. Pardo, and not by Mr. Barron?

A. I think it is much more probable that I might have been introduced by one of those two, than by Mr. Barron.

Q. 74. According to the best of your recollection, and your judgment of all the probabilities, which of the two was it that introduced you to Castillo Lanzas, Mr. Pardo or Mr. Billings?

A. I cannot say. I don't remember.

Q. 75. Who went with you to the Ministry of Relations at the time that you saw Castillo Lanzas there, and when you say that you think you were introduced to him?

A. I don't remember whether I went alone, or whether anybody went with me.

Q. 76. Did Mr. Pardo go with you?

A. I don't know whether he went with me or not. I have sometimes been in his company.

Q. 77. You said that when you saw Castillo Lanzas in the Ministry of Relations, you were there for the purpose of comparing copies: Who was the person that assisted you in making the comparison?

A. Mr. Pardo.

Q. 78. Did you go there with Mr. Pardo for that purpose?

A. I don't remember whether I went with him, or met him there for that purpose by appointment.

Q. 79. You said that Mr. Castillo Lanzas was there for a like purpose, as you supposed. Did he take any part in making the comparison, with you and Pardo, or did he stand by and look on while you were doing it?

A. Messrs. Castillo Lanzas and Pardo made the comparison with me.

Q. 80. Can't you remember anybody else who was present at or took part in this comparison? if so, state all that you can remember.

A. As the comparison was made in some of the Government offices, some of the employés in those offices may have been present. I did not observe particularly to see whether there were or not.

Q. 81. Was not Mr. Billings present, or Mr. Barron?

A. I don't remember.

Q. 82. As you have said that when you were introduced to Castillo Lanzas, you were both, to the best of your recollection, in the Ministry of Relations, and had come there for the purpose of comparing the copies; and as you do not remember seeing Mr. Barron or Mr. Billings there then, but do remember that the comparison was made by Castillo Lanzas, Pardo and yourself; don't you think now that Pardo must have been the man that introduced you to Castillo Lanzas?

A. No, sir, because I have not stated that I had not seen Messrs. Billings or Barron in the Ministry, but that I did not remember that they were present when the comparison was made.

Q. 83. Had you met Castillo Lanzas, in the Ministry before that occasion, when you, he and Pardo made the comparison?

A. I had seen him there before, from time to time, since 1846, but had not spoken to him until that occasion.

Q. 84. Have you any recollection at all of seeing either Messrs. Billings or Barron in the Ministry, at the time that you were making the comparison?

A. No; I don't recollect seeing them at the very time, but I saw them there before that on the same day.

Q. 85. Do you remember to have seen Messrs. Billings and Barron in the Ministry, on the same day that you made the comparison, and in the presence of Castillo Lanzas, who assisted you?

A. I have an idea that I saw Messrs. Castillo Lanzas, Pardo, Billings and Barron, there together, that day.

Q. 86. And yet, you cannot say whether Messrs. Barron and Billings were present at the examination. Do you think they were present or not? Do you remember their going away before that comparison commenced?

A. I am inclined to think, but cannot state positively, that they were not present at the comparison. I do not remember their going away.

Q. 87. If they had been present, taking part or looking on, at the comparison of the copies of the papers, which you were coming up here with them to swear to, would not the fact have been impressed upon your memory?

A. It is because I do not remember their being there, that I incline to think they were not.

The papers referred to in question 26, of the foregoing deposition, are herewith filed and marked respectively, "Exhibit Miranda No. 1, W. H. C.," and "Exhibit Miranda No. 2, W. H. C."

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 23, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the U. S.

Q. 88. When did you make the acquaintance of Mr. Barron?

A. About the month of February last.

Q. 89. Where?

A. At the house of the late Mr. Eustace Barron, in the city of Mexico.

Q. 90. What were you doing at the house of Mr. Eustace Barron, at that time?

A. I went there for the purpose of seeing Mr. William Barron about my journey here.

Q. 91. Did the Messrs. Barron send for you; who went with you to Barron's house?

A. Yes. Messrs. Barron sent for me by Mr. Pardo. I went to the house with him.

Q. What did they say to you, when you got there?

A. They said, that they had learned that a communication touching their matter of the New Almaden Mine, was in my handwriting, and asked me if I could come here to testify to it. I had a conference with them on the subject, and they made proposals to me to come. I stated that I would consider the matter, and see whether I could arrange my business so as to be able to come.

Q. 93. Did they show you any copy of the paper, which they had learned you had written, touching the New Almaden Mine?

A. Yes, sir. They showed me a traced copy of it.

Q. 94. How much did they say they would give you to come here and testify to that copy?

A. At the first interview I had with these gentlemen, they requested me to state what amount of indemnity I would require for my absence in coming here, to testify with regard to that matter; but I did not then make up my mind about it, and did not state the amount that I would require.

[Note by the Commissioner:—At request of witness, the foregoing answer was read to him, and he states that it is not correct, and that his answer was as follows:

At the first interview which I had with these gentlemen, nothing was said about the indemnity that I should receive for coming here to testify. I was asked only whether I could come to San Francisco to testify to having written that communication. I stated that I would see whether I could arrange my affairs so as to come.]

Q. 95. Had you any idea of coming without being paid for it?

A. No, sir.

Q. 96. I suppose you had seen that traced copy that the Messrs Barron showed you, before; had you not?

A. I had not seen it before.

Q. 97. Mr. Pardo told you what they wanted, did he not, before you went to the house of the Messrs. Barron?

A. Yes, sir, he did.

Q. 98. Tell me as near as you can, what Mr. Pardo said to you at that time?

A. He stated to me that there was among the expedientes a communication in my handwriting, and requested me to see

Messrs. Barron or Billings, who were desirous of having my testimony in relation to that communication.

Q. 99. When was this?

A. As I remember, it was about the month of February or March last.

Q. 100. How long have you known Mr. Pardo?

A. I have known him four or five years.

Q. 101. Did you know him very intimately during this time?

A. No, sir; I have not known him very intimately; there has been but a slight intimacy between us (muy poca intimidad).

Q. 102. But I suppose you had been very frequently talking to Mr. Pardo about that paper, had you not?

A. No, sir.

Q. 103. Was that the first conversation you had with him about it, when he told you that there was such a paper in your handwriting?

A. Yes, sir.

Q. 104. Have you ever corresponded with Mr. Pardo?

A. No, sir.

Q. 105. The next time that you saw the Messrs. Barron, what did you say to them about coming to San Francisco?

A. I did not see them for a long time after that, and until a few days before our departure—I mean when we were making the comparisons. I arranged for my journey here with another person who acted for them.

Q. 106. Who was that other person?

A. Don Pio Bermejillo.

Q. 107. Who is he?

A. He is a merchant in Mexico,—a Spaniard.

Q. 108. What were the terms that you communicated through this person?

A. I asked five thousand dollars, as indemnity for injury that I might suffer in my business during my absence.

Q. 109. What did they reply?

A. Mr. Bermejillo told me that they would give me four thousand dollars,—that was the amount I agreed to take.

Q. 110. What sort of trade are you engaged in, in Mexico?

A. The business of the house in which I am interested is that of importing silks, laces, articles of bronze, etc.

Q. 111. What did you say was the name of the house?

A. Joaquin M. de la Borbolla.

Q. 112. Are you a partner in that house, or only a clerk?

A. I am there as a clerk, with an interest in some of the business of the house, and have had charge of the business of the house during the absence of the owner in Europe.

Q. 113. What is your salary as clerk, and what is the interest you have in the house?

A. I have a thousand dollars a year for expenses, and one-third of the profits of some of the business.

Q. 114. How much of the business, and what does the third amount to?

A. The amount of the one-third of those profits varies, according to the amount of business done; but I think the average would be about fifteen hundred or two thousand dollars a year for my third.

Q. 115. Is the house making any profits this year, in the midst of all the disorders and troubles of the country?

A. It is making some profits, but not as much as in other years. It has felt those troubles.

Q. 116. Was the house, or any of its members, indebted to the establishment of Mr. Eustace Barron?

A. No, sir; there were never any business relations between it and the house of Barron.

Q. How much are you worth, clear of debts and liabilities?

A. Very little—six or seven thousand dollars.

Q. 118. When Mr. Pardo told you that there was a paper in one of the expedientes in your handwriting, did you recollect anything about having written it?

A. No, sir; I did not remember having written it until I saw it.

Q. 119. Were you not surprised that Mr. Pardo had discovered so small a circumstance as that you had written a few words in a certain document thirteen years before?

A. No, sir; because that could have been easily found out by looking at the original expedientes, in the offices where they are kept, and in which are employed my former associates or fellow clerks in those offices, who are well acquainted with my handwriting.

Q. 120. Do you write the same hand now that you did in 1846?

A. No, sir; it has changed a good deal.

Q. 121. Please give me the names of all the persons now employed in the Ministry of Justice, who were there with you in 1846?

A. Don Mariano Alegria, Don Juan Unzueta, Don Ramon Gochicoa, Don Manuel Maria Espinosa, Don José Maria Yrissari, (who is here), Don Gregoria Grosso, and Don Teodoro Sotomayor.

Q. 122. Please show me the words which were written by you in the document referred to?

A. The witness hands to counsel "Exhibit Bassoco No. 9,

O. H." and points out the writing referred to, being the document beginning on page No. 8 (in red ink) and ending on the reverse of page 9 (in red ink), except the marginal note and signature, and says the same is a traced copy of the original written by him.

Q. 123. As this paper does not exist in the Ministry of Justice, where you say you wrote it, but in the Ministry of Relations to which it was sent (or rather in the Ministry of Gobernacion, to which the expediente has been removed), who was there who could tell Mr. Pardo that the handwriting was yours?

A. There was no one in the Ministry of Gobernacion that knew my handwriting, but, as I am informed, Mr. Pardo took the expediente into the Ministry of Justice to inquire about the handwritings; he could have ascertained there.

Q. 124. When were you told this, and by whom?

A. I was told so by my acquaintances in the Ministry, last year, before Mr. Pardo came here with Couto.

Q. 125. What was the reason of their telling you this at that time; what gave rise to the conversation, and who were the persons that told you?

A. I cannot remember who told me, nor under what circumstances; I only recollect that I learned it from my old associates and fellow clerks in the Ministry on some occasion when I visited them.

Q. 126. Please tell me distinctly what it was they said to you; if not the words, at least the substance?

A. I think they probably must have told me that the parties interested would be likely to speak to me about coming to California to testify to the writing of that communication.

Q. 127. What did you then say to them?

A. I did not say anything.

Q. 128. They showed you the paper, did they not?

A. No, sir.

Q. 129. Did you ask them to see it?

A. No, sir.

Q. 130. Had you no curiosity to see the writing which you would be likely to come up here to prove?

A. I think I inquired for it, and they stated to me that it was, not in that office.

Q. 131. Where did they tell you it was?

A. I supposed it was in some other office, but I did not ask, and they did not tell me.

Q. 132. How did they describe the paper to you, so that you might know what they were talking about?

A. They said, that in an expediente relating to the New Almaden Mine, there was a communication in my handwriting.

Q. 133. Did they not tell you the contents or nature of that communication; and if so, what did they say about it?

A. No sir, they did not. They merely said it was a paper referring to the affair of the Messrs. Barron.

Q. 134. Why did you not ask them what it was about, and where it could be found; and why did you not go and look at it to see whether it was yours or not?

A. I cannot state why I did not ask those questions, nor why I did not look for it.

Q. 135. Without knowing anything about it, you took it for granted that it was all true, just as they said, did you not?

A. I could not say whether what they said was true or not, because I did not inquire into the matter. They told me there was a paper in my handwriting in the expediente, but I did not examine it then.

Q. 136. You had no recollection of having written any important paper concerning the affairs of the Messrs. Barron, had you?

A. No, sir.

Q. 137. After having heard then that there was an important paper written by yourself relating to the great New Almaden Mine, which you might be asked to come to California to swear to, and of course would be paid for so doing, and which paper was close by in one of the public offices, you yet had no curiosity to go and look at it, notwithstanding you had no recollection of ever having written anything of the sort?

A. No sir, I did not go to look at it.

Q. 138. Before you entered the Ministry of Justice as Meritorio, what had you been doing?

A. I think I was at school.

Q. 139. What school?

A. At a school in Mexico, kept by Don Manuel Calderon.

Q. 140. What were your studies there?

A. I studied drawing, Spanish grammar, writing, arithmetic; and I now remember that after I had been at school I was employed in a mercantile house belonging to an uncle of mine.

Q. 141. Of course you write a great deal better hand now than you did when you were seventeen years of age, and when you entered the Ministry on probation?

A. I believe my handwriting is better now than it was then. It is certainly different.

Q. 142. This difference I suppose, of course, has resulted from your writing a great deal, and getting a better command of the pen, has it not?

A. Yes sir; and also because, as I engaged in commerce, I had to change the form of my handwriting, the handwriting used in commerce being different from that used in offices of the Government.

Q. 143. When you entered the service of the Ministry, in 1846, fresh from your uncle's commercial house, where you had taken your first lessons, I presume you wrote a commercial hand, did you not?

A. No sir, because when I was with my uncle I wrote but very little, for I was then very small. He had another clerk who did the writing.

Q. 144. And when you were at school, being still smaller, you wrote in a more boyish and imperfect handwriting, than when you were with your uncle, did you not?

A. Yes sir; but before I entered the Ministry, I was employed in another office; that of the tobacco tax, where I had a good deal of practice in writing.

Q. 145. In what year, and for how long a time, were you in this new office, and what were your duties?

A. I was there about a year, in 1845. I was Meritorio also; my duty there was to write.

Q. 146. What sort of writing?

A. Despatches and communications to the other offices.

Q. 147. If you were in the tobacco office all of the year 1845, and entered the Ministry of Justice in January 1846; when was it that you were in your uncle's commercial house, and how long did you remain there?

A. I was with him previously—in the year 1843 or 1844. I don't remember how long I remained with him.

Q. 148. About two years, one year, six months, one month, or how long?

A. It was probably about one year?

Q. 149. Then you must have went to school about fourteen years of age?

A. Something about that.

Q. 150. How many years were you at school?

A. I don't remember.

Q. 151. About how old were you, when you went to school.

A. I went very young, but I do not know how old I was.

Q. 152. *About* how old?

A. I cannot remember; I was very young.

Q. 153. Must you not have a very bad memory, not to remember how old you were when you went to school, as most people do?

A. I cannot remember, but I have stated before that I suppose I was about six or seven years of age.

Q. 154. What is the reason that when the counsel for the claimant asked you what employments you had held under the Mexican government, you said nothing about being a clerk in the tobacco office?

A. Because I did not consider that it was worthy of being mentioned; I did not consider it really an employment, as I was there merely as Meritorio, to practice writing, and to improve my handwriting.

Q. 155. Why is not the place of a Meritorio, in the office of the collection of the tobacco revenue, as much a public employment as the place of Meritorio in the Ministry of Justice, which you did not forget to mention?

A. Because I was not in the tobacco tax office, regularly installed as a Meritorio, but was placed there by the influence of my family with the Administrador of the tobacco factory, merely to improve my handwriting.

Q. 156. Well, were you very diligent there, and had you, by the time you were fifteen years of age, or thereabouts, fully acquired the peculiar handwriting, which you say belonged to the offices of the Mexican government?

A. I wrote whatever I was asked to, but I really cannot say whether my handwriting, at that age, was such as was used in the offices of the Government.

Q. 157. Now look at the traced copy of this communication, the original of which, you say, you wrote, at the age of seventeen, soon after entering, on probation, the office of the Ministry of Justice, and tell me whether it is in the handwriting of an uneducated and inexperienced boy, or in the commercial handwriting, or whether it is not in the well-defined letter and style, peculiar to the offices of the Mexican government?

A. It is the kind of handwriting that is generally used by the employés of the Mexican government; but I cannot say that it is perfect.

Q. 158. Is it not, so far as can be judged from a traced copy, and by a comparison with the writings in the other expedientes, as to which you have been examined, a very marked and perfect specimen of the peculiar official handwriting, which you have said this morning was distinct from commercial handwritings; is it not strikingly bold and free, and evidently the mark of an accomplished penman?

[Question objected to by Mr. Billings, on the ground that it assumes that the style of writing used in the offices of the Government of Mexico is something peculiar and characteristic of them all; and because it asks the opinion of the witness as to the character of a handwriting, which speaks for itself.]

A. I do not think my handwriting is as good as some of the other handwritings in the expedientes. It is of the kind of handwritings that is generally used in the offices of the Government, but is not a perfect specimen. I do not consider it "evidently the mark of an accomplished penman," nor anything more than ordinary. It is a Spanish form of handwriting.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., August 24th, 1859.

Cross-examination of Mariano Miranda, resumed from yesterday.

Present: Mr. Billings, of counsel for the claimant, and Mr. Randolph, for the United States.

Q. 159. Would you oblige me by writing a few words which I will give you?

A. With much pleasure.

Q. 160. Please write the communication which is in your handwriting in document marked "Exhibit Bassoco No. 9, O. H." as the same will be given to you by the interpreter?

A. The witness wrote as follows:

Hoy digo al Exmo Sor. Dn. Vicente Segura Presidente de la Junta de Fomento de Mineria lo Siguiente.

E. S.—Habiendo dado cuenta al Exmo Sr. Presidente interino con la nota V. E. de 14 del presente á que se sirvió acompañar con recomendacion la solicitud del Sr. D. Andres Castillero para el fomento de la Mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California se ha servido S. E. aprobar en todos sus partes el convenio celebrado con dhō. individuo para principiar la esplotacion de dhō. Mineral, y con ésta fhā. se hace la comunicacion que corresponde al Ministerio de Relaciones exteriores y Gobernacion para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion relativa á la concesion de terreno en aquel Departamto.

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Sr. Castillero á que ha tenido á bien acceder el E. S. Presidente interino sobre que como colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion miera se sirva V. E. librar las ordenes de que se trata.

Reitero á V. E. las seguridades de mi consideracion y aprecio.

Dios y Libertad Méjico Mayo 20 de 1846.

E. S. Ministro de Relaciones esteriores y Gobernacion.

[NOTE BY THE COMMISSIONER.—The witness wrote the foregoing with a gold pen, as the same was dictated to him by the interpreter. The contractions in the traced copy were not stated to the witness, but the words were all stated in full.]

Q. 161. What do you mean by "a Spanish form of handwriting?"

A. In Mexico we distinguish two forms of handwriting; one we call the Spanish handwriting, which is the one used in the Government offices; the other we call the English handwriting, which is that common amongst Americans, also used in commerce, book-keeping, etc.

Q. 162. Please explain the difference between these two styles of handwriting; in what does it consist?

A. The Spanish handwriting is thicker and heavier, the strokes are coarser and broader than what we call the English handwriting.

Q. 163. Is there not also a difference in the form of some of the letters?

A. There is; there is a difference in the mode of making the "r" and the "z." The old Spanish small "r" is made like the English "x." The small Spanish "z" is made thus, z.

Q. 164. When you were in the Tobacco office, and the six years you were in the Ministry of Justice, you wrote the old Spanish hand?

A. Yes, sir.

Q. 165. Did you go immediately into a mercantile house on leaving the Ministry of Justice?

A. Yes, sir.

Q. 166. Have you been a book-keeper in that establishment, or what has been your particular employment there?

A. I am book-keeper there.

Q. 167. Keeping books for the last six years, you entirely lost the old Spanish handwriting, and acquired the English handwriting, have you?

A. I have written the books in the handwriting that I had acquired. I have stated before that my handwriting has changed.

Q. 168. Have you or not lost the old Spanish handwriting, which you wrote for six years, and acquired the English handwriting?

A. I cannot say whether I have acquired the English handwriting or not. I am unable to classify my own handwriting.

Q. 169. Why can't you say; if you know the difference between those two classes of handwriting, you certainly can say to which your own belongs?

A. In my opinion, my present handwriting cannot be said to belong to either of the two.

Q. 170. Do you make the big letters and broad heavy strokes now, that you said you used for six years, when clerk in the Ministry of Justice; do you make the "r"s and "z"s after the Spanish fashion?

A. I make them differently at different times. I make them one way and sometimes another.

Q. 171. Then please explain in what consists this change of handwriting, from that which you grew up, and which you used for six years, to that which you use at the present?

A. It is very easy to see the difference, by comparing what I wrote in 1846, with what I have written now.

Q. 172. I do not care to take that trouble; you will please, therefore, to explain if you can in what consists the change from the handwriting in which you say you drew up that communication in 1846, to your present handwriting?

A. Please let me see the two, so that I may explain the difference.

Q. 173. I prefer to hold in my hands this traced copy of the communication which you say you made in 1846; any body could lay the two papers together and point out the differences, if such there were, in the form of the letters and the handwriting generally; but as you wrote for six years in a public office in this handwriting, and know that you have since changed it, and adopted another handwriting, which is different, perhaps you may be able to tell me in what the difference consists, and so explain the variation to which you have sworn?

[NOTE BY THE COMMISSIONER.— Counsel for the United States declines to allow the witness to have the two papers before him.]

A. In my opinion the difference between them is, that my handwriting in 1846, was heavier and thicker (mas gruesa) than it is now. I have here the envelope of my commission as escribiente, with a superscription in my handwriting, written in 1847—it resembles the handwriting in the communication.

[The same is filed and marked "Exhibit Miranda No. 3, W. H. C."]

Q. 174. Is that all the difference that you can remember, to show the difference in the handwriting which you have sworn to?

A. There is also a difference in the "r," the capital letters, and the flourishes or turns of the letters.

Q. 175. Explain to me the difference in some of the capital letters?

A. I can show the difference with a pen. I formerly made my capital A, M and P in this way (witness writes as follows—A, M, P); and now I make them thus (witness writes as follows—A, M, P.)

Q. 176. Please, if you can, explain to me the difference in the form of these letters which I will name you, as you wrote them in 1846, and as you write them now: letter "H" in the word "Hoy," the letter "R" in the word "Relaciones," the letter "C" in the word "California," and the letter "D" in the word "Departamento"?

A. I cannot be expected to remember how I made those letters then, but I will make them as I make them now. I cannot undertake to say how I made them then, without seeing them.

Q. 177. If you cannot make them as you made them in 1846, and during the six years thereafter that you were in the ministry and making them daily, I will not trouble you to make them as you write them now. Perhaps you can give me an example of the difference in some of the small letters—say "q" in the abbreviation of the word "que;" "p" in the words "para" and "por;" "d" in the words "acceder" and "ordenes;" "t" in the word "cuenta," or any other that you can think of?

A. I can remember only how I made the "p" at that time; I made it thus: [witness writes $p^r$, $p^a$] This is as near as I can recollect it.

Q. 178. Now look at this communication, the original of which you say you wrote in 1846, and see whether the letters "p," which you have just written, are not a very good imitation of the letters "p" in that communication.

A. I think they are like each other.

Q. 179. With that communication before you, you could write the other small letters about as well as the letters "p," couldn't you? or if, after looking at it, you could remember how they were made, you could imitate them about as well without having the communication before you?

A. If I were to undertake such a task as that, I would do as well as I could; but I cannot say whether the other letters would be as like those of the handwriting of 1846 as the "p."

Q. 180. Do you mean that your handwriting has so entirely changed from what it was during the years from 1846 to 1852, that you are not sure you could, with a specimen of it before you, now make even a tolerable imitation of it?

A. No; I am not certain that I could make a very accurate imitation.

Q. 181. I did not ask you if you could make a very accurate imitation, but only a pretty fair or tolerable imitation, resembling your old writing about as nearly as the "p"s which you have just made.

A. In my judgment, I could not even approximately imitate it.

Q. 182. Have you any objection to make that experiment now? I do not like to give you unnecessary trouble, but wish merely to take all means of ascertaining whether it is true or not, that you did write this communication in 1846.

A. I have no objection to making the attempt, and will do it as well as I can, if Mr. Billings has no objection.

[NOTE BY THE COMMISSIONER.—Mr. Billings states that he has not the slightest objection.]

Q. 183. Please do it.

A. [Witness writes as follows:]

Hoy digo al E. S. D$^{n}$ Vicente Segura, Presidente de la Junta de fomento de Mineria, lo siguiente:

"E. S. Habiendo dado cuenta al E. S. Presidente int$^{o}$ con la nota de V. E. de 14 del presente á q. se sirvió acompañar, con recomendacion la solicitud del Sr. D$^{n}$ Andres Castillero p$^{a}$ el fomento de la Mina de Azogue q. ha descubierto en la Mision de Sta. Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dhō. individuo para principiar la esplotacion de dhō. mineral, y con esta fhā. se hace la comunicacion q. corresponde al Minist$^{o}$ de Relaciones exteriores y Gobernac$^{n}$, para q. libre las ordenes oportunas p$^{r}$ lo respectivo á lo que contiene la 8$^{a}$ proposicion relativa á la concesion de terrenos en aquel Departamento."

Yo tengo el honor de insertarlo á V. E. á fin de q. p$^{r}$ lo respectivo, á la solicitud del Sr. Castillero á q. ha tenido á bien acceder el E. S. Presidente interino sobre q. como Colono se la conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las ordenes de que se trata.

Reitero á V. E. las seguridades de mi consideracion y aprecio.

Dios y Libertad! Mexico, Mayo 20 de 1846.

E. S. MINISTRO DE RELACIONES
EXTERIORES Y GOBERNACION.

Q. 184. How long have you been occupied in writing that page?

A. About half an hour. I did not observe the time.

[NOTE BY THE COMMISSIONER.—The time occupied by the witness in doing this was twenty or twenty-five minutes.]

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., August 25, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 185. Please compare the copy which you wrote last, from the communication in the Exhibit, and say whether you have not made about as good an imitation of all the other letters mentioned in the 176th and 177th questions, as of the "p"s, which you imitated from memory?

A. All I can say with regard to that is, that those letters somewhat resemble the same letters in the traced copy.

Q. 186. Do you think that with the expediente before you, you could make about as good an imitation of any of the other writings as you have done of this communication, which you say is in your own and forgotten handwriting which you used to write, during the six years from 1846 to 1852?

A. No, sir, I could not.

Q. 187. Why not?

A. I don't know why.

Q. 188. What was the occasion of your leaving the employment of the Ministry in 1852?

A. Because I then had an opportunity of improving my condition by going into a commercial house. The certificate which I brought with me (now on file) states, that I left the Ministry to engage in the pursuit of commerce.

Q. 189. Were you discharged, or did you resign?

A. If I had been dismissed, I could not have received that certificate. I voluntarily withdrew for the purpose of bettering my condition, by going into a commercial house. I have always been an honest man. Since I left the Ministry, I have been in the same commercial house, and I enjoy the most absolute and unlimited confidence of the owner of the house, which is shown by my having had the charge and management of the house, during the absence of the owner in Europe, as I stated before. I have had numberless business transactions with Mexican, German, English, Spanish and French houses, in Mexico, Guanajuato, San Luis Potosi, Guadalajara, Queretaro and Morelia, and if any one entertains doubt of my integrity, he is at liberty to inquire at any of those places, and he will find that my reputation is without blemish.

Q. 190. When the employés in the Ministry of Justice are honorably discharged, is it customary to obtain a certificate to show that such is the case?

A. I do not know whether such is the custom, but whenever it is asked for, it is always given.

Q. 191. What is the object of it?

A. Whoever asks for it has some use for it,—wants it for some purpose.

Q. 192. What sort of a purpose?

A. It might be desired if the person wanted to obtain some other situation from the government, or for other purposes which do not occur to me.

Q. 193. Such was not your purpose in obtaining one, was it?

A. No, sir. My object in getting that certificate, was to show here that I had been an employé in the Ministry. In Mexico it would not have been doubted, and therefore I did not need it there. In Mexico, my integrity was never doubted, and therefore I never needed such a certificate there.

Q. 194. Were you never examined as a witness in a lawsuit, in Mexico?

A. Only once, that I remember.

Q. 195. Is it not customary there for the lawyer on the other side to cross-examine the witness, in order to find out if he is telling the truth,—a man of good character or bad?

A. I cannot state with regard to that, but I believe such is not the custom. The matter about which I testified was a very simple one; I was asked to state what I knew about the matter, and I did so, and that was all. I am not acquainted with the mode of administering justice there.

Q. 196. But expecting to be cross-examined up here, you brought this certificate with you, to prove that you were a respectable, honest, and truthful man, who ought to be believed on your oath, did you not?

A. I knew that I was not known here, and my object in getting the certificate was to accredit me,—to show who and what I was.

Q. 197. These things you thought to show by the written declaration of Mariano Alegria, First Oficial, etc., contained in this certificate; how did you expect us to know that Alegria was First Oficial, etc.; did you expect to prove it by your own statement and that of others who came with you, to whom he had given similar certificates?

A. I supposed it would be known here that he was First

Oficial, because that is attested by the certificates to the traced copies of the expedientes, and because the persons who came with me, including Mr. Billings, know him to be so.

Q. 198. Supposing that you and your companions could prove that Mariano Alegria was First Oficial, etc., and so was the proper man to give certificates, did you think that the statements which he made in Mexico, and not under oath, would give any greater weight to the statements which you and your companions would swear to here, in our courts?

A. I obtained that certificate simply for the purposes I have stated, and without reflecting upon it or its effect any further.

Q. 199. Then it did not occur to you that if you brought a certificate from Alegria, showing your identity as a former employé in the Minister of Justice, and your good character, and had to prove by your own oath that Alegria wrote the certificate, and was the First Oficial, etc., that at last, we would have to rest upon your own statement to show who and what you are, and that you are worthy of belief, and hence that the certificate would be so much waste paper?

A. No, sir. I have stated before that the certificates to the expedientes show who and what Mr. Alegria is; I therefore could not have supposed that my own statement would be the only proof of those matters.

Q. 200. Then it did not occur to you that with respect to all of these corroborating certificates, we would stand in precisely the same position as to that of Alegria, and that for these, too, at last, we would have to rely upon the testimony of yourself and fellow-witnesses who came from Mexico?

A. With regard to all that, I did not reflect at all—I thought nothing of it in Mexico.

Q. 201, When you got this certificate at the city of Mexico, on the 20th day of April, 1859, by whose advice were you acting?

A. I was not acting under the advice of anybody—I did it cf my own accord.

Q. 202. Had you not spoken with Messrs. Pardo, Barron, Bermejillo, your associates in the Ministry of Justice, or some one else?

A. No, sir, with no one.

Q. 203. Did not Mr. Pardo, Mr. Barron, or Mr. Billings give you any advice as to what you wanted to bring with you, coming to this strange country, to engage in the novel business of testifying in an American Court?

A. Those gentlemen only stated to me that I was to come here to tell the truth.

Q. 204. Then it was exclusively your own idea to obtain this certificate, without suggestion from any quarter?

A. It was.

Q. Did you show this certificate to anybody before you left Mexico?

A. I don't remember.

Q. 206. Had you ever shown it to Mr. Billings before you produced it here the other morning; and if so, when and where?

A. No, sir.

Q. 207. Had you ever shown it to Mr. Peachy or Mr. Barron?

A. No, sir.

Q. 208. As you got it to prove who and what you were, why did you not show it to the lawyers who were to put you on the stand?

A. I cannot say why I did not.

Q. 209. How long is it since they have ceased to make use, in the Ministry of Justice, of that peculiar Spanish handwriting of which you have spoken, as distinguished from the English?

A. I don't know whether they have ceased to make use of that handwriting or not, because I have not been in the Ministry since 1852.

Q. 210. Did you ever hear anybody say that they had,—that they had dropped the old official style of making the letters, and adopted a modern or English handwriting in that, or any other offices of the Mexican Government?

A. I never heard they had, although I think there has been some change, because I have seen some papers written in a different handwriting; the employés are not compelled to use Spanish handwriting, or any particular style of handwriting—if they write well, it is sufficient.

Q. 211. What other papers do you refer to; when and where did you see them?

A. In the Ministry, about seven or eight months ago. I don't remember what the contents were.

Q. 212. I did not ask you the contents; it will be sufficient for you to say what the papers were about?

A. I don't remember what they were about.

Q. 213. Examine closely this certificate, and say whether it is not one of the papers which are not written in the old established official handwriting of which you have spoken, but, on the contrary, very obviously in an English and modern handwriting; has it any of the broad, heavy strokes and large lettering, or any of the *r's*, or any other peculiar letter which you say denoted the old official handwriting of the Mexican Government?

A. I think it has not.

Q. 214. Is it not, in every particular, the English and modern handwriting; are not all the strokes very light and neat; and is not the whole a very perfect and delicate specimen of that style of writing, as well in the formation of each particular letter, as in its general appearance?

A. I cannot classify it; it pleases me.

Q. 215. Yesterday, when you thought proper, you could distinguish very easily and describe very accurately those two styles of writing; and you will please say now, whether this certificate is not in the English style, and not the official Spanish style, and altogether what in my question I have suggested that it is?

A. I did not give an exact description of the two styles of handwriting; I only stated my opinion about them. In order to be able to classify and discuss them exactly, it would be necessary to be a teacher of handwriting, which I am not. In order to satisfy the gentleman, I will state my opinion of the handwriting in the certificate, which is, that it is something near the English style of handwriting.

Q. 216. Please give me your opinion further, whether it is not in all respects what I suggested in question 214?

A. I will state frankly my opinion of it. It is neatly written; I like the handwriting; but it is not in my opinion a good specimen of that style of handwriting.

Q. 217. Point out any letters in it which are in the old Spanish and official handwriting, and any others which are not in the English and modern style, though perhaps written by a Spaniard or Mexican, and not by an Englishman or American?

A. I don't wish to go into an argument about the matter. I have only given my opinion about it, and that opinion may be erroneous.

Q. 218. I must inform you that you are not here to consult your own pleasure, but to answer my questions. I now require of you to answer the last question?

[Question objected to by Mr. Billings, on the ground that it is asking the opinion of the witness, as to the character of a handwriting of a certificate which is filed as an Exhibit, and speaks for itself; and on the further ground that the witness has stated all that he is able to say upon the matter involved in the question; and on the further ground that the question is not respectful to the witness, it being the part of counsel to request, not to require answers.

Counsel for the United States differs with the counsel for claimant, both as to the respect due to this witness, and as to the right to require an answer.]

A. In my last answer I stated that I was unable to enter into an argument upon the two styles of handwriting. I now repeat that, and say, that I am unable to go into a discussion upon that subject for the reason that, in order to do so, it would be necessary to be well versed in the matter of handwriting, which I am not.

Q. 218. In your answer to question 161, you said, "In Mexico, we distinguished two forms of handwriting; one we call the Spanish handwriting, which is the one used in the Government offices; the other, we call the English handwriting, which is that common among Americans, also is used in commerce, book-keeping, etc. etc.:" and in your answer to question 162, you said, "The Spanish handwriting is thicker and heavier, the strokes are coarser and broader than in what we call the English handwriting:" and in your answer to question 163, you said, "there is a difference in the mode of making the 'r' and 'z:'" and in your answer to question 142, you said, "I had to change the form of my handwriting, the handwriting used in commerce being different from that used in offices of the Government."

With these former answers before you, please now take that certificate and point out any letters which bear the marks that you said characterize the old Spanish and official handwriting of the Government offices.

A. In a former answer, when I spoke of the handwriting that was used in the Government offices, I stated that it was the one generally used in those offices. With regard to this question, all that I can say is, that in this certificate I find none of the old Spanish handwriting, and that the handwriting in it resembles the English handwriting.

Q. 219. Do you find any letters there which do not bear the marks, which in the same answers you have said characterize the English, modern, commercial handwriting?

A. The most that I can say with regard to that is, that it is in a handwriting that might very well serve as a commercial handwriting.

Q. 220. All that I ask of you is to apply the test which you have given in your own answers, and which I have just repeated to you: are there any letters in that certificate which are not in the English form of handwriting, according to your own tests?

A. I have stated before that I am not competent to classify them exactly, but in my judgment, the capital "M"s and the "r"s are more in the Spanish than in the English style of handwriting.

Q. 221. Which of the characteristics of the Spanish style, as given in your answers, do you find in the "M's"?

A. I find them made thus, as nearly as I can come to it: [witness writes M:] and the English M is made thus—M.

Q. 222. Is that all that you can find in the "M's," not in the English style?

A. Yes, sir.

Q. 223. In your answer to question 163, you said, "the Spanish small 'r' is made like the English small 'x'"; do you find any "r"s in that certificate made like "x"?

A. No, sir; but I think the "r"s in this certificate are not like the English "r"s.

Q. 224. Please show me with the pen, as you did just now in regard to the capital "M"s, what is your idea of the difference between the English "r"s and those in that certificate.

A. [Witness writes: *r*, *ɩ*.] The first is the Spanish form as it appears in the certificate, and the other the English.

Q. 225. Do you not know that that form of the "r" which you call the Spanish form is of just as general use, in the English handwriting, as that which you call the English "r"?

A. No, sir; I thought the only real English "r" was the one I have made.

Q. 226. Don't you find in the signature of Mariano Alegria the characteristics of the Spanish and official style, as given in your answers, which I have quoted above; don't you find there the same heavy marks, and especially the "r"s made like "x"s?

A. Yes, sir; I believe so.

Q. 227. What was the name of the clerk who wrote the body of this certificate?

A. I have seen him in the Ministry, but I don't know his name.

Q. 228. It was not any one of your old companions that you have mentioned in question 121st, who are still employed in that Ministry?

A. No, sir.

Q. 229. Did you see it written?

A. No, sir.

Q. 230. How do you know, then, that it was written in the Ministry at all?

A. I believe it was written there, and I saw it signed there by Mr. Alegria.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., August 26, 1859.

Cross-examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 231. Are you quite certain that you did not see that certificate written?

A. I am.

Q. 232. Did you see it before you saw Alegria sign it?

A. Yes, sir.

Q. 233. How long before, and where did you see it?

A. A few moments before, in the Ministry, when I went to get it.

Q. 234. Tell me what was said about the writing of it at that time.

A. I don't remember that anything was said about it.

Q. 235. Nothing at all?

A. I don't remember that anything was said about it.

Q. 236. How, then, in answer to question 227, when asked what was the name of the clerk who made the body of the certificate, could you venture to reply, "I have seen him in the Ministry, but I don't know his name"?

A. I knew who wrote it, because I saw the person to whom I referred bring it to Mr. Alegria to be signed by him.

Q. 237. Are there a great many employés in the Ministry of Justice?

A. I think there are some twelve or fourteen; I don't know the precise number.

Q. 238. Mention the names of any employés that you can remember, other than those whom you mentioned in your answer to question 121, and said were your companions in 1846.

A. Ygnacio Villava, Don Manuel Bedoya, and Don Angel Duran: these are the only ones that I remember.

Q. 239. Were those in the office with you after 1846?

A. The first of these gentlemen was an employé of the Ministry in 1846, when I was there, but was then absent on leave. The second was in the Ministry with me after 1846, and the other entered after I left.

Q. 240. Was it any one of these three persons that brought the certificate?

A. Yes, sir; yesterday evening I inquired of Mr. Yrisarri (who is in the Ministry) about it, and he told me that it was in the handwriting of Don Angel Duran, whose name I did not know until Mr. Yrisarri informed me last evening.

Q. 241. Upon that information you now say that the certificate was written by Mr. Angel Duran?

A. I have not seen Mr. Duran write, but if Mr. Yrisarri should tell me that he had seen him write, and would swear that this was his handwriting, I would not hesitate to swear that I believed it was.

Q. 242. At what time did Mr. Duran enter the employ of the Ministry?

A. I don't know. I have seen him there for more than a year.

Q. 243. Is he escribiente, or what?

A. I believe he is an escribiente.

Q. 244. You did not take this certificate with you from this place yesterday, did you?

A. No, sir.

Q. 245. Then you did not show it to Mr. Yrisarri?

A. No, sir; I think he saw it before I received it.

Q. 246. What makes you think so?

A. Because he told me yesterday that it was in the handwriting of Mr. Duran, and I infer from that that he saw it before it was given me.

Q. 247. Do you merely infer that; why didn't you ask him?

A. It is only an inference. I didn't ask him because when he told me that it was in the handwriting of Mr. Duran, I supposed that he knew it to be so.

Q. 248. Did not that seem to you to be strange; how could he know it without seeing it?

A. I inferred from that that he had seen it; I have no recollection of ever having shown it to him.

Q. 249. Did it not occur to you to inquire how it happened that the *fifth Oficial*, who was not escribiente, and has nothing to do with the copying, should have chanced to see and remember a few words as utterly unimportant to any one, unless it may be yourself, as those which are contained in that certificate?

A. No, sir.

Q. 250. Do you suppose that whenever an escribiente writes half a dozen lines for the first Oficial to sign, that all the rest of the Oficials would trouble themselves to notice and remember which escribiente wrote it; or that any of the other Oficials would do so?

A. I think some of them may do so.

Q. 251. When did you apply for that certificate?

A. I don't remember the date, but it was when I was preparing for my journey to San Francisco.

Q. 252. Won't the date of the certificate enable you to remember?

A. No, sir; I remember that it was in the same month that the certificate was dated—April.

Q. 253. Was it a week before?

A. I cannot recollect.

Q. 254. Two weeks before?

A. I don't recollect; but it seems to me that it was some three or four days before the day of its date.

Q. 255. As it was brought to Alegria and signed in your presence, don't you think it probable that it had just been written, otherwise, would you not have been likely to find it signed, and ready for you when you called?

A. Yes, sir; I think it had just been written.

Q. 256. As you then took it, and brought it away with you, don't you think it a very remarkable circumstance that the fifth Oficial, who happens to be here in San Francisco, should have also happened to be standing by and have seen the escribiente writing, or have seen it during the short time, after it was written, which elapsed before you got it, and so should be able to tell you in whose handwriting it was, without looking at it, and not seeing it since it was written?

A. No, sir; it does not seem to me remarkable that he should have seen it; he being employed in the Ministry, I think he might very well have seen it. If he were not employed in the Ministry it would appear remarkable.

Q. 257. For the same reason, then, you would not consider it remarkable if any or all of the twelve or fourteen persons whom you say are employed in the Ministry had that day seen the same short piece of writing, and should now remember the fact, and be able to swear without looking at it, that it was in the handwriting of Mr. Duran, and so relieve our doubts on that subject?

A. I would not consider it strange if any or all of those who were present in the Ministry had seen the certificate. I don't consider it probable that they would have seen it written, because their desks are separate from each other, but they might well have seen it after it was written.

Q. 258. Nor would you consider it extraordinary if any or all of the employés in the Ministry had seen, and should remember, any or every other piece of writing which was done by Duran on that day, and should be able now, without looking at it, to say that it was in his handwriting?

A. No, sir. I would not.

Q. 259. If the other employés might, without exciting your surprise, remember so well the work of Duran on that day, of course you would not regard it as at all more strange, if they should remember equally well all the work that he did on any other day in the year?

A. I would think it strange if they could all state what he did on a particular day—one of them perhaps might—but if a particular subject were referred to, and they were asked whether he had done certain things on a particular day, I would not think it strange if they knew that he had.

Q. 260. For example, if there was another lawsuit, and the question was about some other paper, just as about this certificate, and that other paper was written on some other day, say the day before or the day after this certificate?

A. No, sir. Neither would that appear to me extraordinary.

Q. 261. In your answer to question 218, you say that when you spoke of the Spanish handwriting, you stated that it was the one generally used in those offices, having reference to your answer to question 161, in which I find the following words: "The one we call the Spanish handwriting, which is the one used in the Government offices." From this am I to infer that some of the writers in the Government offices use the English, modern, commercial handwriting, and therefore, that a man who writes in this latter style, may enter the Ministry, serve there many years, and if he thinks proper still preserve the same handwriting?

A. Yes, sir, he might. The employés are not compelled to use a particular form of handwriting. Each writes as best he can.

Q. 262. In the course of your large experience in commerce, you doubtless have observed that not unfrequently merchants write with the full lettering, broad heavy strokes, and the peculiar "r"s and "z"s which you say characterize the old Spanish handwriting?

A. There are some who do, but I have observed only very few.

Q. 263. Positively, do you mean to say that it is a rare thing for merchants in Mexico to write a Spanish handwriting?

A. I do not mean to say that it is very rare, but that at present there are only a few, comparatively, that use that handwriting; the majority using the English and mixed style of handwriting.

Q. 264. If then you had written the commercial hand before entering the Ministry, you would have been under no compulsion to have changed it while there?

A. No, sir.

Q. 265. If at the time you left the Ministry, you had become habituated to the use of the Spanish handwriting, there would have been nothing very extraordinary or unusual in your preserving it after you entered into commerce?

A. I have stated what kind of handwriting mine was when

I left the Ministry, and although it would not have been very extraordinary to have continued to use it in commerce, I thought it more fitting and proper to change it to the other style.

Q. 266. That is to say, it happened to suit your own ideas to change your handwriting when you passed from one kind of business to another, and so it is, that you have now forgotten the handwriting in which, in the year 1846, you copied the communication in "Exhibit Bassoco No. 9, O. H."?

A. I changed my handwriting because it seemed proper to me to do so. I have already shown the difference between my former and present handwriting.

Q. 267. When you entered the Ministry of Justice as Meritorio, you have said that you regarded that place as a public employment; by whom and in what manner were you appointed?

A. I petitioned the Minister, Mr. Becerra, for that place, and he gave it to me.

Q. 268. Did he give it to you verbally, merely?

A. No, sir, I was admitted by an acuerdo, signed by the Minister on the margin of my petition, as is usual in Mexico.

Q. 269. What became of the petition?

A. It was placed among the archives in the Ministry.

Q. 270. Was any writing given to you, as evidence of your appointment?

A. No, sir; it is not usual in Mexico to do so until a person is appointed to some office; as, for instance, when I was appointed Escribiente, in 1847, I got my commission.

Q. 271. There is nothing then in the nature of a commission given to a Meritorio, because it is a place held by boys, and too insignificant to be called a public office?

A. That is true, but not for that reason. Commissions are only given to employés who receive salaries, and Meritorios get no salary.

Q. 272. You call it, however, a very insignificant place, which is held by boys on probation, without salary, don't you?

A. No, sir; because, as the Meritorios are appointed by the Government, they are treated with as much respect as the other employés; they are in the same category.

Q. 273. And so, standing on the same honorable footing, you find nothing strange in these boys learning to write, by copying the formal dispatches of the Minister on matters of State?

[Question objected to by Mr. Billings, because it assumes that the Meritorios are boys, of which there is no proof.

Counsel for the United States desires to say, that he takes it for granted none but boys enter clerkships on probation, and without pay; and further, that he does not remember but two Meritorios in this case, to wit: the witness and Mr. Yrisarri, a former witness, both of whom seem to have entered as Meritorios at a very early age, that is, about seventeen.]

A. I will observe that they are not such boys as the gentleman seems to think. I myself was seventeen years of age when I entered. Besides, they are not admitted unless they can write pretty well, and without grammatical errors.

Q. 274. But in your particular case, we find that you left school at the tender age of thirteen or fourteen; that you were awhile in your uncle's store, where you did no writing, as he kept a clerk; then that you were in the office of the tobacco revenue, not even in so high a grade as that of Meritorio, but, as you say, to practice yourself in writing; and straightway thereafter entered the Ministry of Justice, and wrote out the original communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, to which you have testified, and of which we have a traced copy.

Was not that a very remarkable employment to give to a person so very young and inexperienced, as you have described yourself to be?

A. It was not. There was no reason why I could not do it.

Q. 275. To my eye, that communication is an admirable piece of penmanship, and appears to have been written by a full grown man, with a well-fixed and determined handwriting; I differ from you even when you say that your present handwriting is better than that. How, under the circumstances of your education, had you learned to write so well?

A. I respect the gentleman's opinion, but I can give no further explanation about it.

Q. 276. Have you known many boys who could write as well, with no more practice, at the same age?

A. Yes, sir; I have known many in Mexico that could write as well, and were younger.

Q. 277. Instead of bringing the certificate to prove who and what you were, why did not you bring a traced copy of your petition, and the acuerdo on the margin giving you the appointment, just in the same manner and form as the traced copy of other documents which you were examining in the Ministry, at or about that very time, in order to prepare yourself to testify to them?

A. I did not think it necessary. I thought the certificate and commission would be sufficient.

Q. 278. But did you not see that Mr. Barron was getting traced copies of the originals themselves, showing an exact copy of the handwriting of every document, and containing the dates upon which everything was done? It seems to me that it must surely have occurred to you that that was the way for you to do also, if you wanted to prove anything about yourself.

A. It did not occur to me.

Q. 279. In answer to question 11, you said, "I know the handwriting and signatures of the said Tornel, Segura and Gondra, from having seen the same in official communications written and signed by them, and addressed to the Minister of Justice, while I was employed in the said Ministry." In what years did you see those communications?

A. I saw Mr. Tornel's signature from time to time, while I was in the Ministry. The only time that I have a distinct recollection of having seen those of Messrs. Segura and Gondra, was when the Ministry of Justice dispatched the business belonging to the branch of mining. I think I saw some of Mr. Gondra's handwriting also at that time. I know only the signatures of Tornel and Segura. I don't know their handwriting.

Q. 280. In what year was it that the Ministry of Justice dispatched the business of the branch of mining, as you say?

A. In 1846. It was also transferred in that year to the Ministry of Relations.

Q. 281. Do you know what time in the year?

A. About the month of September or October.

Q. 282. Then it was from January until that time that you saw these communications from Segura and Gondra in the Ministry?

A. Yes, sir. I am not certain that I saw them after that.

Q. 283. During that time you think you saw some of the writing of Gondra, as well as his signature?

A. Yes, sir.

Q. 284. Do you remember in what document, or upon what subject?

A. No, sir.

Q. 285. During the same time you also saw the signature of Segura; do you remember to what document?

A. No, sir; but I saw it often.

Q. 286. Do you remember to have seen the signatures of Segura and Gondra, or the writing of Gondra, in any documents whatever in the Ministry, except those relating to the business of Castillero, and of which we have traced copies?

A. With regard to the handwriting of Gondra I am not positive, but I am certain as to the signatures of Segura and Gondra.

I have seen those signatures often to other documents than those referred to in the question.

Q. 287. Mention, if you can, any other document, or any other piece of business, in which you saw in 1846 the signatures of Tornel, Segura and Gondra, or any of them, or in which you think it probable you may have seen the writing of Gondra, as you say?

A. The only one I remember was a matter relating to the appointment of a Professor, about which I saw a communication signed by Tornel. I have seen a great many such communications, but I don't remember what they were about.

Q. 288. What is the reason, that in answer to question 11th on your direct examination, you swore you knew the handwriting of Tornel, Segura and Gondra, and now you say that you do not know the handwriting of Tornel or Segura, and are doubful whether you know that of Gondra—have a very indistinct recollection only of having seen it?

A. I referred to the handwriting of their signatures.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Aug. 27th, 1859.

Cross-Examination of Mariano Miranda resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph for the United States.

Q. 289. How did you come to see Becerra write?

A. Sometimes, when I took him communications to sign, I saw him sign and write—when I was employed in the Ministry.

Q. 290. Did you frequently see him write anything more than his name?

A. Yes, sir. I have often seen him write letters, which he delivered to me to fold, seal, and address.

Q. 291. You say you sometimes acted as amanuensis for his private correspondence. Mention some well-known living person to whom you wrote letters under his dictation?

A. I cannot remember any such living person.

Q. 292. In what years did you see communications addressed by Castillo Lanzas to the Ministry of Justice?

A. In 1846, only.

Q. 293. As you were only a beginner, on trial in the Ministry at that time, how came you to see the official communications sent to the Ministry?

A. The Meritorio did the same work that was done by the other employés, and I being one had as good an opportunity of seeing such communications, as any of the other employés. I saw them in the course of my employment there.

Q. 294. Please mention all the different classes of employés in the Ministry of Justice in 1846, and whilst you were there.

A. The Minister, Oficial Mayor Primero, Oficial Mayor Segundo, Oficial Segundo Primero, Oficial Segundo Segundo, Oficial Tercero, Oficial Cuarto, Oficial Quinto, Oficial Sexto, Oficial Septimo, Oficial Octavo, Archivero, two Oficiales de Archivo, four Escribientes, one Meritorio, one Porter, one Mozo, and two Ordenanzas.

Q. 295. As you were the Meritorio, I am to understand that you did the same kind of work that was done by all the oficiales and escribientes, whom you have mentioned?

A. I did the same kind of work that was done by the other escribientes, which was copying; not the same kind of work that was done by the oficiales.

Q. 296. Of course you copied communications sent from the Ministry, not those received by it?

A. It was often necessary to copy communications received by the Ministry into communications sent from the Ministry; it was sometimes necessary also to copy them for other purposes.

Q. 297. What other purposes, for example?

A. When a copy was required to be used in some of the other offices, in which information of the contents of a communication was wanted.

Q. 298. But that is the same thing as the insertion of which you spoke, is it not?

A. No, sir; because the insertion was merely copying the body or substantial part of the communication, and the other copies were full copies of the entire communication, including the signature.

Q. 299. Don't you know that the whole of a communication is often inserted in a dispatch, and not merely the substantial part?

A. Sometimes it is inserted entire, but that was not generally done in the Ministry.

Q. 300. On what sort of occasions, and for what sort of purposes, would you copy a dispatch, signature and all, as received in the Ministry of Justice, and to what other offices would you send it? Why should the Ministry of Relations not send their own dispatch to all whom it concerned?

A. A copy might be sent to some court; the Ministry of Relations would not communicate directly with the courts, because it was through the Ministry of Justice that the courts communicated with the Government; therefore the Ministry of Relations would not send a dispatch directly to any court.

Q. 301. In that case, would not the Ministry of Justice send a dispatch of their own, and insert that which came from the Ministry of Relations?

A. That might be, but I state merely my experience of what occurred at that time; they sometimes gave me communications to copy in full, and other times, to copy only the substantial part. I copied whatever I was required to. I don't know the object for which those copies were made, but I state what I suppose it to have been.

Q. 302. Is it possible that the youngest boy in the establishment would be entrusted to make the first draft of the insertion, which many times would really be to prepare the dispatch? Would he be entrusted to do more than to make copies from the first draft, after it had been drafted by some Oficial, or other higher employé?

A. Yes, sir. It is usual for the escribientes to copy what we call the Minuta, and the communication to be inserted. The Minuta is the heading and conclusion of a dispatch, in which may be inserted any communication necessary to complete the dispatch—the Minuta and part inserted being all copied by the escribiente.

Q. 303. Can you not mention some one communication from Castillo Lanzas which you copied in this way, and so learned his handwriting?

A. No, sir. I saw a good many, but I cannot remember a particular one.

Q. 304. Have you copied any of his communications since 1846, when you were seventeen years old?

A. I do not remember.

Q. 305. Of course you must have copied communications from other Ministers than Castillo Lanzas, in 1846, and so obtained a knowledge of their handwriting?

A. That may very well have been, but I don't now remember what they were.

Q. 306. You don't know the handwriting of these other Ministers then?

A. I remember the signatures of Messrs. Tornel (who was the Minister of War), Yturbe and Parres; these two were successively Ministers of Hacienda.

Q. 307. Why did you say a moment ago that you did not remember any of those whose communications you had copied, except Castillo Lanzas?

A. I did not say that I did not.

[The interpreter states that he is of opinion that the words used by the witness in answer to question 305, were "cuales fueron," which might refer just as well to communications as to Ministers.]

Q. 308. Then you do remember having transcribed communications from Tornel, Parres, and Yturbe, as well as from Castillo Lanzas?

A. I believe I did copy or insert communications from them, but I cannot now remember what they were about.

Q. 309. I did not ask you what they were about. Do you, or do you not now remember the fact that you transcribed communications from those Ministers?

A. I have not a perfect recollection of it, but my belief is that I did.

Q. 310. Have you any better recollection of the fact that you transcribed communications from Castillo Lanzas, and if so, why?

A. No, sir. My recollection is the same about those.

Q. 311. Then your only knowledge of the signature of Castillo Lanzas is founded upon an imperfect recollection of having seen and copied some communications from him, thirteen years ago?

A. No, sir. I have not a perfect recollection of having copied communications from him, but I do remember perfectly well having seen his signature, and the signatures of the other Ministers. I have named two communications from them when I was in the Ministry.

Q. 312. You know the signatures of all of them equally well, do you?

A. Yes, sir.

Q. 313. You say the communication from Becerra to Castillo Lanzas was written on the day of its date. What day was that, what month, what year?

A. 20th May, 1846.

Q. 314. You know that from seeing it on the paper, don't you?

A. Yes, sir.

Q. 315. What was it that impressed on your mind what you say you heard in 1846, about the New Almaden Mine?

A. Because I spoke to Mr. Del Rio (who was Professor of Mineralogy in the College of Mining) about the discovery in 1846.

Q. 316. But how do you happen to remember that particular conversation?

A. Because he spoke to me about the immense richness of the mine, as shown by the specimens which he had received.

Q. 317. Can you assign no other reason for remembering that conversation so well, save the fact that you do remember it?

A. I remember that there was a great deal of talk about the discovery at that time in Mexico, and that I spoke to Mr. Castillero and others about it at that time; it therefore impressed itself upon my memory.

Q. 318. When and where did you first become acquainted with Andres Castillero?

A. In 1846, in the Ministry of Justice.

Q. 319. Were you acquainted with him in the month of May of that year?

A. I don't remember.

Q. 320. Was it before or after the conversation you had with Mr. Del Rio (that you have just related) that you became acquainted with Andres Castillero?

A. I cannot recollect.

Q. 321. Did you ever see Andres Castillero write?

A. No, sir.

Q. 322. What was he doing in the Ministry of Justice when you first became acquainted with him?

A. I cannot say positively, but I suppose he was there attending to his business of the mine.

Q. 323. Was he communicating verbally or otherwise with any one there; if so, with whom, and what did he say?

A. All I remember about it is, that I saw him there talking to some of the oficiales about the business of the mine.

Q. 324. Does "Exhibit Bassoco No. 9, O. H," mentioned by you in your answer to question 16, constitute a complete copy of the expediente which you say exists in the Ministry of Gobernacion, or does said expediente consist of other documents also, which are not copied into this exhibit?

A. It is a full and complete copy of all of that expediente.

Q. 325. Do you say the same thing with respect to "Exhibit Bassoco No. 8, O. H." touching the expediente which you say, in answer to question 14, exists in the Ministry of Relations?

A. Yes, sir.

Q. 326. Do the documents of which that expediente consists all purport to be original documents, or do any of them purport to be copies of originals?

A. Some of them are copies of originals existing in other expedientes, and other offices, but they all constitute one expediente. An expediente is framed by putting together all the papers in the office connected with a particular piece of business,—some of them copies, and some originals; an expediente thus made up is called an original expediente, and is interwoven with other expedientes in other offices,—one having the original, and the other a copy of the same document.

Q. 327. Is there, then, a duplicate of that expediente ("Exhibit Bassoco No. 8, O. H.") in the Ministry of Justice?

A. No, sir; there are other expedientes, which are connected with that in other offices, but they are not duplicates. This expediente was formed in the Ministry of Justice?

Q. 328. Is there not a duplicate of every document composing that expediente in the Ministry of Justice?

A. I believe not, because all the expedientes relating to the branch of mining have been transferred, as I understand, to the Ministry of Relations.

Q. 329. In what office is the original document, of which a copy is found in this Exhibit ("Bassoco No. 8, O. H.") on pages 17, 18, 19, 20, 21, and 22, in red ink?

A. At present it is in the Ministry of Relations, where the expediente is now kept which was formed in the Ministry of Justice.

Q. 330. Is the tracing in this Exhibit done with sufficient accuracy to enable any one acquainted with the handwriting of the various documents and signatures in the original expediente, to recognize the same by an examination of this Exhibit?

A. Yes, sir.

Cross-examination closed.

### DIRECT EXAMINATION RESUMED.

Questions by Mr. Billings.

Q. 331. You have stated that you were in the Ministry as meritorio or escribiente from about the beginning of the year 1846 to the year 1852—a period of six years; during this time did you not necessarily write and copy a vast number of official documents?

A. Yes, sir.

Q. 332. Are there not in the Ministries and public offices in Mexico, at this very time, a great number of official documents and communications which were written by you during this period, and which are now accessible and subject to the inspection of anybody who may desire to see them?

A. Yes, sir; and some of my handwriting may also be seen in all the capitals of the departments.

Q. 333. Are there not now many persons in the public offices of Mexico, as well as others, who are well acquainted with your handwriting, as it was during your employment in the Ministry?

A. Yes, sir; there are a great many.

Q. 334. The original of the communication from Becerra, Minister of Justice, to Castillo Lanzas, Minister of Relations, the body and direction of which you have sworn is in your handwriting, is in the expediente now in the Ministry of Gobernacion, is it not?

A. Yes, sir; I compared it there.

Q. 335. If the original of said document (a traced copy of which appears in "Exhibit Bassoco No. 9, O. H.") which you have sworn to have been written by you, was not in fact written by you; would it not be the easiest thing in the world —by an inspection of some of the many documents written by you about that period, and now in the various Ministries and public offices in Mexico, by a comparison of them with the original of this particular document now in the Ministry of Gobernacion—to ascertain beyond all question that this particular document was not in fact written by you, and that you had sworn falsely in stating it to be your handwriting?

A. Undoubtedly, it would be very easy to do so.

Deposition closed.

MARIANO MIRANDA.

Sworn to and subscribed, September 19, 1859, before me,

W. H. Chevers,
U. S. Commissioner.

Note by the Commissioner.—The witness desires to correct his answer to question 161, by inserting the word "generally" between the words "one" and "used." This answer as amended, the witness states was his original answer.

The witness also desires to correct his answer to question 305, by substituting the word "what" for the word "who." This answer as amended, the witness states was his original answer.

MARIANO MIRANDA.

Sworn to, and subscribed, this 19th day of September, 1859, before me.

W. H. Chevers,
U. S. Commissioner.

Note by the Commissioner.—Deposition signed by the witness at this date, because the interpreter has been unable to attend to the reading and correction of the same until now.

San Francisco, Cal., September 19, 1859.

W. H. Chevers,
U. S. Commissioner.

Filed: September 19, 1859.
W. H. Chevers, Clerk.

## "EXHIBIT MIRANDA No. 1, W. H. C."

[SELLO.]

El que suscribe Oficial primero del Ministerio de Justicia, Negocios Eclesiasticos é Ynstruccion pública y Mayor honorario del mismo con ejercicio de decretos.

Certifico: que en Enero del año de mil ochocientos cuarenta y seis fué admitido en la clase de Meritorio de este Ministerio Dn. Mariano Miranda, y sirvió en esa clase y en la de Escribiente hasta el de mil ochocientos cincuenta y dos en que se separó para seguir la correra del Comercio.

Y para que el interesado lo haga constar donde corresponda le doy la presente de suprema orden en Mejico á veinte de Abril de mil ochocientos cincuenta y nueve.

MAR$^{o}$. ALEGRIA.
[Rubric.]

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## EXHIBIT MIRANDA No. 2, W. H. C.

[MEXICAN COAT OF ARMS.]

Años de mil ochocientos cuarenta y seis y cuarenta y siete.

SELLO SESTO—DOS PESOS.

Pedro Maria Anaya General de Brigada y Presidente sustituto de los Estados-Vnidos megicanos.

En atencion á la aptitud y servicio de Don Mariano Miranda meritorio de la Secretaria de Justicia y negocios eclesiasticos he venido en nombrarlo por decreto de este dia, para la plaza de Escribiente tercero de la misma, dotada con seiscientos pesos anuales que le designa la ley de veinte de Mayo de mil ochocientos veintiocho, y vacante por ascenso de Don Ygnacio Villava que servia este destino. En cuya virtud el Ministro del ramo que refrenda este Despacho dará las ordenes convenientes para que previas las tomas de razon en la Contaduria mayor y demas oficinas donde corresponda, y prestado por el interesado el juramento de estilo, sea puesto en posesion de este empleo, haciendo que se le guarden las consideraciones que le correspondan, abonandosele el sueldo espresado desde el dia de la fhā. de su nombramiento. Palacio del Gobierno nacional en Megico á diez y nueve de Mayo de mil ochocientos cuarenta y siete.

P. M. ANAYA.
[Rubric.]

[SELLO.]

LUIS DE LA ROSA.
[Rubric.]

Pago
Zarate
[Rubric.]

Nombramiento de Escribiente 3° de la Sria de Justicia y negocios eclesiasticos á favor de Don Mariano Miranda.

Tribunal de revision de Cuentas, Mexico Mayo 21, de 1847.
Tomese razon
. TRANQUILINO DE LA VEGA.
[Rubric.]

[SELLO.]
Sin drōs.

En la misma fecha se tomó razon á f$^s$. 35 del libro respectivo.
JOSE MARIA NIETO.
[Rubric.]

Tesorerìa General de la Federacion Meg$^{co}$. Mayo 21 de 1847.
Tomese razón,
P. F. DEL CASTILLO.

En la misma fhā se tomó razón á f$^s$ 35. u$^{ta}$ del libro respectivo.
JOSE M. LERRED.
[Rubric.]

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## EXHIBIT MIRANDA No. 3, W. H. C.

### DESPACHO DE ESCRIBIENTE TERCERO
### DEL MINISTERIO DE JUSTICIA
### Y NEGOCIOS ECLESIASTICOS
### A FAVOR
### DE D$^N$. MARIANO MIRANDA
### Y ESNAURRIZAR.

## TRANSLATION OF EXHIBIT MIRANDA, No. 1.—W. H. C.

[SEAL.]

The undersigned, first Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and honorary Chief Clerk of the same, with the right of signing decrees;

Do certify, that in January of the year one thousand eight hundred and forty-six, Don Mariano Miranda was admitted as a "Meritorio" of this Ministry, and served in that capacity and that of clerk until the year one thousand eight hundred and fifty-two, when he left to engage in commerce.

And to enable the party interested to prove the same whenever it may be proper, I give him the present by supreme order, in Mexico, the twentieth April, one thousand eight hundred and fifty-nine.

MAR$^{O}$. ALEGRIA.
[Rubric.]

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## TRANSLATION OF EXHIBIT MIRANDA No. 2.—W. H. C.

[SEAL.]

Years one thousand eight hundred and forty-six and forty-seven.

SIXTH SEAL.—TWO DOLLARS.

Pedro Maria Anaya, General of Brigade and substitute President of the Mexican United States.

Considering the fitness and services of Don Mariano Miranda "Meritorio" of the Secretary's office of Justice and Eclesiastical Affairs, I have decided to appoint him by decree of this day to the place of third clerk of the same, endowed with six hundred dollars per annum, provided for it by the law of the 20th May, one thousand eight hundred and twenty-eight, and vacant by the promotion of Don Ignacio Villava, who held this situation; wherefore the Minister of the branch who countersigns this commission will give the proper orders, so that due note being taken in the Auditor's and other corresponding offices, and the usual oath having been taken by the person interested, he be placed in possession of this office, causing him to be treated with the proper consideration, paying him the said salary from the date of his appointment. Palace of the National Government in Mexico the nineteenth day of May, one thousand eight hundred and forty-seven.

P. M. ANAYA.
[Rubric.]

[GREAT SEAL.]

LUIS DE LA ROSA.
[Rubric.]

Paid.
ZARATE.
[Rubric.]

Appointment as third clerk of the Secretary's office of Justice and Ecclesiastical affairs of Don Mariano Miranda.

Tribunal for the correction of accounts, Mexico, 21 May, 1847.

[SEAL.] Let note be taken.

TRANQUILINO DE LA VEGA.
[Rubric.]

No dues.

On the same day note was taken on page 35, of the respective book.

JOSE MARIA NIETO.
[Rubric.]

Generl. Treasury of the Confederation.
Mexico, 21 May, 1847.
Let note be taken.

P. F. DEL CASTILLO.
[Rubric.]

On the same day note was taken on the reverse of page 35, of the respective book.

JOSE M. LERRED.
[Rubric.]

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## TRANSLATION OF EXHIBIT MIRANDA, No. 3.—W. H. C.

Commission of third Clerk of the Ministry of Justice and Ecclesiastical Affairs, in favor of Don Mariano Miranda y Esnaurrizar.

# DEPOSITION OF A. J. DE VELASCO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 29, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came Agustin Jimenes de Velasco, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., of counsel for claimant, and E. W. F. Sloan, Esq., for the United States.

Questions by counsel for claimant.

QUESTION 1. What is your name, age, place of residence, and occupation?

ANSWER. Agustin Jimenes de Velasco; I am 34 years of age; I reside in the city of Mexico, and am an employé in the Ministry of Relations.

Q. 2. How long have you been employed in that Ministry, and what offices have you held in it?

A. I first entered the service of the Government as Meritorio in the Ministry of War in 1842, and remained there for six months in that capacity; at the end of that time I passed into the Ministry of Relations as escribiente, and continued there in different employments until September, 1843, when I became attached to the Mexican Legation to Central America, as Oficial of the Legation. I remained in Central America with the Legation until October, 1854, and was then transferred to the Legation to the United States, to which I became attached in the same capacity, and in which employment I continued until September, 1855, when I set out on my return to Mexico, and I have since continued in the Ministry of Relations. Since I first entered this Ministry, I have gone through all the grades successively, until I reached my present position of Oficial Tercero.

Q. 3. What office did you hold in the Ministry of Relations in the year 1846?

A. I was Fourth Escribiente (Escribiente Cuarto.)

Q. 4. Who was Minister of Relations in that year?

A. Don Joaquin Maria del Castillo y Lanzas.

Q. 5. Do you know his handwriting and signature?

A. Yes, sir. I know them, because I have often seen him write his private letters, and I have very often seen him sign official communications.

Q. 6. Examine the document now shown you, purporting to be an original communication addressed by the said Castillo y Lanzas, Minister of Relations, to the Governor of the Department of California, dated May 23d, 1846, which letter, as translated by the interpreter, reads as follows:

" *Ministry de Relaciones Exteriores, Gobernacion y Policia:*

"MOST EXCELLENT SIR:—The excellent and illustrious Señor Minister of Justice, in a dispatch of the 20th instant, states to me as follows:

'MOST EXCELLENT SIR:—I, to-day, say to the excellent Señor Don Vicente Segura, President of the Junta de Fomento de Mineria, what follows: Most Excellent Sir—Having informed his Excellency, the President, *ad interim*, of the contents of the note of your Excellency of the 14th inst., with which you were pleased to send me with recommendation, the petition of Señor Don Andres Castillero, for the encouragement (fomento) of the quicksilver mine, which he has discovered at the Mission of Santa Clara, in Upper California: his Excellency has been pleased to approve in all its parts, the agreement made with said individual to commence the working of said mineral, and at this date the proper communication is sent to the Ministry of Relaciones Exteriores y Gobernacion, so that it may issue the necessary orders with respect to what is contained in the 8th proposition, relating to the grant of lands in that Department; and I have the honor to insert it to your Excellency, so that with regard to the petition of Mr. Castillero, to which his Excellency, the President, *ad interim*, has been pleased to accede, that, as a colonist, there should be granted to him two square leagues of land, upon the land of his mining possession. Your Excellency will please issue the orders referred to. I repeat to your Excellency, &c.

"And I transcribe it to your Excellency, so that in accordance with what is provided in the laws and dispositions upon the subject of colonization, you may place Mr. Castillero in possession of the two leagues referred to.

"God and Liberty. Mexico, May 23, 1846.

(Signed) "Castillo Lanzas."

In whose handwriting is the body of that communication; and whose the signature?

A. The body of the document is in my handwriting, and the signature to it is that of Mr. Castillo y Lanzas, who is now here in San Francisco.

Q. 7. When was that letter written and signed.

A. It was written and signed on the day of its date.

Q. 8. Examine the document now shown you, marked "Exhibit Bassoco No. 9, O. H." State whether you have compared it with its original, where the original exists, when, where and in what manner was the comparison made, and is this a faithful copy of the original?

A. I have compared it with its original, which exists in the archives of the Ministry of Gobernacion. I made the comparison on the 23d April of this year, in that Ministry, by having the original read to me while I read this traced copy, and then having this traced copy read to me while I read the original, and I then laid each leaf of this copy upon its original, and found it to be a perfect traced copy.

Q. 9. Are you acquainted with any of the persons whose handwritings and signatures appear in the said original expediente? Do you know any of said handwritings or signatures; how do you know them; and are they genuine?

A. I do know some of those persons' signatures and handwritings; I know Messrs. Quintanar, Monasterio and Castillo Lanzas; I know the handwriting of these three gentlemen, and the signatures of two of them, Messrs. Monasterio and Castillo Lanzas.

The original, a copy of which appears on page No. 1 (in red ink) as follows:

"MINIST$^{o}$ DE RELACIONES,
EXT$^{RES}$. GOB$^{CN}$., Y POLICIA.

"Año de 1846.

N. 67, El Gob$^{or}$. de Californias sobre descubrim$^{to}$. de
Yndiferente. una Mina de Azogue en aq$^{l}$. Departam$^{to}$. y remite una muestra de ese ingrediente concesion de dos sitíos al Sr. Castillero inmediato a la Mina de Azogues;" is in the handwriting of Don Manuel Quintanar, who died about a year or a year and a half ago.

The next document in the said original expediente purporting to be a communication from Pio Pico, Governor of Californias, to the Minister of Relations, dated Angeles, February 14th, 1846, is in a handwriting and bears a signature I am unacquainted with; the marginal note (acuerdo) upon it, as follows:

"Abl. 6, 1846.

"Rb$^{o}$ y enterado con satisf$^{on}$. y q$^{e}$. respecto á los otros puntos de q. trata la corta informe con detencion lo q. se le ofresca," is in the handwriting of José Maria Ortiz Monasterio; the rubric to this acuerdo is that of Castillo Lanzas. A copy of them will be found on page 2 and the reverse of page 3 (in red ink) of this Exhibit.

The document in the original expediente, purporting to be a minuta or office copy of a communication addressed by the Minister of Relations to the Governor of California, in reply to the foregoing, dated April 6th, 1846, is in the handwriting of the said Quintanar. A copy of it will be found on page 7 (in red ink) of this Exhibit.

The next document in the said original expediente, purporting to be an original communication from Becerra, Minister of Justice, to the Minister of Relations, dated May 20th, 1846, is in a handwriting and bears a signature with which I am unacquainted; but the note, or acuerdo, written upon the margin of it, as follows:

"Mayo 23, 1846.

"Espídanse las ordenes á q$^{e}$. se contrae esta communi$^{cn}$.," is in the handwriting of Castillo Lanzas, and bears his genuine rubric; a copy of them will be found on page 8 and the reverse of page 9 (in red ink) of this Exhibit.

The next document in the said original expediente, is a minuta or office copy of a communication addressed by the Minister of Relations to the Governor of Californias, dated May 23d, 1846, and is in the handwriting of the said Quintanar. A copy of it will be found on page 10 (in red ink) of this Exhibit.

I have seen Messrs. Castillo Lanzas and Monasterio often sign their names, therefore I know their signatures. I have not seen Mr. Quintanar sign, but have seen him write.

In 1846, Mr. Monasterio was first Oficial of the Ministry of Relations, and Mr. Quintanar was also an Oficial in that Ministry,—third or fourth Oficial, I don't remember which.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., August 30th, 1859.

Direct examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Sloan for the United States.

Q. 10. Are you acquainted with J. Miguel Arroyo?

A. Yes, sir.

Q. 11. Are you acquainted with his handwriting and signature?

A. Yes, sir.

Q. 12. What office does he hold?

A. At present he holds the office of Oficial Mayor, in the Ministry of Relations.

Q. 13. How long has he held that office?

A. I think that he entered the office in January, of the year 1858, and he has held it ever since—at least he held it when I left Mexico, and I have heard of no change since.

Q. 14. Examine the certificates, affixed to the Exhibits "Bassoco No. 1, O. H."; "Bassoco No. 5, O. H."; "Bassoco No. 6, O. H."; "Bassoco No. 7, O. H."; "Bassoco No. 8, O. H."; "Bassoco No. 9, O H."; "Bassoco No. 10, O. H." "Bassoco No. 11, O. H."; "Bassoco No. 12, O. H.": say if you are acquainted with the signatures to said certificates; whose are they?

A. I have examined all the certificates mentioned in the question. I am not acquainted with any signatures to said certificates, with the exception of the signature of J. Miguel Arroyo. To each one of said Exhibits there is a certificate which bears the genuine signature of the said Arroyo.

Q. 15. Do you know the seals which are used by the Ministry of Relations?

A. Yes, sir; I do.

Q. 16. Describe them. State for what purpose they are respectively used.

A. There are four in the Ministry of Relations, which are used for different purposes: there is one which is used without wafer or ink—used as a stamp—it is quadrilateral; one small eliptical seal used to certify signatures; there is another of the same form as the last, but larger, which is used in stamping the envelopes of communications from the Ministry; and there is another about the size of a half dollar, which has the coat of arms of the Republic upon it, which is used to stamp the envelopes of communications addressed to the representatives of foreign governments in Mexico. In addition to these, there is the great seal which is kept in the Ministry of Relations in the Seccion de Cancilleria, and a very small eliptical seal which is used by the Minister for his private correspondence. The great seal is only used upon such documents as are signed by the President, although it has happened that it has been used upon documents that were not so signed, but that was looked upon as exceptional and strange.

Q. 17. Examine the certificate and seals affixed to certain Exhibits, filed by the defendants with their answer in the case of the United States vs. John Parrott et al. on the equity side of the United States Circuit Court for the Districts of California, said Exhibits being marked respectively Exhibits "G," "H," "I," "K," and "L:" say if you know any of the signatures and seals to the said certificates?

A. I have examined the said certificates and seals. To each of the Exhibits referred to, there is a certificate bearing the genuine signature of J. Miguel Arroyo, and two seals of the Ministry of Relations; one impression made on wax, and the other done with ink. The impression of the seal on wax has become very indistinct, and in some cases altogether obliterated.

Q. 18. I find that some of the seals on the said Exhibits of which you have spoken, in which ink is used, contain the words "Secretaria de Estado y del Despacho de Relaciones Exteriores, Mexico," and others of them contain the words "Republica Mexicana, Secretaria de Estado y del Despacho de Relaciones Exteriores." Why are these different seals used?

A. Although one of these seals is the one that is generally used for documents of this kind, the other has just as much validity, and therefore the latter is used occasionally. The small one, beginning with the words "Republica Mexicana," etc., is the one generally used on certificates.

Q. 19. Which of the seals described in your answer to question 17th, do you find on J. Miguel Arroyo's certificates to the Exhibits mentioned in question 14th?

A. A small eliptical seal, in ink, beginning with the words "Republica Mexicana," and the seal which I described as being about the size of a half dollar.

Q. 20. Have you any recollection of having heard, in 1846, of Castillero's discovery of a great quicksilver mine in California?

A. I have a recollection of having heard the discovery of this mine spoken of at that time; but it is very vague.

Q. 21. Is it sufficiently distinct to enable you to state anything of what you heard, or from whom you may have heard it?

A. No, sir, it is not.

Q. 22. For what purpose did you come to this place from the city of Mexico?

A. For the purpose of testifying whether or not the communication, which was shown to me yesterday, was written by me in 1846.

Q. 23. As that communication was not shown to you in Mexico, it being in the archives in California, how could you know that it was written by you?

A. Because I was shown, in Mexico, a photographic copy of it.

Q. 24. In whose company did you travel from Mexico to San Blas, and thence to San Francisco?

A. In company with Messrs. William Barron, Billings, Castillo Lanzas, Negrete, Bassoco, Balcarcel, Castillo, Villalon, Yrisarri, Miranda, and Castillo Lanzas, Jr.

Q. 25. What compensation have you received, or are you to receive, for coming to San Francisco to give your testimony in this case?

A. I am to receive in all three thousand dollars, with the understanding that my absence should not exceed three months. I have already received about one thousand dollars of that sum.

Q. 26. Did you obtain leave of absence?

A. Yes, sir. I obtained leave of absence from the Minister of Relations, who is the head of my department.

Q. 27. Are you to receive any salary during your absence?

A. No, sir.

Q. 28. What is your annual salary?

A. Thirteen hundred dollars.

Direct examination closed.

### CROSS EXAMINATION.

Questions by Mr. Sloan.

Q. 29. What was your age in 1846?

A. Twenty-one.

Q. 30. You have just said, in your direct examination, that you were advised of the fact, that the body of document referred to in question 5 is in your handwriting, by a recent examination of a photographic copy of that document, shown to you in the city of Mexico. Do you state that the handwriting of the body of that document is yours, solely from your knowledge of your own handwriting, or have you a personal recollection of having written it?

A. I know it for both those reasons.

Q. 31. Have you now a distinct recollection of having written that document?

A. Yes, sir.

Q. 32. Was it signed in your presence?

A. Yes, sir.

Q. 33. What persons were present at that time?

A. I don't remember the persons precisely, but I believe there was no one present but the Oficial de Guardia, myself as Escribiente, and the Minister, Mr. Castillo Lanzas.

Q. 34. What disposition was made of the document, after it was signed by Castillo Lanzas?

A. It was closed, and directed to the person to whom it was addressed.

Q. 35. Do you mean to say that it was inclosed, and directed to the Governor of Californias?

A. Yes, sir. He was the person to whom, as I understand, it was addressed.

Q. 36. Was any effort made to transmit that document to the official to whom it was addressed; and if so, what?

A. It was placed in the box in which the Ministry deposited all its communications to be sent by mail, from which box they are taken by the Post-office authorities.

Q. 37. Do you mean to say that the Post-office authorities received the letters and communications addressed to officials in the various departments, by the Ministry of Relations, at the office of that Ministry, or were these communications transmitted from that office to the Post-office by some porter in the employment of that Ministry?

A. The box was kept in the Ministry, and when the communications were deposited in it, it was locked up, and sent by an Ordenanza or a Mozo to the office of the general administration of mails, (Administracion Correos,) where it was opened, the communications taken out, and the box returned. There were two keys for this box—one kept in the Ministry, and the other in the office to which it was carried as I have stated.

Q. 38. Was all that usually done with so much care as to preclude any one private individual, not connected with either office, from removing any particular document so deposited in that box for transmission to the mails?

A. I believe it was, because the box, being locked in the Ministry, and remaining so until it reached the office to which it was sent, it is not probable that any such removal could have happened.

Q. 39. Was it the habit of the Ministry, in transmitting official communications to the various departments, to adopt any mode of transmission, save that of the regular mails, or by a messenger especially appointed for that purpose?

A. No, sir. It generally sends such communications by mail, but when it required to send anything with unusual speed—faster than it could be sent by mail—it is usual to send a special messenger, called extraordinario.

Q. 40. Can you say, with confidence, there was no extraordinario employed on the occasion, to carry the document in question to Upper California?

A. I cannot state positively, but I believe it was sent in the usual way, by mail.

Q. 41. Was it not the uniform, or at least the usual, custom for officials in the respective departments, upon receiving official communications from the Ministry of Relations, to transmit to that Ministry a written acknowledgment thereof?

A. It is usual to do so. Sometimes the replies have failed to reach the Ministry, owing to the remoteness of the place from which they come, or accidents on the way.

Q. 42. How are such replies, when actually received at the Ministry, usually disposed of; are they filed with the minutas of the original communications retained in the office?

A. Yes, sir; they are, so as to form the expediente.

Q. 43. Did you, when examining the expedientes in the office of that Ministry, and comparing "Exhibit Bassoco No. 9, O. H." with that expediente, or at any other time, discover any communication from the Governor of Californias, or other public official of that department acknowledging the receipt of the document in question, dated May 23d, 1846, and signed "Castillo Lanzas?"

A. I don't remember having seen any such communication.

Q. 44. If there had been any such communication connected with that expediente, would you not necessarily have discovered it?

A. I would of course have seen such communication if it had been there.

Q. 45. "Exhibit Bassoco No. 9, O. H." is a complete copy of the expediente mentioned, is it not?

A. Yes, sir; this is a complete copy of the expediente which I compared with it, but whether there was any more of that expediente or not, I do not know.

Q. 46. Was that expediente made up in the office of the Ministry of Relations, or was it made up in another office, and from thence removed to that one?

A. It was made up in the office of the Ministry of Relations.

Q. 47. Does that expediente consist of detached papers, so that portions of it might be removed or displaced at any time, or are the several papers composing it fastened or attached to each other in some manner?

A. They are stitched together and the pages numbered.

Q. 48. Can you not then say positively whether "Exhibit Bassoco No. 9, O. H." is a copy of that entire expediente, or of part of it only?

A. I can state positively that it is a complete copy of an entire expediente, stitched and numbered as I have stated, and which I therefore consider a complete and entire expediente.

Q. 49. The last document in that expediente, dated May 23, 1846, is correctly traced on page 10 (in red ink) of "Exhibit Bassoco No. 9, O. H.," is it not?

A. Yes, sir.

Q. 50. In your direct examination, I understood you to say, that the body of that document was in the handwriting of Quintanar; in whose handwriting is the name of Castillo Lanzas, signed to that document?

A. It is all—including the name of Castillo Lanzas—in the handwriting of the same Quintanar; the name of the Minister by whom the communication is sent, is generally written on minuta for reference.

Q. 51. Is that the custom, in every Ministry, and in the various offices of the Government?

A. It is a matter of private regulation with each office; in some offices that is done, and in others a different course is pursued.

Q. 52. On page 7 (in red ink) of the same Exhibit, the document dated April 6, 1846, addressed to the Governor of Californias, on your direct examination you said was in the handwriting of Quintanar; did you intend, in that statement, to include the signature of Castillo Lanzas, subscribed to that document.

A. Yes, sir; it was all written by Quintanar.

Q. 53. Do you remember that a duplicate of the document was inclosed, addressed and transmitted to the Governor of Californias?

A. No, sir; not a duplicate. I am certain that there was a communication, of which this is the minuta; but I do not recollect its being sent to the Governor; but it was natural and to be presumed that it was sent to him.

Q. 54. Do you actually remember anything about it; or do you only suppose that such was the fact, from the usual course of procedure in the office, upon finding that minuta in the expediente?

A. I know there was such a communication to the Governor of Californias. I do not infer it or suppose it at all.

Q. 55. In whose handwriting was it made out?

A. I don't remember the person that wrote it.

Q. 56. Do you remember to have seen it written, or signed?

A. I saw it after it was written, and before it was taken to the Minister for his signature.

Q. 57. Where—in whose hand was it?

A. It was usual, at that time, to collect all the papers that were to be signed by the Minister, and I saw this among others, but I don't remember in whose hands it was.

Q. 58. Did you read it at the time, so as to be able now to remember its contents?

A. No, sir; I don't remember having read it at that time.

Q. 59. How then can you identify it as the original of which this is the minuta?

A. I do not state that this is the minuta of that original communication I say only, that I remember there was such a communication, but do not remember its contents, and that this is a correct traced copy of the minuta in the expediente.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, August 31, 1859.

Cross-examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 60. Was Monasterio the First Oficial in the Ministry of Relations in 1850?

A. I am not certain, but I think he was.

Q. 61. When copies of expedientes or documents, on file in that office, were furnished for the use of any one, whose duty was it to certify them?

A. It was the duty of the Oficial Mayor.

Q. 62. When Monasterio certified copies of that character, was he in the habit of writing his name "O. Monasterio," or of writing it at length?

A. He signed his name in full—"José Maria Ortiz Monasterio." I don't remember that he ever signed it otherwise. It may very well have happened, that he sometimes signed "Ortiz Monasterio."

Q. 63. Was there any other person, at any time during the year 1850, occupying the position of Oficial Mayor, in the

Ministry of Relations, by the name of Monasterio, other than the said José Maria Ortiz Monasterio?

A. I don't remember any; I believe he was the only one, but there was another person in the office, who was called Oficial Mayor Segundo, who had the same authority to sign documents as the Oficial Mayor. I don't remember his name.

Q. 64. Were you pretty constantly in the office of the Ministry of Relations during office hours, or were you frequently absent, in 1850?

A. I was in the office all the time during office hours, in that year.

Q. 65. Do you remember that during the year 1850, on or about the 23d day of April, copies of what purport to be some of the documents contained in the expediente of which "Exhibit Bassoco No. 9, O. H," is a copy, were furnished at the office of that Ministry, and certified to by some one using the signature of "O. Monasterio"?

A. I do not.

Q. 66. Do you remember that any application was made at that office, in April, 1850, by any one for a copy, or copies, of any one or more of those documents?

A. No, sir. I do not.

Q. 67. Do you remember that any application of similar character was made by any one in 1848, 1849, or at any time since, prior to 1859?

A. I don't remember that copies of any such documents were solicited during that time, but it might very well have happened without my knowledge.

Q. 68. Did you ever meet with Andres Castillero, in the office of the Ministry of Relations, at any time since 1846?

A. No, sir.

Q. 69. Are you positively certain that you have not?

A. I am certain that I have no knowledge of having seen him there; because, if I had seen him, I would not have known him. I have only seen him once, and if I should see him again I would not recognize him. When I saw him, I knew it was him only because he was pointed out to me as Andres Castillero.

Q. 70. On what occasion, when, and where was he so pointed out to you?

A. I don't remember the exact date, but it was recently, in Mr. Barron's house, in the city of Mexico. I think it was the house of Mr. Eustace Barron.

Q. 71. Were you introduced to Castillero on that occasion?

A. Yes, sir.

Q. 72. State as nearly as you can, how long ago that was?

A. I believe it was in April last.

Q. 73. How long since you first became acquainted with Mr. Eustace Barron?

A. I only knew him by sight.

Q. 74. Did you know him by sight in 1846?

A. I don't remember.

Q. 75. Did you know him as early as 1850?

A. I don't remember.

Q. 76. Did you ever know Alexander Forbes, of Tepic?

A. No, sir.

Q. 77. Have you no knowledge whatever of applications at the office of the Ministry of Relations, by any person or persons, claiming to be in possession of or interested in the New Almaden Quicksilver Mine, for the papers or documents, or copies of papers or documents, touching said mine, prior to 1859, and subsequent to 1846?

A. I have a very vague idea that, at some time prior to 1859, there was an application for a copy or copies of a document or documents, relating to the mine.

Q. 78. State as explicitly as you can, when and by whom that application was made?

A. I cannot state, because I do not remember.

Q. 79. Since the discovery of that mine was the subject of so much public interest, and enlisted so particularly the attention of the Government, how does it happen that an application of the kind mentioned, should have made so faint an impression on your memory?

A. Because I, being only a subaltern in the office, would feel no interest in a matter of that kind.

Q. 80. You stated in your direct examination, in answer to question 20, that you recollected having heard the discovery of this mine spoken of at that time; state now, if you can, whether you ever heard it spoken of prior to the 23rd day of May, 1846.

A. I don't remember whether it was before or after that date that I heard it spoken of.

Q. 81. At the time you wrote the body of the document, here shown to you day before yesterday, bearing date the 23rd May, 1846, and signed "Castillo Lanzas," had you heard anything spoken of the discovery of that mine?

A. I cannot remember; I have already stated that I could not recollect whether it was before or after that date, that I heard it spoken of.

Q. 82. Did some one verbally dictate to you the contents of that document, or did you copy it from minutas on file in that office, as you wrote it?

A. I don't remember which.

Q. 83. Did you at any time write a document of the same import, but addressed to Andres Castillero instead of the Governor of the Californias?

A. I do not remember having done so.

Q. 84. Can you state whether another document of the same import, but addressed to Andres Castillero, and signed by Castillo Lanzas, was at any time issued from that office?

A. I cannot. I don't remember any.

Q. 85. If any such document had been furnished at that office, would not some note or memorandum of the fact have been entered there?

A. If there had been such a document addressed to Andres Castillero, there should have been a minuta of it in the Ministry.

Q. 86. Was it not a rule in that office to have entered some note or memorandum of all official communications made to the several Departments of the Government, showing the fact that they had been transmitted as directed, and the time of such transmission?

A. There was what we call a minuta kept, and as the communication was ordinarily sent off on the day of its date, the date of the minuta would show the date on which it was sent.

Q. 87. Was not the minuta usually entered before the communication was written and signed for transmission; and if so, how could the minuta evidence the fact that the communication had been actually transmitted?

A. Yes, sir; that is the case, but as it is usual to send off communications on the day of their date, and as the minuta would show that, the inference would be that the communication was sent on the day of the date of the minuta.

Q. 88. After sufficient time had elapsed from the date of a communication transmitted from that office to some Department of the Government for the reply from the officer to whom it was sent, acknowledging its receipt, and no advices have been actually received, was it not the custom in that office to repeat the communication?

A. It has often happened that when there was any doubt of its having reached its destination, the communication was repeated.

Q. 89. After all you have said, touching the writing of that document bearing date the 23d May, 1846, and the attempt to transmit the same to the Governor of the Californias, by depositing it in a box, in which were deposited all communications to be sent by mail, would you be surprised to learn that the document in question never was transmitted to or received by said Governor, but was kept in the possession of Andres Castillero, or some other private individual in Mexico, until 1851 or 1852?

A. I observe that there is an error in my testimony, as I see it printed in the newspaper of to-day, in regard to that box, What I stated with regard to that was, that it was the custom to place all communications in that box, but that sometimes they were handed to the person interested, and sometimes sent by mail, or private hands. I also stated that I could not state that I saw this communication placed in the box.

If I had seen it placed in the box to be sent by mail, I would of course be surprised to learn that it had not been so sent, but remained in the hands of some private persons.

Q. 90. Question 36th propounded to you yesterday is as follows: "Was any effort made to transmit that document to the official to whom it was addressed, and if so, what?—" your reply as written, is this: "It was placed in the box in which the Ministry deposited all its communications to be sent by mail, from which box they are taken by the Post-office authorities." In making that reply, did you infer that the document was so deposited from the usual custom in the office of the Ministry, without any recollection whatever of the fact?

A. I inferred that that was the case from the custom in the office, and I also gave the explanation given in my last answer, but it seems that by some mistake it was not taken down.

Q. 91. What answer do you now make to question 36th, from facts within your memory?

A. After the communication was signed and closed, I don't know what became of it.

Q. 92. Who called your attention, for the first time to-day, to what you say is an error in your answer, as printed, to question 36?

A. Nobody. In reading over the testimony in the newspaper, I found the error myself, and marked it at the time with pencil, so as to have it corrected. I have also marked some other parts of my testimony, which, I observe, is incorrectly given in the newspapers.

Q. 93. Why did you not apply to have these errors corrected, before your examination was commenced to-day?

A. I did not know that I could have it done before the examination commenced.

Q. 94. Did you not communicate to some one the discovery of the errors you have mentioned, prior to the commencement of the examination?

A. I stated merely, by way of conversation, that I had discovered some errors in the testimony, and showed where I had marked it.

Q. 95. With whom did you converse on the subject this morning?

A. I showed where I had made the marks, and spoke of the matter to two of my companions at the hotel, and to Mr. Peachy.

Q. 96. Did either of the persons with whom you conversed inform you that the document in question had not in fact been transmitted to the Governor of California?

A. No, sir.

[Mr. Peachy, of counsel for claimant, states that he would have asked that the errors pointed out by witness be corrected before the examination was resumed to-day, if he had not thought it better to pursue the course uniformly adopted in taking these depositions, which is, after the examination has been closed, to have the whole deposition read over to the witness by the interpreter, and corrected before signing.]

Q. 97. Did you, before leaving the city of Mexico, examine the original documents, of which "Exhibit Bassoco No. 8, O. H." purports to be a traced copy, and did you compare said traced copy with those original documents?

A. I compared the expediente with this traced copy, in the manner before stated; I examined them sufficiently to make the comparison.

Q. 98. Did those documents constitute one entire expediente, and in what office did it exist when you made that comparison?

A. I consider it a complete expediente, because it is formed and stitched together in the same manner as this traced copy. It existed in the Ministry of Relations when I made the comparison.

Q. 99. In what office was that expediente made up?

A. I don't remember exactly, but I think it was begun in the Ministry of Justice.

Q. 100. Was it not finished in the Ministry of Justice, and thence transmitted to the Ministry of Relations?

A. I cannot state positively, because the Branch of Mining has often changed from one Ministry to another.

Q. 101. Can you not state at what time that expediente was first lodged in the office of the Ministry of Relations?

A. No, sir, for I do not remember the date.

Q. 102. Look at the said Exhibit from page 17 to page 22 (in red ink) inclusive, and state whether the document in said expediente, from which the writing on these pages seems to be traced, does not purport to be the original petition addressed by Andres Castillero himself to the Junta de Fomento, dated May 12, 1846, and containing certain propositions for the consideration of said Junta.

A. It does purport to be the original petition of Andres Castillero, but I don't see that it is addressed to anybody.

Q. 103. Can you state now whether, at the time you compared that traced copy with said last named document, there was any acuerdo or writing of any kind upon the margin or back of it?

A. At the time that I compared it, I found nothing on the original but what appears in that traced copy.

Q. 104. Look at page 2 (in red ink) of said exhibit, and state what is the character of the writing on the margin of that page.

A. It is an extract stating the substance of the document itself; but the marginal writing which commences at the foot of the same page, and ends on the reverse of page 3, is an acuerdo.

Q. 105. In whose handwriting is that acuerdo?

A. I don't know.

Q. 106. Look at said exhibit from page 10 to 16 (in red ink) inclusive, and state if you know in whose handwriting the two marginal entries are made, on page 10 and the reverse of page 11 (in red ink)?

A. I don't know the handwriting of either of them.

Q. 107. What are those two marginal entries?

A. The first one is an extract from the communication, and the other an acuerdo.

Q. 108. Did those marginal entries appear on the original document, at the time you compared the traced copy with it, precisely as they appear on this traced copy?

A. Yes, sir.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., September 1, 1859.

Cross-examination of Agustin Jimenes de Velasco resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Mr. Randolph for the United States.

Q. 109. Is not the acuerdo last referred to an important part of the expediente, of which "Exhibit Bassoco No. 8, O. H." purports to be a traced copy?

A. I suppose it should be considered an important part of it, because it is the resolution of the Government upon the petition.

Q. 110. In furnishing a copy of that expediente to be used as proof of title on the part of the person interested, would you not consider it proper that an acuerdo of that character should be furnished also with such copy?

A. That would depend upon particular circumstances; when a copy of a document is asked, it is necessary to obtain permission of the Minister or Oficial Mayor to grant it, but a copy of an acuerdo cannot be given without the permission of a Minister.

Q. 111. Do you suppose it possible that any clerk competent to make a copy of said expediente could have overlooked the acuerdo just referred to, provided it appeared at the time on the margin, as it does now, in this traced copy?

A. I think it very natural that he should see the acuerdo, as it is on the margin; but if he were merely told to make a copy of the communication, he would not copy the acuerdo; he would not copy the acuerdo without an order from the Minister.

Q. 112. Suppose the Minister should order a copy of the entire expediente to be furnished, would it be necessary for him to add special directions touching the acuerdo appearing in it?

A. I cannot answer with regard to that, because it would depend on special circumstances.

Q. 113. Please look at the Exhibit now shown you, marked "A. P. L.," annexed to the deposition of José Maria Lafragua, January 29, 1855, filed in the office of the Board of U. S. Land Commissioners, January 30, 1855, in the claim of Andres Castillero, before said Board, and state whether you regard it as a copy of the expediente, of which "Exhibit Bassoco No. 8, O. H.," purports to be a copy?

[Question objected to by Mr. Peachy, on the ground that it is impossible for the witness to say whether the document now shown him is a copy of another document existing in Mexico, unless by comparing it with the copy of that document which has been proved and offered in evidence in this case.]

A. I cannot say whether it is an exact copy without comparing it with the traced copy of that expediente which is here.

Q. 114. Do you know of any expediente existing in the office of the Ministry of Relations, of which the said Exhibit marked "A. P. L.," etc., is a copy?

[Question objected to by Mr. Peachy, on the ground that it is incompetent to prove that one document is an examined copy of another, unless the two have been compared by the witness; and, further, because it is in proof that the document shown to the witness, concerning which he is asked, if it is a copy of a document existing in the Mexican archives, exists in the office of the U. S. Surveyor General for California, and could not have been compared by this witness with its original.]

A. The traced copy I have spoken of, is a copy of an expediente existing in that Ministry, but as I have not examined the document referred to in the last question, I am unable to say whether it is a copy of any expediente existing there, or what it is.

Q. 115. Look at the certificate in that expediente dated "Mexico, January 23d, 1851," over the signature of "Ysidro R. Gondra," and state if you have any knowledge or recollection of the circumstance mentioned in that certificate of the examination of an expediente then in the office of the Ministry of Relations by Ysidro R. Gondra?

A. I don't find such a circumstance mentioned in the certificate.

Q. 116. Have you any knowledge or recollection of an examination, in the expedientes or documents touching the New Almaden Mine, at the request of any of the parties interested, on or about the 10th January, 1851, or of the making of copies thereof, by or under the direction of the Minister of Relations, or by or under the direction of José Maria Ortiz Monasterio?

A. No, sir; I have no recollection of having done so.

Q. 117. Were private individuals ever permitted to remove from that office any documents, papers or archives lodged there?

A. No, sir. Nothing of the kind was allowed, especially with regard to the original expedientes, although it may have happened that some Minister may have given an order to some person for the delivery of such papers.

Q. 118. Do you know of any instance of such a removal of papers on the order of a Minister?

A. No, sir. I do not remember any.

Q. 119. Can you, of your own knowledge, state at what time the acuerdo, under date of May 20th, 1846, appearing on what purports to be a communication from Vicente Segura, addressed to the Ministry of Justice, dated Mexico, May 14th, 1846, was actually written on the margin of that document or communication?

A. No, sir. I have no knowledge of it, because I do not belong to the Ministry of Justice.

Q. 120. Is it not possible that you may be mistaken in supposing that you wrote the communication signed "Castillo Lanzas," and addressed to the Governor of Californias, as early as the 23d May, 1846?

A. That might have been, but it was really written by me at that time.

Q. 121. Would you venture to assert that it was positively written by you on that day, from a distinct recollection of the time and circumstance, independent of the facts that the document itself, as produced, bears that date, and that the minuta which is copied into the latter part of the document, purports to have been written at that time?

A. No, sir. After thirteen years have elapsed, it would be difficult for me to remember that I had written it on that day.

Q. 122. Is it not possible that you may have written it two or three years later, and dated it 23d May, 1846, in reference to some minuta in that expediente?

A. I am almost absolutely certain that that communication and the minuta of it were written in the year 1846.

Q. 123. By whom were you shown the photograph of that communication in Mexico, prior to your departure for this place?

A. I don't remember who it was that showed it to me.

Q. 124. What reason did the person assign for showing it to you?

A. For the purpose of ascertaining whether the communication was in my handwriting.

Q. 125. Did the person seem to be surprised on learning that you wrote the document, or did he say that he had been informed of that fact before he showed you the photograph?

A. I don't recollect those circumstances, but I don't think my stating that it was in my handwriting caused any surprise.

Q. 126. Endeavor to recollect who that person was?

A. I don't remember precisely who it was.

Q. 127. Did he tell you why he wanted to know certainly that the document was in your handwriting?

A. No, sir. I was merely asked if I knew that to be my handwriting.

Q. 128. Was it the same person who asked you to come to California, to testify in this case?

A. I have stated before that I could not recollect who the person was. At that time there was nothing said about coming to California.

Q. 129. How long after that was it that you were requested to come here as a witness?

A. I don't recollect precisely, but it was about three or four months.

Q. 130. Was it before or after you were requested to come to California, that you compared the traced copies (mentioned by you in your direct examination) with the originals?

A. I made those comparisons after I had agreed to come.

Q. 131. Were you engaged in making any of those comparisons prior to the time you were shown that photograph?

A. No, sir. It was after.

Q. 132. Have you that photograph in your custody, and can you now produce it?

A. No, sir. I have it not.

Q. 133. Do you know what has become of it?

A. No, sir.

Q. 134. Who succeeded Castillo Lanzas in the office of the Ministry of Relations?

A. I don't remember.

Q. 135. Is it not strange that you, being a clerk in the office, cannot remember the name of the person who succeeded him in that Ministry?

A. So much time having elapsed, as I stated before, and the Ministers having changed so frequently, it would be impossible for me to state with certainty who his immediate successor was.

Q. 136. Are you personally acquainted with José Maria Lafragua?

A. Yes, sir; I knew him when he was Minister of Relations.

Q. 137. Were you not a clerk in the office at that time?

A. I was employé there, but I don't remember whether or not I was an escribiente at that time.

Q. 138. Was it before or after the time, when Lafragua was Minister of Relations, that you wrote the document, so often referred to in your testimony, signed "Castillo Lanzas"?

A. It was before he was Minister that I wrote that communication.

Q. 139. Have you any recollection of the fact, that Lafragua left the city of Mexico some time in the latter part of the year 1854, on a visit to the State of California?

A. I am unable to answer as to that, because in 1854 I was not in the Republic of Mexico.

Examination closed.

A. J. DE VELASCO.

Sworn to, and subscribed September 3, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

[NOTE BY THE COMMISSIONER.—This deposition was read to and signed by the witness at this date, September 3, 1859.]

W. H. CHEVERS,
U. S. Commissioner.

Filed September 19, 1859.
W. H. CHEVERS, Clerk.

# DEPOSITION OF L. P. DE ARCE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v*
ANDRES CASTILLERO.

SAN FRANCISCO, September 23rd, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Lucas Ponton de Arce, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: Mr. Randolph, for the United States, and Mr. Peachy for the claimant.

Questions by Mr. Randolph.

QUESTION 1. What is your name, age, and place of birth, and present residence and employment?

ANSWER. Lucas Ponton de Arce; my age is twenty-nine years; I was born in Havana, and I have resided in San Francisco since December 1854; my employment is that of jobbing segar business.

Q. 2. State all that you know of the witness before you, J. M. Castillo y Lanzas?

A. The first time that I saw him was in Hendon, near London, England, at the residence of Mr. Daniel Price. I believe it was about the Christmas holydays, of either the year 1849 or 1850. He was in company with Martin, his son.

I remained at the house of Mr. Price about a week or ten days, then went to London, where I again had the pleasure of seeing Mr. Castillo Lanzas, at the Salboniere Hotel, Leicester square, where I used frequently to dine until I left for Mexico; after which I never saw him until 1853, I think, when he came back to London.

The last time I saw him was at the latter end of February, or beginning of March, 1854, when he signed my passports, on my leaving for Mexico.

In 1854 he was Minister from Mexico. I knew it because he was the man that had to sign my passport.

Q. 3. Do you know whether he was Minister, Secretary of Legation, or Consul.

A. I know positively that he was the Representative of Mexico; I don't know anything about the title of his office.

Q. 4. Where is that passport now?

A. I had it until I arrived in Mazatlan, in November, 1854, where the authorities kept it back, and gave me another document, which I believe is among my papers.

Q. 5. How was that document signed?

A. I think it was simply "Castillo Lanzas."

Q. 6. Mention the names of some of the persons, with whom you are best acquainted here?

[Question objected to by Mr. Peachy, as irrelevant.]

A Daniel Gibb, Camillo Martin—who is, I think, the Spanish Consul—F. Sanjurjo, John Parrott, B. Davidson, Nicholas Larco, Henry Hentsch—by sight, Judge Hoffman—because he used to belong to the same club.

Cross-examination waived.

L. PONTON DE ARCE.

Sworn to and subscribed this 23rd of September, A. D. 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed September 23, 1859.

W. H. CHEVERS, Clerk.

# DEPOSITION OF SAMUEL HEAD.

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UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Sept. 23, 1859.

On this day, before me, W. H. CHEVERS, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Samuel Head, a witness produced on behalf of the United States in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: Mr. Randolph, for the United States, and Mr. Peachy, for the claimant.

Questions by Mr. Randolph.

QUESTION 1. What is your name, age, place of birth, and present place of residence?

ANSWER. My name is Samuel Head; my age is 42 years; I was born in Bristol, Pennsylvania; my present residence is in San Francisco.

Q. 2. What is your employment?

A. Superintending sewing machines, making grain sacks—sewing.

Q. 3. Where were you living between the years 1833 and 1837?

A. In Philadelphia.

Q. 4. At what place, and in what business?

A. I was in my father's house, the Mansion House Hotel, on Third street, between Walnut and Spruce. I was then 'tending to the office in the house.

Q. 5. During that time did you see this witness, and where?

A. I saw him at my father's house where he had a room and was boarding; the length of time he was there I cannot recollect.

Q. 6. Do you remember at that time to have heard his name; if so, what was it?

A. I do remember the name distinctly; it was Mr. Castillo. I remember very distinctly that the Yturbide family (with whom I was very intimate) used to converse very frequently in my father's sitting-room with Mr. Castillo, whom I remember very well from a mark on his face.

Q. 7. How long have you resided in this city?

A. I arrived in San Francisco July 3d, 1849; have been absent part of the time; I have made it a general residence for some five or six years.

Q. 8. Mention the names of some of the persons with whom you are best acquainted?

A. Capt. J. B. Thomas, M. R. Roberts, F. W. Macondray, Wm. H. Jones, James H. Gardner and Joseph C. McKibbin.

Cross-examination waived.

SAMUEL HEAD.

Sworn to, and subscribed this 23d day of September, 1859, before me.
W. H. Chevers,
U. S. Commissioner.

Filed Sept. 23, 1859.
W. H. Chevers, Clerk.

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EXHIBIT SANDWICH ISLAND PAPER, W. H. C.

# THE POLYNESIAN.

Vol. 3.] Honolulu, Saturday, July 25, 1846. [No. 10.

(Page 37.) * * * * * * * * *

[For the Polynesian.

## CALIFORNIA MINES.

Honolulu, July 20, 1846.

Mr. Editor:—I have great pleasure in forwarding to you for publication, the accompanying letter from Thomas O. Larkin, Esq., U. S. Consul at Monterey, which I have no doubt will be read with much interest.

I send you also a specimen of the precious ore therein mentioned, for the inspection of the curious.

I am, sir, your obedient servant,
G. P. JUDD.

J. J. JARVES, Esq., Ed. Polynesian.

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CONSULATE OF THE U. S. OF AMERICA,
Monterey, California, June 24, 1846.

SIR:—I have the pleasure of forwarding to you a specimen of California quicksilver ore, from a mine 70 miles north of Monterey and 10 miles from the pueblo of San José, discovered in 1845 to have quicksilver in it. The place was well known for eighteen years, and supposed by the Californians to be a silver mine, they having, in 1828, with some foreign quicksilver, extracted the other metal. In 1845, a Mexican, being in the vicinity, heard that the mountain contained rock different from any other; he went to examine it, and immediately denounced the place before the nearest Alcalde, and then made known what it contained.

The owner, with a priest, in a small and imperfect manner, has commenced extracting the metal. The mine is on the top of a steep mountain, a mile or more from the plain, to which it is brought down on mules, then piled up and a whaler's try-pot covered over it, well cemented with clay, some six or eight cords of firewood placed over it and fired, and in 14 or 16 hours the quicksilver is extracted, being found below in a small wooden tank of water. Though much of the rock is thrown away afterwards that has not been well heated, they obtain 15 per cent. of the metal.

The specimen I send can be proved by dropping a single pinch of the pounded rock (the red is preferable) on a red-hot iron, holding a tea cup over it one or two minutes in such a manner that the vapors shall be caught, then with the fingers rub the smoke on a piece of silver money; or, with the finger, for five minutes, rub all the smoke together, which produces at first hundreds of almost invisible globules, brought by contact into one globule of quicksilver.

*Second Operation.*—Take a tube—a common gun-barrel, air tight, is very convenient—fill it with the ore, pounded to the size of beans, to within four or six inches of the end, which end immerse in a pot of water, with a plate to catch the production—keep the gun-barrel red hot for 30 or 40 minutes, and from the condensed vapors you have from 20 to 30 per cent. of quicksilver. Should the latter be dirty, from the ashes falling into the water, strain it through a silk handkerchief. On receiving the ore, should it be dirty from its own dust, wash it. When dry, the quicksilver can be discovered without a glass. The yellow part of the rock is the least valuable. Care should be taken that the vapor does not exhale in the mouth, thereby producing salivation.

Mines of pure sulphur, and mines of lead, copper, silver and gold have been lately discovered in California, but not one is yet in operation. I am, with the highest respect,

Your most obedient servant,

THOMAS O. LARKIN.

G. P. Judd, Esq., Minister of Finance, Honolulu, Oahu.

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The undersigned has the honor to forward to the Department the following information respecting the mines of California, most of them discovered within six or nine months. For many years previous to this, the inhabitants have supposed the places in question contained metal of some kind. Ninety miles (by sea) south of San Diego there are some very extensive copper mines belonging to Don Juan Bandini.

[Page 38.]

The undersigned is informed by Don José Rafael Gonsales, that on his ranch, 60 or 80 miles south of Monterey, there are coal mines. At San Pablo, in the Bay of San Francisco, there are others. At the Mission of San Juans', 25 miles north of Monterey, there are sulphur beds or mines. Fifty to eighty miles north of Monterey, there is said to be several silver mines. There are several places throughout California where the people obtain bituminous pitch to cover the roofs of their houses; some make a floor of it by mixing earth with it. At these places rabbits, squirrels and birds often get half buried in the pitch, and soon die; even horses and horned cattle are lost there. A few miles north of Santa Barbara the sea for several miles upon the coast is colored by the pitch oozing from the banks. Five or six miles from the town of San José and near the Mission of Santa Clara, a mountain of quicksilver ore was discovered by Don Andres Castillero (of Mexico) in 1845, which the undersigned has twice seen produce twenty per cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed; the metal is then strained through a silk handkerchief. The red ore produces far better than the yellow. There appears no end to the production of the metal from the mountains.

Working of the quicksilver has but now commenced under great disadvantages from not having any of the materials generally used in extracting that metal. Near the town of Sonoma, about sixty miles from the entrance to the Bay of San Francisco, there are other mines, the rock or ore of which appears of a grayish cast, and is said to be equal to the others. Near the same town there are sulphur mines. The piece the undersigned has in his possession is perfectly pure, without rock or dust mixed with it. At the same place is said to be lead mines. Some Indians have brought a blanket full of lead ore to the Mission of San Juan, refusing to tell from whence they brought it. On the ranch of Capt. Richardson, one side of the entrance to the Bay of San Francisco, there is a lead mine. The undersigned has two or three pounds said to be from that Rancho. This is full of pebble stones, which when taken out by a nail or knife, left the lead entirely pure, and indented similar to a honeycomb.

Twenty miles from Monterey, there is a mine of silver and lead, which has been taken out but not extracted. There is also said to be black lead in the country. At San Fernando, near San Pedro, by washing the sand in a plate, any person can obtain from one to five dollars per day of gold that brings $17 per ounce in Boston. The gold has been gathered for two or three years, though but few have the patience to look for it.

On the southeast end of the island of Catalina there is a silver mine from which silver has been extracted. There is no doubt but that gold, silver, quicksilver, copper, lead, sulphur and coal mines are to be found all over California, and there is equally as much doubt whether under their present owners they will ever be worked. The Indians have always said there was mines in the country, but would not show their location, and the Californians did not choose to look for them.

By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine. The authorities will then, after the proper formalities, put the denouncer in possession of a certain part or all of it, according to the extent of the mine. The possessor must thereafter occupy and work the mine, or some other may denounce against him. In all cases the Government claims a certain portion of the products.

Up to the present time there are few or no persons in California with sufficient energy and capital to carry on mining. A Mexican officer of the army, a padre and a native of New York are, on a very small scale, extracting quicksilver from the San José mines.

I remain, &c. &c.

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## NOTICE OF MOTION BY U. S. TO CLOSE PROOFS.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.
No. 420.

SAN FRANCISCO, Oct. 3, 1859.

GENTLEMEN:—Please take notice that at 11 o'clock, A. M., on Saturday next, the 15th day of October, inst., or as soon thereafter as counsel can be heard, I shall move the Court for an order closing the proofs in this case, and fixing a day for the final argument thereof. Yours, &c.,

TULLY R. WISE,
Acting U. S. Attorney.

Messrs. Peachy, Billings & Yale, Attorneys for Claimant.

Rec'd copy within, this 13th Oct., 1859.

A. C. PEACHY,
Attorney for A. Castillero.

Filed Oct. 19, 1859.
W. H. CHEVERS, Clerk.

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## ORDER DENYING MOTION TO CLOSE PROOFS.

At a stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court House, in the City of San Francisco, on Wednesday the 19th day of October, in the year of our Lord one thousand eight hundred and fifty-nine,

Present: The Honorable OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } No. 420.

And now at this day, upon notice of motion to the opposite party, Mr. Randolph, of counsel for the Government in this cause, moves the Court for an order closing the proofs herein, and fixing a day for the final argument thereof; and the said motion having been argued by Mr. Randolph for the U. S., and Mr. Peachy for the claimant, and due deliberation being had in the premises, it is now here Ordered by the Court that the said motion be, and the same is, hereby denied.

Filed Oct. 19, 1859.

W. H. CHEVERS, Clerk.

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## ORDER ALLOWING CLAIMANT TO TAKE DEPOSITION OF PIO PICO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO. } On appeal from U. S. Land Commission.

On motion of A. C. Peachy, the Claimant's Attorney, it is Ordered, that the claimant have leave to take the deposition of Pio Pico, late Governor of the Department of Californias, in this case.

San Francisco, 19th October, 1859.

OGDEN HOFFMAN,
District Judge.

Filed Oct. 19, 1859.

W. H. CHEVERS, Clerk.

# DEPOSITION OF CASTILLO Y LANZAS,

United States District Court,
Northern District of California.

The United States
v.
Andres Castillero.

San Francisco, Sept. 2, 1859.

On this day, before the District Court of the United States for the Northern District of California, came Joaquin Maria de Castillo y Lanzas, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, of counsel for claimant, and Mr. Sloan for the United States.

Questions by claimant's counsel.

Question 1. What is your name, age, and residence?

Answer. My name is Joaquin Maria de Castillo y Lanzas; I am fifty-seven years of age; I reside in the city of Mexico.

Q. 2. Where were you born?

A. In the city of Jalapa, department of Vera Cruz.

Q. 3. Where were you educated?

A. Mostly in England—partly in Spain.

Q. 4. What public employments have you held?

A. They have been so many and various during the thirty years that I have been in public life, that I suppose it will suffice to mention the principal. Almost on starting in public life, I was appointed, what you may call in English, leading clerk of the most important section of the Ministerio de la Guerra. My title was "Gefe de la Seccion Central y de Reserva." I was afterwards private secretary to Gen. Santa Anna and Gomez Pedraza, to the latter, during his term of office as President; I was Prefect of the district of Vera Cruz, Charge d'Affaires to the United States, and Minister Plenipotentiary to England; twice Prime Minister, *i. e.* Minister of Foreign Affairs; and for a few days *ad interim* Minister of Finance. I was twice elected to the General Congress, and twice appointed Counselor of State; and finally, Intendent of the Navy—in which character I have retired from service. I have held other commissions of less importance, which I have omitted.

Q. 5. When were you Charge d'Affaires to the U. S.?

A. From 1833 to 1837—four years.

Q. 6. When Minister to England?

A. From 1853 to 1856.

Q. 7. When were you Prime Minister?

A. In 1846 the first time, and the last time during this last year.

Q. 8. When did you arrive in San Francisco, and with whom?

A. I arrived May 14, 1859, in company with Messrs. Barron, Billings, Negrete, Bassoco, Balcarcel, Professor Castillo, Mr. Villalon, Mr. Yrisarri, Miranda, Velasco, and my son Francisco.

Q. 9. Were you acquainted with any of those gentlemen in Mexico?

A. With some of them: with Mr. Bassoco for many years; with Mr. Velasco since 1846, when I knew him in the Ministerio de Relaciones. Except Mr. Negrete, I knew none of the others personally. I knew the others by sight, except Messrs. Miranda and Villalon, whom I did not know.

Q. 10. Are you acquainted with Messrs. Segura and Flores, former members of the Junta de Mineria?

A. I have known them both personally for some years.

Q. 11. Were you acquainted with Mr. Becerra, Minister of Justice in 1846?

A. Very well. We were intimate and private friends.

Q. 12. When did he die?

A. I don't recollect the year. I think I was not in Mexico at the time. I am not sure, however.

Q. 13. What office did he hold at the time of his death?

A. He was Bishop of Puebla.

Q. 14. Was he in holy orders when he was Minister of Justice in 1846?

A. He was.

Q. 15. Do you remember when and where you last saw him?

A. In Puebla—on one of my journeys up and down the coast; I don't exactly recollect in what year.

Q. 16. Are you acquainted with his signature and handwriting?

A. With his signature I am. I have seen him write, but am not well acquainted with his handwriting.

Q. 17. Examine the document now shown you, marked "Exhibit Bassoco No. 7, O. H." and state whether you have compared it with its original; when, where, and in what manner was the comparison made, and is it a faithful copy of the original?

A. I compared it on the 6th April last with its original, in the office of the Junta de Mineria. The original was read verbatim, while I held this in my hand and followed the reading, and then the copy was read while I followed with the original in my hand.

The traced copy was placed above the original and found to be exactly identical?

Q. 18. Are you acquainted with any of the persons whose handwritings and signatures appear on the original expediente; do you know said handwritings and signatures, and how do you know them?

A. I am acquainted with Messrs. Tornel, Becerra and Segura. I know the signatures of Messrs. Tornel and Becerra. I have frequently seen them write, but cannot identify their handwriting. I have seen them sign their names frequently.

Q. 19. On what papers of the original did you find the signatures of Messrs. Tornel and Becerra?

A. I found the signature of Mr. Tornel in his official communication as Director of the College of Mineria to the President and vocales of the Junta de Fomento de Mineria, dated April 29, 1846. The copy of this communication is found on pages numbered 5, 6 and 7 (in red ink) of this Exhibit.

I found Mr. Becerra's signature in his official communication as Minister of Justice to the President of the Junta de Fomento, dated May 9th, 1846, which is found on page 10 (in red ink) of this Exhibit.

His signature I also found in another official communication to the same person, dated 20th May, 1846, which are on pages 23 and 24 (in red ink) of the same Exhibit. I do not know with certainty any other handwriting or signature.

Q. 20. Look at the document now shown you, marked "Exhibit Bassoco No. 8, O. H." and answer the same question.

A. I compared it with its original in the Ministerio de Justicia on the 29th March, 1859. It must have been in the Ministerio de Gobernacion. No, I am again mistaken; it was in the Ministerio de Relaciones. There were three documents compared—one in the Mineria, one in the Relaciones, and one in the Gobernacion. This document, I am certain, is the one I compared in the Relaciones. The comparison was made precisely as I have stated with regard to the last document. I found it to be a faithful and exact copy.

Q. 21. Are you acquainted with any of the signatures or handwritings of the original of which this is a copy?

A. I am not, with any of them.

Q. 22. Look at the document now shown you, marked "Exhibit Bassoco No. 9. O. H." and answer the same questions as before.

A. I compared it with its original in the Ministerio de Gobernacion, on the 29th March, 1859. The comparison was made precisely in the manner already described. I found it to be an exact copy of the original.

Q. 23. Are you acquainted with any of the handwritings or signatures of the documents in the original expediente?

A. My impression is that the writing, the copy of which is on page 1 (in red ink) of this Exhibit, is that of Mr. Quintanar. He was an empleado of the Ministerio de Relaciones in 1846, when both branches were united; I think he is dead. The handwriting of the marginal note, or membrete, a copy of which is on page 2 (in red ink) of this Exhibit, is that of Mr. Monasterio. He was Oficial Mayor of the Ministerio de Relaciones in 1846.

The rubric attached to this membrete is my own.

The handwriting of the membrete, a copy of which is on page 7 (in red ink) of this Exhibit, is, I think, that of the same Quintanar. The marginal note, or acuerdo, a copy of which is on page 8 (in red ink) of this Exhibit, is in my own handwriting, and the rubric attached to it is my own. The document, on the margin of which the acuerdo is written, is an official communication from the Minister of Justice to the Minister of Relaciones y Gobernacion, dated May 20, 1846. This document bears the genuine signature of Mr. Becerra. I recognize Mr. Quintanar's handwriting again, in the minuta on page 10 (in red ink) of this Exhibit. This minuta is dated May 23, 1846.

Q. 23*a*. In the original, of which this Exhibit Bassoco No. 9 is a copy, there is a document purporting to be an official communication addressed by Pio Pico, Governor of the Department of Californias, to the Minister of Exterior Relations, dated Angeles, February 13, 1846. Do you remember to have received that communication, or anything about its contents?

A. I remember to have received a communication from Gov. Pio Pico; the contents were the same in substance as this. I cannot precisely recollect, after so many years, its language.

Q. 24. Do you remember anything about the matters mentioned in that letter?

A. I recollect to have received the communication to which it refers, and the quicksilver of which it speaks—which came in a small bottle;—all this I recollect perfectly well.

Q. 25. What did you do with that sample?

A. It stood on my desk for some time, and I availed myself of the first opportunity to deliver it to the President, General Paredes.

Q. 26. Do you remember when, and under what circumstances you delivered it?

A. On the first opportunity. I don't recollect whether any one was present.

Q. 26*a*. Examine the document now shown you, purporting to be an original communication from Castillo Lanzas to the Governor of the Department of Californias, dated Mexico, May 23d, 1846, and directing the said Governor to put Andres Castillero in possession of two square leagues of land;—say in whose handwriting is the body of said communication, and whose the signature to the same; and when was the said document signed?

A. The handwriting is that of Mr. Velasco, a subordinate officer of the Ministerio de Relaciones, to which Ministerio he is still attached. He is now in this city. The signature is my own. The document was signed either on the day of its date, or at most a day later.

Q. 27. Why can you not speak with certainty as to the very day on which you signed it?

A. Because, although documents used generally to be signed on the very day of their date, sometimes the minuta would be written out at a late hour one day, and the official communication would be written and presented for signature on the next.

Q. 28. Have you any other reason for supposing that said document might possibly not have been signed on the 23rd May 1846?

A. No, sir; no other reason occurs to me.

Q. 29. Do you remember to have received the communication from Becerra, dated May 20th 1846, a copy of which is found on pages 8 and 9 (in red ink) of Exhibit Bassoco, No. 9, O. H?

A. The remembrance of having inscribed this communication to the Governor of California, on the 23rd of said month and year, brings with it naturally the remembrance of having received it.

Q. 30. Will you state what you remember of the business relating to Castillero's discovery in California which was transacted in the Ministry of Relaciones, in the year 1846. I mean what recollection you have of it, independent of your inferences from documents you may have recently seen in relation to it.

A. I must beg leave to state, in the first place, for the sake of a clear explanation of the subject, that this did not appertain to the Ministerio de Relaciones, as that department only embraces exterior affairs, but to the Department de Gobernacion which comprehends all interior affairs of the country; though in 1846 both departments were united, and formed only one Ministerio.

As Minister of Gobernacion I remember having received the communication from the Governor of California, of the 13th February, 1846, of which mention has been made before, as well as the communication, to which it refers, of Don Andres Castillero, and the sample of quicksilver; and of having had conversations upon the important discovery of the mine of New Almaden with the person who, I think, was the same that delivered to me said communications and sample; and although much of what was said on that occasion must have been said, too, when I delivered the sample to General Paredes, I cannot say now that I recollect the precise conversation I had with him on the matter.

Q. 31. Do you remember who delivered the letter from the Governor of California, and the sample of quicksilver?

A. From the purport of Governor Pico's communication, I should infer that it was Mr. Covarrubias, and that has been frequently repeated to me in Mexico; but I have no distinct recollection of it myself.

Q. 32. Do you know Mr. Covarrubias.

A. I do not.

Q. 33. Do you remember whether any person of that name from California was in the city of Mexico in 1846.

A. I do not.

Q. 34. Do you remember, whether, in 1846, a commissioner was sent from California to the capital on public business?

A. I have a vague idea of it, though not a distinct recollection. Perhaps, was I to see Mr. Covarrubias again I might recognize him.

Q. 35. After the communication of the 23d of May, 1846, addressed by you to the Governor of California (I mean that communication which you have said is in the handwriting of Mr. Velasco, and which directs the Governor of California to put Andres Castillero in possession of two leagues of land) was signed by you, what did you do with it?

A. As all the documents for signature were brought together, they were withdrawn again by the same empleado who presented them for signature, to be closed and dispatched according to destination. I speak of the practice of the office when I was Minister; consequently I don't recollect having done anything more than sign it.

Q. 36. Do you know Andres Castillero?

A. Yes, sir.

Q. 37. When did you first make his acquaintance?

A. I was introduced to him in Mexico, a short time before leaving that capital for California; though I have some faint notion of having known him before, in 1846.

Q. 38. What do you mean by a "membrete" on a communication, and by what an "acuerdo?"

A. I understand by a membrete the marginal note in official communications for the purpose of indicating the particular subject to which they refer; and by acuerdo, I understand the resolution of the Government on the subject.

Q. 39. Is either signed; if so, in what manner?

A. The acuerdos have the rubric of the Secretary of State, or Minister to whose department the subject corresponds.

The membrete is not signed; an acuerdo may or may not be final or definitive. It sometimes calls for a digest of the communication referred to. In such cases an extract is made of it, and submitted to the Minister. It sometimes calls for the antecedents; *i. e.*, for information as to the previous proceedings in the affair.

The decisive or last acuerdo would not in such cases come in until after these preliminary acuerdos.

Q. 40. State the character of the two marginal notes on the original document, a copy of which is found on pages 10 and 11 of Exhibit Bassoco No. 8, O. H., purporting to be an original communication from the Junta de Fomento to the Minister of Justice, dated May 14th, 1846, inclosing and recommending certain propositions of Andres Castillero.

A. The first is a membrete or marginal note, and the second an acuerdo.

Q. 41. Did you examine the rubric on the said original acuerdo, and do you know whose it is?

A. I must have seen the original, for I compared the documents in Mexico; I did not examine it with the view of ascertaining whose it was.

Q. 42. Are you acquainted with the handwriting and signature of J. Miguel Arroyo?

A. I am acquainted with his handwriting and signature; but I should state that I seldom or never recognize rubrics unless accompanied by signatures.

Q. 43. Examine the certificates affixed to the Exhibits Bassoco No. 1, O. H., Bassoco No. 5, O. H., and so on up to and including Bassoco No. 12, O. H., and say if you know the signatures to any of them, and what offices the persons held at the time of signing; and say, further, if you are acquainted with any of the seals affixed to the said certificates.

A. I know Mr. Arroyo's signature, and the two seals affixed to the certificates on Exhibits Bassoco No. 1, Bassoco Nos. 5, 6, 7, 8, 9, 10, 11, and 12, respectively.

His signature attached to the certificates on these documents, respectively, is his genuine signature, and the two seals on each of said certificates are the seals of the Ministerio de Relaciones—except that on Exhibit Bassoco No. 11, only one seal is affixed; this is a seal of the Ministry of Relaciones.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
Clerk.

—

SAN FRANCISCO, Sept. 3, 1859.

Examination resumed.

Present: Mr. Peachy for claimants, Mr. Sloan for United States.

[The witness states to the Court that in the published deposition he has observed errors, which he desires to correct.

The Court informs the witness that the only authentic record of his testimony is the deposition reduced to writing by the Judge, and to be signed by himself; and that at the close of his direct examination, said deposition will be read over to him, and an opportunity afforded to make any corrections or explanations he may desire.]

Q. 44. What office did J. Miguel Arroyo hold at the date of those certificates?

A. He was Oficial Mayor of the Ministerio de Relaciones.

Q. 45. Examine the documents now shown you, being Exhibits "G, H, I, K, and L," filed by the defendants with their answer in the suit of the United States *vs.* John Parrott *et al.*, on the Equity side of the United States Circuit Court for the Districts of California; and say if you know the signatures and seals of the certificates affixed in authentication of said documents.

A. The only one of these signatures which I can state I positively know, is that of Mr. Arroyo. His signature is genuine wherever it occurs in these certificates. The seal is that of the office of the Ministry of Relaciones.

I find also on one of the certificates the signature of Mr. Velasquez de Leon. His signature I know very well, and the signature attached to the certificate is his genuine signature. I also recognize his signature on the certificates attached to Exhibits Bassoco Nos. 10 and 11. I overlooked these yesterday, being under the impression that I was only asked with reference to Mr. Arroyo's signature. Mr. Velasquez de Leon is Director of the College of Mineria.

Q. 46. What office did Mr. Arroyo hold, at the dates of the certificates to the Exhibits in the chancery suit?

A. He was Oficial Mayor of the Ministerio de Relaciones.

Q. 47. While you were last Minister of Relations, were you requested to authenticate copies of various documents in the public offices of Mexico, relating to the Almaden mine, with the great seal of the Republic?

A. I was.

Q. 48. Who made the request?

A. Messrs. Eustace Barron and Castillero.

Q. 49. What reply did you make? if it was in writing, and you have it, please produce it.

A. It is here, in its original form; this is the identical letter signed by me at the time.

[Document offered in evidence, marked Exhibit Castillo Lanzas No. 1, O. H.]

Q. 50. In this reply I perceive you state that the uses to which the great seal may be put are defined by law, and do not embrace the authentication of copies of public documents; and you state also that the authentication of such documents is provided for by law; can you refer me to those laws?

A. The law which defines the uses to which the great seal may be put, is the decree of General Santa Anna, as President, of the 20th June, 1853. It is to be found in a collection of laws, made by Juan R. Navarro, and on page 414 of the volume which contains the laws from April to July, 1853.

I think there is also a reglamento on the subject, which exists in the Cancillaria of the Ministry; although I do not remember its date.

The law which prescribes the mode of authenticating such documents for the Exterior, is the Decree of General Santa Anna, as President, dated October 28th, 1853, to be found in the succeeding volume of the same collection, on pages 282, 283 and 284. These volumes purport to be printed by authority.

Q. 51. Who succeeded you as Minister of Relations in 1846?

A. Mr. Pesado.

Q. 52. Who succeeded him?

A. I think Mr. Lafragua.

Q. 53. Are you personally acquainted with Mr. Lafragua?

A. Yes, sir; and have been for many years.

Q. 54. Do you know anything of a report made by him to the Constituent Congress in 1846?

A. It is a voluminous work, which I have had in my hand several times since the year 1848 or 1849, if I recollect right; I mean the printed copy of it.

Q. 55. Where were you in the years 1848 and 1849?

A. I was in Mexico until about the middle of 1849. I then went to Europe; I remained there, on that occasion, until between the middle and latter end of 1850.

Q. 56. Can you say whether you saw a copy of Mr. Lafragua's Report before you went to Europe on that occasion?

A. I have scarcely any doubt of it—since, as I before stated, I think it was either in 1848 or the beginning of 1849 that I saw it.

Q. 55*a*. If you were now to see a copy of that report, could you recognize it, as being similar to the one you think you saw in 1848 or 1849?

A. I could, without the least hesitation.

Q. 56*a*. Examine Exhibit Bassoco No. 3, O. H., which purports to be a copy of that report, and say whether it is similar to the one of which you have spoken.

A. It is similar in every respect. On examining this document, I am reminded that between Mr. Pesado and Mr. Lafragua Mr. Rejon was Minister.

Q. 57. What are the general features which enable you to say that this copy is similar to the one you saw?

A. The form, size, and general appearance; the matters to which the chapters refer, and some of the documents contained in the latter part of the volume, which I recognize as written by myself.

Q. 58. In the communication of the 20th May, 1846, signed by Becerra, and addressed to you as Minister of Exterior Relations, there is inserted a copy of the communication of the same date, from Mr. Becerra to the President of the Junta de Fomento, and in the communication which you addressed on the 23d May, 1846, to Pio Pico, Governor of California, there is inserted a copy of Mr. Becerra's communication to you, so that your letter to Governor Pico contains copies of Mr. Becerra's letter to the President of the Junta de Fomento, and of his letter to yourself as Minister of Relations. Is such an involved style of correspondence usual between Mexican officials; and if so, for what purpose is it practiced?

A. It is usual in such cases as the subject requires it, and is practiced for the sake of clearness and good order in the dispatch of business. There are certain matters which call for the action of more than one of the Ministerios, although one of them is the principal one in each particular case. But in communicating the orders of the President to each one of the others concerned, all the circumstances must be mentioned, so that the action of each Ministerio may be properly directed.

In the present case, for example, it was necessary that the Minister of Justice, to whose Ministry the College of Mineria corresponds, should state fully the circumstances of the case in order that the Ministerio de Relaciones might give the proper orders to the Governor of California, since the Minister of Justice is not authorized to transmit orders to Governors, as the Ministry of Relaciones could not transmit orders to the College of Mineria. By this means one complete expediente is formed, and other partial expedientes in the other Ministerios, and all these connected together, contain a perfect history of any particular case.

Q. 59. In this case, which do you regard as the principal expediente?

A. It may be considered in two points of view—under one of which the principal expediente would be the one formed in the Junta de Mineria; politically considered, the principal expediente would be the one formed in the Ministerio de Gobernacion.

Q. 60. Why would not the expediente formed in the Ministry of Justice be the principal one, inasmuch as Castillero makes certain propositions, involving among other things the confirmation by the Supreme Executive of the extraordinary number of pertenencias which had been granted to him by the local authorities in California, and also a grant of two leagues of land in colonization on his mining possession, which confirmation and grant would be made by means of the Ministry of Justice, through whom the President would act on those matters.

A. In my opinion the Minister of Justice merely directed, according to the determinations of the President, the action of the Junta de Mineria, where all the principal part of the business, as far as that branch was concerned, was transacted; and it is for this reason that I consider that the principal expediente, under this point of view, must have been the one formed in the Mineria.

Q. 61. But the Junta de Mineria merely recommended to the Supreme Executive the confirmation of Castillero's mining possession; and, as regards the petition for a grant of two leagues, referred the Government to information within its reach, and did not claim that power itself to make such confirmation or grant. Therefore, if such confirmation or grant was made, must it not have been made by the Supreme Executive, and must not his will have been communicated through the Minister of Justice?

A. Yes, sir; and that confirms what I said before, that the orders of the Executive were communicated through the Ministerio de Justicia; but it must be observed that the execution of some of the most important of these orders was entirely confided to the Junta de Mineria, and this demanded on their part some labor and some extensive documents.

Q. 62. The execution of what part of the President's order was confided to the Minister of Relations and Gobernacion?

A. That merely which had reference to the political authorities in the Californias.

Examination adjourned until Monday, Sept. 5, 1859.

W. H. CHEVERS, Clerk.

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SAN FRANCISCO, Sept. 5, 1859.

Examination resumed.

Present: Mr. Peachy, for claimant; Mr. Randolph and Mr. Sloan, for the United States.

Q. 63. When was the department of Gobernacion separated from that of Relaciones?

A. I do not recollect in what year it was; I think it was done during one of my absences from the Republic. When I came back, I found it done, and did not inquire.

Q. 64. State what compensation you have received, or are to receive, for coming from the city of Mexico to San Francisco.

A. I have received four thousand dollars on one part; and not being able to collect the value of a credit that I had against the Public Treasury for some ten thousand and odd dollars, on account of having to leave the capital, the amount was cashed in my favor by Mr. Eustace Barron, he taking upon himself the chances of being reimbursed from the public Treasury.

This amount was due me for diplomatic services.

[The foregoing deposition having been read over by the witness, he makes the following corrections:

1. In his answer to question 4, he states that the first clause should read "during *more* than thirty years," as he has been in public life more than thirty years, and so stated in reply to the question.

2. In reply to question 9, he states that he knew Professor Castillo personally, as well as Mr. Negrete; and that the name of Mr. Yrisarri should be substituted in the last clause for that of Mr. Villalon, as he did know Mr. Villalon by sight.

3. In his answer to question 11, he wishes to substitute the word "particular" for the word "private."

4. In his answer to question 23, he desires to substitute the word "acuerdo" for the word "membrete," in the first two places where the latter word occurs in said answer.

5. In his answer to question 50, he states that his answer was, that there was "another decree and reglamento," and not merely a reglamento; but that he does not remember their dates.

6. In his reply to question 58, he states that the word "corresponds" should be "correspond*ed*"; for the College of Mineria does not now correspond with the Ministry of Justice, although it did so in 1846.

Also, that the deposition should read "as the Minister of Justice *was* not authorized to transmit orders," etc.; the intention of the witness being to refer to what the Minister of Justice was authorized to do in 1846.]

J. M. DE CASTILLO Y LANZAS.
[Rubric.]

Subscribed before me this 5th day of September, A. D. 1859.

OGDEN HOFFMAN, Dist. Judge.

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SAN FRANCISCO, CAL., August 9, 1859.

### CROSS EXAMINATION.

Present: Mr. Peachy, for claimant; and Messrs. Randolph and Sloan, for the United States.

Q. 65. Why do you testify in English?

A. Because, as that is the language spoken in this country, and consequently in this court, and not finding difficulty in expressing my ideas in it, I thought it would be preferable, besides the amount of trouble which I considered it might save.

Q. 66. Of course you speak Spanish better than you do English, do you not?

A. Such may be the case, but I could not take it upon myself to decide it.

Q. 67. Can you not take it upon yourself to decide whether you speak your mother tongue better than you do a foreign tongue?

A. I certainly cannot, with respect to the English language.

Q. 68. Spanish is your mother tongue, is it not?

A. It is.

Q. 69. At what age were you carried to England?

A. I think it was when I was about eight years of age.

Q. 70. Are you in any part of English descent?

A. No, sir.

Q. 71. In what part of England were you educated?

A. In Stonyhurst College, Lancashire; Old Hall Green, Hartfordshire, and in the University of Glasgow, Scotland.

Q. 72. About what length of time did you remain at each of those places respectively, and in what years?

A. I was four years in the first College, two in the second, and two in the University. I don't recollect the dates.

Q. 73. Did you enter Stonyhurst College immediately on your arrival in England, at eight years of age?

A. Very shortly after my arrival in London, as well as I can recollect, having been detained previous to that a short time in Cadiz on account of the French bombardment.

Q. 74. From these data tell me about what years you were a student at Stonyhurst College?

A. I don't really recollect, tho' I imagine it must have been from some time in 1809, or the beginning of 1810.

Q. 75. Can you not state with much confidence what those years were which followed immediately after you were eight years of age, more than imagination?

A. I cannot, sir; because I never burthened my memory with dates even in things less trivial.

Q. 76. As this must have been your first entrance into a college, and as it was in a foreign country, do you not regard it as one of those trivial things of youth which is more likely to impress itself on the memory than the important events of later years?

A. I must say in answer to this question, that, even regarding those important events, I am very much afraid I should find my memory faithless in point of dates, were I to trust to it.

Q. 77. Do you consider that your memory for dates is very unusually bad?

A. In point of dates it certainly is not good.

Q. 78. Have you not observed that most persons, of intelligence at least, when called upon to state the years they have spent at their first school, can, with a little reflection, give them with great accuracy and confidence?

A. I am thankful for the compliment; but I must beg leave to observe that although I can state, in general terms, as I have done, the years I have employed in my education in England, it would be impossible for me to do so with that nice accuracy which I may envy in others, but certainly do not possess.

Q. 79. Please observe that my question has not called for nice accuracy, but that I have asked you about what years you were at Stonyhurst College; and with this explanation please answer my question again.

A. In employing the qualifying term "nice," I did so, not in the sense in which the question was put to me, but in the sense in which I considered that very answer should be given to express my own idea, derived from the pleasure which the possession of that accuracy in others produces in my mind.

Coming back to the question, I beg that it may be read again to me, that there may be no mistake on my part.

[The last question is read to the witness.]

I have answered that, saying what I recollected on the subject.

Q. 80. What was the organization of Stonyhurst College, at the time that you were there?

A. I cannot say that I could take it upon me to say anything on the subject. It could scarcely be expected, at my age, to fix the attention on such unimportant things.

Q. 81. As you were there during the 9th, 10th, 11th, and 12th years of your age, or thereabouts, can you not now recall to your memory how that institution was governed; what was the title of its head or chief officer; whether its affairs were administered by any board, and if so, how they were called; into what classes the studies were divided—or at least some of the classes; who had charge of these classes—whether one or more persons to each class, and how those persons were designated; and other like particulars which concerned your outset in life, and ordinarily so deeply impress themselves on all of our minds?

A. The head of the institution was called President, if I recollect right; there was a Professor for each one of the classes, who derived his title or name from the class over which he presided. Those classes embraced all the branches that are generally understood to be comprehended under the title of liberal education, such as languages, dead or living, sciences, &c.

Q. 82. Then you do remember the organization of Stonyhurst College,—that the head was called President, that your instructors were called Professors. Had these Professors assistants; if so, how were they called; how were the affairs of the institution administered?

A. I recollect so much of the organization of that institution as I have ventured to explain, and no more. The Professors might have been called "masters," as I think was the case, but I am not aware of their having had any assistants. I cannot say a word as to the administration of the affairs of the institution.

Q. 83. Mr. Peachy and myself, when we were very young, were at a certain college together. Both of us can now tell you how it was organized and administered, in all its details, from the head of the institution down to the bell-ringer; and I have no doubt we will be able to do so seventeen years if we should live so long, when we will be of your age :

Am I to understand that you have no such recollection as to Stonyhurst College?

[Question objected to because it presents a case different from that of the witness'; Mr. Peachy having entered William and Mary College when he was fifteen years of age, while Mr. Randolph, who entered at the same time, enjoyed the advantage of being somewhat older.]

A. I have no such recollection.

Q. 83. Do you not remember before what functionary cases of a breach of college discipline came up?

A. I understand it must have been, according to the case, either before the masters or before the President himself.

Q. 84. What do you mean by the expression "I understand it must have been?"

A. It is a logical consequence of what I before stated, viz., my want of recollection; I cannot affirm what I do not recollect clearly.

Q. 85. Have you no precise and distinct recollection by whom the boys were tried and punished when they violated the rules of the institution?

A. If I had, I should have stated it, and not said that the other was a logical consequence of my want of recollection.

Q. 86. What was the name of the person or persons who had the immediate charge of your studies in that institution?

A. The only name I recollect is that of Mr. Browntill.

Q. 87. In what class?

A. I recollect him in the Latin, and he was in some others which I don't remember.

Q. 88. Was Mr. Browntill called a professor, a master, a tutor, an usher, or what?

A. I used to know him as Mr. Browntill—nothing more.

Q. 89. During those four years, as your studies progressed, had you not various other teachers; if so, mention the names of all the teachers you had?

A. I do not recollect the name of any other of the teachers,—though of course I had others,—first in the English language, and afterwards in music and elocution.

Q. 90. Have you not observed that almost every person, even of ordinary intelligence, and whether young or old, remembers the names of all their teachers?

A. The fault of memory is no willful fault of mine, but should I at any time have the real pleasure of meeting with any of these gentlemen, I should endeavor to convince them that the want of a good memory, as far as proper names are concerned, does not necessarily bring with it a want of that gratitude and respect which they should ever command from me.

Q. 91. You mean, I presume, that the want of a good memory is not the want of a good heart; but as that is not the object of our present inquiries, I will pass it by, and ask you whether, in not being able to remember the names of your teachers, you are not satisfied that you have a very bad and most unreliable memory?

A. I scarcely think that my words need interpretation, but I do think that I was under the necessity of saying them.

As to my poor memory, what can be said of it more than I myself have said, when I affirmed just now that I could not trust to it, but I hope I have no reason to be ashamed of this.

Q. 92. At Stonyhurst college were there many scholars during those four years?

A. I have always been under the impression that there were from 300 to 400 at that time; but here again, not having a clear recollection of the facts, I will not trust my memory.

Q. 93. Out of so many young persons there must be some who have become distinguished in some manner, and are now living; will you be pleased to mention the names of any such, and where are they now to be found?

A. I do not at present recollect any persons of that character.

Q. 94. In what year did you enter, as a student, Old Hall Green, and during what years did you remain?

A. That I have already answered, when I said that I could not fix the dates.

Q. 95. In order to aid your memory, I will remind you that you went to Stonyhurst college about your ninth year, and remained there four years; now, knowing the year of your birth, cannot you venture with much confidence to tell me about what years you were at Old Hall Green?

A. Notwithstanding the aid which you have kindly endeavored to afford me, sir, I must say I find myself in the same difficulties, with respect to the precise date of my entering Old Hall Green, etc.

Q. 96. You will observe again, that I said *about* what years.

A. Even thus modified, I would not venture to speak with any degree of precision about the dates that the question refers to.

Q. 97. Am I to observe, then, that you have a special infirmity of memory on the subject of dates?

A. Sir, when I have said that I myself cannot trust to my memory, what more can be said in regard to its infirmity?

Q. 98. Do you remember the organization of Old Hall Green?

A. All I can say is, that to the best of my remembrance it was much about the samé as that of Stonyhurst College.

Q. 98*a*. Do you remember the title or style of the head of the institution?

A. I do not.

Q. 98*b*. Do you remember the title, style and number of the instructors who had charge of the different classes?

A. I do not.

Q. 98*c*. Do you remember whether the administration of the college was in the hands of any board; if so, what was its title, and how constituted?

A. Having never had the least knowledge of any of these matters, I certainly could not recollect anything about them.

Q. 99. What were your studies when at Old Hall Green?

A. Latin, French, History, Elocution, Arithmetic and Music.

Q. 100. Do you remember the name of the person or persons who had the immediate superintendence of your studies?

A. I do not.

Q. 101. Do you remember by whom the students were tried and punished for breaches of the college discipline?

A. I do not.

Q. 102. About what year did you enter the University of Glasgow, and about what years did you remain there, as exactly as you are able to answer?

A. I remained there about two years, but cannot say what those years were.

Q. 103. As the University of Glasgow is a somewhat celebrated institution, perhaps you can tell me how it is organized?

A. I can answer much less upon this point than with regard to the other colleges. I merely went to attend the classes, and that I endeavored to do to the best of my power, and taken up altogether with my studies, I did not apply my attention to any other matter.

Q. 104. Did you not remain there two years?

A. I was there in the months during which the University was open in each one of those two years, but not permanently in the city of Glasgow the whole of that time.

Q. 105. Entering at fourteen, and leaving at sixteen, you were there twice as long, and were just as old, as Mr. Peachy and myself were in another college, of which we have spoken, and as to the organization of which we both preserve the precise and accurate recollection of which I have spoken—I mean its organization during the years of 1835–'6.

Now endeavor to state the organization of the University of Glasgow, during the two years you were there, fully, clearly and exactly.

[Mr. Peachy desires to observe, that his own case is not at all similar to that of the witness, for the reason that he (Mr. P.) was at college five consecutive years; and moreover, the college was located in a small village; the students were in the habit of daily personal association with the Professors, and did not at any time exceed the number of one hundred.]

A. I have already said I could state nothing with reference to that organization; and I beg now to add that I could find no interest in the world in paying attention to it, when my studies were quite enough to occupy my mind entirely.

Q. 106. Who was the head of the University at that time, and by what title was he known?

A. The title was, I think, that of Principal. I don't recollect who he was at that time.

Q. 106. *a.* Into how many branches was the course of instruction in that University divided?

A. I cannot say.

Q. 107. Were there such subdivisions or departments in that institution as colleges.

A. I cannot say.

Q. 108. Were there such things known there as scholarships; if so, what were they?

A. I know nothing about that.

Q. 109. Were there such things there as fellowships; if so, what were they?

A. I repeat my last answer.

Q. 110. How many grades of instructors were there; what were their various titles?

A. Again I confess my ignorance.

Q. 111. By what name were the students known during the first year after their entrance into the institution?

A. I never knew them to have any particular name by which they might be distinguished, unless it were the general term "students"

Q. 112. Did you hear the terms "graduates" and "undergraduates"; if so, what do they mean in that institution?

A. I have heard the names, and that is all I can say on the subject.

Q. 113. Did the students reside in the University?

A. I did not, nor did any of those I was acquainted with. As for the rest, I know nothing about what they did.

Q. 114. Was there any regulation in regard to the dress of the students?

A. I recollect we used to wear a red gown when we went to the University, and merely while we were in the class-room.

Q. 115. Do you remember no other regulation on that subject?

A. I never knew of any, to my knowledge.

Q. 116. What were your studies in the University?

A. Greek the first year, and logic the second; nothing else.

Q. 117. Who were your instructors in Greek and logic? mention their names, if you please.

A. This time my memory serves me well; I think I may venture to affirm that the Professor of Greek was Mr. Young; and the one of Logic, Mr. Jardine.

Q. 118. What were the full names of these persons?

A. That I do not recollect.

Q. 119. In what manner was the class instructed?

A. The Professor used to point out the lesson, and explain it, in the early part of the morning; and some hours after, we returned to recite it.

Q. 120. Explain your last answer by reference to some author.

A. If we had to give, for example, Lucian's Dialogues, the Professor would read a certain portion of one of them, explain the general meaning, and leave the literal translation to our own exertions.

Q. 121. Was that the only mode of instruction in the Greek language in that University while you were there?

A. The Professor used occasionally, if I recollect right, to make some observations on the character of the language or its literature. This is all I recollect.

Q. 122. What authors were used in the Greek class?

A. I merely recollect the one I have mentioned, and Homer.

Q. 123. Did you commence the study of Greek in that University?

A. I don't recollect exactly, but I think not.

Q. 124. What grammar, what lexicon, and what text-books did you use in your studies in that language?

A. If, generally speaking. I scarcely remember the names of my masters, it can scarcely be expected that I should bring to mind at this distance of time the names of lexicographers, editors, &c., whose editions might have been in use.

Q. 125. Did you ever hear of Schrœvelius, Donegan, Butman, Thirsch?

A. I may have heard of those names, but they are none of them familiar to me—perhaps at that time they were.

Q. 126. Can you not remember what books in the Greek language you read in the course of your studies at the University of Glasgow?

A. I do not recollect any others than those I have mentioned and some extracts from the poets, but I cannot say what extracts.

Q. 127. Do you remember that you did read Lucian and Homer?

A. We did read some portions of their works.

Q. 128. What do you mean when you say "some of the poets"?

A. That we used to translate such portions of their works as were given to us for that purpose.

Q. 129. Was the nature of the instruction as to the poets different from that in regard to other Greek authors?

A. I don't think it was, and it strikes me that the principal object was to make us acquainted with the different styles of measures, &c., of Greek versification.

Q. 130. Versification or prosody was the subject to which your attention was particularly directed in the study of the Greek poets, was it not?

A. The last weeks or probably the last months of the term, I don't recollect that we had much to do with prose writers, as our attention then was principally directed to the poets. We of course commenced with the prose writers.

Q. 131. Did you commence with Lucian or with Homer?

A. We studied Homer as a poet, consequently he came in towards the end of the course; and Lucian as a prose writer in his Dialogues of the Dead.

Q. 132. According to your recollection, the course of instruction in Greek in the University of Glasgow consisted merely in the Professor's translating a portion of some writer, which the class took, and in a few hours returned and recited, with occasionally some remarks upon the literature of the language?

A. Such was really the case as far as I can recollect, except during the first weeks that we were engaged in the study of the grammar.

Q. 133. Does it not occur to you that this treatment of a dead language was more on the level of a common school than on that of the celebrated University of Glasgow?

A. It strikes me that in a common school you may sometimes have in your power to do more in those matters than in a public University, where so many students used to attend the class, and where the Professor is anxious to attend to as many of them as possible on each occasion. I think a great deal must be left to individual exertions in such cases.

Q. 134. Did not the Professor of the Greek language deliver a course of erudite lectures on the Greek language, going into profound inquiry into its origin and all its characteristics, and such as would tax the faculties of full grown men fully to comprehend and master?

A. I really can't say what he may have done in other years; and I suspect that had he given such lectures in the year I had the pleasure of attending Prof. Young's class, a great proportion of my fellow-students, and I among them, would have profited very little, by not being of an age, as I think, to understand them.

Q. 135. Then perhaps you remember nothing of Greek roots?

A. After the lapse of so many years, what I recollect of Greek is very little, not having had occasion to practice it.

Q. 136. Do you remember any public exhibitions or annual celebrations in the University; if so, what were they?

A. I do not remember any such exhibitions in the University.

Q. 137. Were there no ceremonies at the opening or the close of the annual course; if so, what were they?

A. I do not remember to have witnessed any ceremonies of that description.

Q. 138. Did the Professors reside within the limits of the University, or at private houses outside of it?

A. I think that some of them did reside in private residences within the limits of the University.

Q. 139. Where did you reside?

A. In a private gentleman's house, to whom I had been recommended, Mr. John Sandyman; I had been recommended to him by his relation, Mr. George Sandyman, of London.

Q. 140. I have omitted to ask you whether there was not more than one Professor of Greek in the University, and various assistant instructors?

A. I knew but one Professor and no assistant instructors in the University; but out of it those who desired and could afford it might have private tutors to assist them in preparing their lessons for the class.

Q. 141. Did you remain more than the eight years you have spoken of in Great Britain?

A. I think I was there about nine years altogether, counting from the time of my arrival in London at the age of about eight years.

Q. 142. Do you remember any very remarkable event of a public nature which happened during that time?

A. It was the memorable epoch of Napoleon the First's campaigns.

Q. 143. Which campaigns?

A. In Europe, which terminated in the battle of Waterloo.

Q. 144. You refer generally to the campaigns of Napoleon, and not to any particular campaign during the nine years you were in England?

A. Yes, sir, I refer to them generally; because our knowledge of them at school at the time they occurred was very slight and limited.

Q. 145. Where were you at the time you heard of the battle of Waterloo?

A. I do not recollect.

Q. 146. Were you not at the University?

A. I do not recollect.

Q. 147. Were you not at the University some time during that year, or were you at Old Hall Green?

A. I do not recollect.

Q. 148. Is your memory of dates sufficient to enable you to say in what year that battle was fought?

A. Even in that I would not affirm anything.

Q. 149. Why would you not affirm the year in which the battle of Waterloo was fought?

A. Because, as I have said more than once already, I cannot trust to my memory.

Q. 150. Is it possible that you dare not affirm the year, month, and day, of the battle of Waterloo?

A. Such is really and positively the case.

Q. 151. Would you not feel absolutely safe in saying it was in the year 1815?

A. Were you to affirm it, or with an historical work before me, I would not hesitate to say so?

Q. 152. Can you not further say, without the aid of my affirmation, or reference to any historical work, that it was in the month of June of that year?

A. Of myself I would not affirm it.

Q. 153. Would you not affirm it with absolute confidence?

A. I certainly could not.

Q. 154. Could you not further, with all certainty, affirm that it was on the 18th June?

A. Of myself, I say again, that I certainly would not affirm it.

Q. 155. I understand you then, upon my affirmation, or with an historical work before you, you would venture to affirm that the battle of Waterloo took place on the 18th of June, 1815, but that otherwise you would not?

A. Such is the case.

Q. 156. In regard to dates, then, your memory is about as bad upon the greatest political events, as the most trivial matters of your private history; that you cannot trust it for dates in the one instance more than in the other?

A. It is so, most undoubtedly; and I should have reason to consider myself happy, did that faculty of memory exist only with regard to dates. Among a thousand things that may have made an equal impression on my mind, more or less, I may and do at times recollect a few here and there, but it generally requires the strong action of some new impression connected with that one that may contribute to refresh my ideas, and give them the strength almost of a very late impression.

Q. 157. Is your memory about as bad as to persons' names, and events, as it is with respect to dates?

A. I have already said that my memory is bad in general; though I have also stated that, with some exceptions—and these exceptions may not in every case happen of their own accord as it were, but produced by casual occurrences, or new impressions received on the mind. My general rule however is, when I wish to speak positively of anything, to recur to the fountain, and then and thus, with the positive assurance acquired by that means, I consider that I may safely speak out, assert, affirm, or insist on what I may say; otherwise, knowing the frailty of my memory and the facility with which, even in the best regulated minds, a mistake or even an error may creep in, I speak without confidence, and never dare to affirm. This is the truth of the matter.

Q. 158. My question is very plain and direct. I ask you whether you can distinguish any less degree of infirmity of your memory, in respect of the other particulars which I have suggested, than in respect of dates?

A. I think my answer has been equally clear and simple, to wit: that my memory is bad in general, though with some exceptions; and I have thought it an act of justice to myself, as I willingly admit the infirmity of my memory, to state, as I have done, what those exceptions are—in what they consist.

Q. 159. Having made whatever general statements you like, please answer, in one word if you can, whether your memory is any less bad as to persons' names and events, than it is as to dates?

A. It is as bad generally, not always. I cannot find fewer words.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

SAN FRANCISCO, CAL., September 9, 1859.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph and Mr. Sloan for the United States.

Q. 159. Since the adjournment on yesterday, I presume you have refreshed your memory by reading or conversation on the subject of the University of Glasgow, and the battle of Waterloo. Is it not so?

A. I must confess that I have really not thought anything more about it.

Q. 160. What was the business of Mr. Sandyman in Glasgow?

A. He was in the commercial line, though I do not precisely know in what branch.

Q. 161. If you had been a clerk in his employ, and not a student, might you not have learned as much about the University of Glasgow as that the boys wore red gowns and one of the officers was called the Principal?

A. It is very possible.

Q. 162. During the two years you were a student, do you remember taking part in any election in the University?

A. No.

Q. 163. Was there or not an election held in the University every year?

A. I do not recollect whether there was or not.

Q. 164. Was there not an officer called a Rector elected every year in the University?

A. I do not recollect.

Q. 165. Did you ever hear of any division of the students into certain classifications for a certain purpose; and if so, what were those classifications, and what was the purpose?

A. I have no recollection of anything relative to that matter.

Q. 166. I have before me a book called "Reese's Encyclopœdia." Under the head of "Glasgow," I find that an officer called the "Lord Rector" is chosen every year for the University, and that "the Professor and students when assembled for the election of a Rector or any other general purpose, are divided into four nations, according to the places of their respective births, viz: the Glotiani comprehending the natives of Clydesdale and the adjacent districts of Scotland, south of the Forth; Trans Forthani, the natives of Scotland on the north of the Forth; Rothsani, the natives of the West Islands of Scotland, and of Ireland; Londoniani, those of the eastern districts of Scotland, of England, America, and the Colonies. The votes of these nations are decided by a majority, and the majority of nations decides the question; in cases of parity, the decision is in the

Regent." During the two years that you were a student in the University of Glasgow, do you recollect to have seen nothing of these assemblies which met annually for the purpose of this election, and which were divided and conducted their proceedings in so remarkable a manner?

[Question objected to on the ground that it has already been answered, and that it is a useless incumbrance of this record to fill it with extracts of Cyclopœdias accessible to all persons desirous of information on the subject.]

A. I do not recollect anything about it, because, as I had to reside but a limited time in Glasgow, and with the exclusive object of attending the Greek and Logic classes, I took no interest in any other concern, private or public; and of course, not having paid attention to any other, I could not have acquired any knowledge of it, and consequently it could leave no impression on my memory. I think I stated yesterday that I found the studies I was engaged in quite enough of themselves to occupy the whole of my attention.

Q. 167. I find your want of recollection of the year in which the battle of Waterloo occurred, so remarkable in a man of your experience in public affairs, that I wish to test your memory further by a reference to that subject, and will ask you who were the parties in that engagement, and the names of the celebrated men who figured on either side?

[Objected to as irrelevant.]

A. From what I stated yesterday, it may be deduced as a natural consequence, that I have not been in the habit of committing to memory the precise times, dates, etc., of events, however memorable, that I read and study for general information. I endeavor to acquire by that means as much as I may be capable of, but without ever considering that it will add anything to that mass of information, whatever it may be, to recollect names, dates, epochs, etc., or that it will deduct from it, by the mere circumstance of not having engraven them on my mind, not ever having had that object in view.

With respect to the question; so much has been said, and is said, about Wellington, Napoleon, and Blucher, that these three names may be cited—and I say the same with respect to their respective forces. Still, let me be allowed to add that I might have forgotten one or more of these names, as my object is to acquire instruction that can be drawn from such public and memorable events, and this is the principal, and I might say exclusive, object of my attention.

Q. 168. If you would like to go into any further particulars in answer to the question asked, you are at liberty to do so.

A. Nothing further occurs to me at the moment.

Q. 169. When you left Great Britain, where did you go to?

A. I went to Spain.

Q. 170. What did you do there?

A. I spent something like two years at the Seminary of Vergara, for the purpose of studying mathematics.

Q. 171. Have you any better recollection of that school than of the other three, concerning which you have testified; and, if yea, answer as fully as you can with reference to the former questions, which I need not repeat?

A. I did not live, like the greater part of the students, inside of the establishment, but out of it, in a private gentleman's house: consequently, I can't say much as to its interior organization; however, I know that it had a Director, so called, Professors of Mathematics for the three years which the study of that branch usually occupied, a Professor of Spanish literature, one of English, and one or more private tutors in music. Two of the Professors were named Azcarate, the others had Biscayan names, which I cannot now recall. Enciso Castillon was the Professor of Spanish literature. I know there was a Professor of Latin, but am not sure whether it was the same Castillon or not I remember nothing as to the administration or discipline of the institution, for I did not live inside of it.

Q. 172. You spent the 18th and 19th years of your age there, did you not?

A. About those years.

Q. 176. Could not your memory serve you to give an exact and detailed account of all that concerned that institution during those two years, such as I yesterday suggested by my inquiries as to other institutions?

A. I may do so with respect to the authors we studied and the mode of instruction.

The author was La Croix's Course of Mathematics. The lesson was generally given from one day to another, sometimes with a short prefatory explanation on the part of the master, when he deemed it necessary or convenient on account of the difficulty, and in other cases leaving it entirely to our own efforts.

At the close of each scholastic year we had a public examination, which all persons were at liberty to attend.

Q. 174. What branches of mathematics were embraced in that course?

A. Arithmetic, algebra, geometry, application of algebra to geometry, descriptive geometry, trigonometry—plane and spherical, conic sections, fluxions and elements of physical science, mechanics, etc.

La Croix's work, I must observe, only served as a text-book for us to the end of descriptive geometry, I think, but I am not sure; after which the professors made use of either the work of Saint Cyr, Franqueur, or some other, that being optional with him.

Q. 175. Did you commence your mathematical studies at that school?

A. I had merely studied arithmetic before.

Q. 176. Did you go through the whole of the course you have described?

A. Not through the whole, as I was only two years at the seminary, and studied, I think, as far as conic sections.

Q. 177. In what part of Spain is Vergara?

A. In Biscay.

Q. 178. In what years were you there?

A. I think it must have been from some time in '19, to sometime in '21.

Q. 179. What was your father's employment?

A. He had been a merchant for many years, first in Cadiz, and afterwards in Vera Cruz. He was at the same time a militia-man, which in ordinary times did not oblige him to any military service. When the war of the Mexican Revolution broke out, he was obliged to enter into military service, in which he continued until about the years '20 or '21, if I recollect aright, and then retired, with the rank of Brigadier-General, to Spain.

Q. 180. What was his name, and that of your mother; how came you to be sent to London, and with whom did you go?

A. His name was Joaquin de Castillo y Bustamente; my mother's name was Anna Josefa Gutierres de Lanzas. I was sent as far as Spain with an uncle of mine, and from there to London, recommended to Mr. George Sandyman, of whom I spoke yesterday.

Q. 181. Who was your guardian in England?

A. The said gentleman.

Q. 182. After completing your studies in Vergara, where did you go then?

A. I staid a few months with an uncle of mine at Santander, and then went to join my father and family, who had arrived about that time in the port of St. Mary, opposite to Cadiz, and with them I went to Madrid.

Q. 183. When did you return to Mexico?

A. Some time in 1822, I think it was.

Q. 184. What did you do there?

A. I had been offered by Gen. Yturbide an appointment in the Mexican Legation to London. He fell, and that Legation did not go. Next, I was offered an appointment of Secretary of Legation to the United States; this occurred between the years 1822 and 1823. This second appointment had no result either, for the Legation did not go. The Minister was to have been Don Juan Manuel Elizaldi. He is still living.

Q. 185. Who was the President at that time?

A. There was none.

Q. 186. In what year, and by whom was Elizaldi to have been sent Minister to the United States, and by whom?

A. I have said already, between 1822 and 1823. He was to have been sent by the Administration which came into power when Gen. Yturbide left the country.

Q. 187. What administration was that, and where did Gen. Yturbide go?

A. Gen. Yturbide went to Leghorn, in Italy. The head of the administration was a triumvirate, composed, I think, of Generals Michelina, Bravo, and a general who was recently shot here on the coast, but whose name escapes me—it was Guerrero. The leading man of the administration was the first I have mentioned.

Q. 188. In what year did Yturbide leave for Leghorn?

A. I think it was in 1823.

Q. 189. Do you remember when he returned?

A. I believe in the following year.

Q. 190. Do you recollect anything further about him?

A. He was taken on the coast of Tamaulipas, and shot at a place called Padilla.

Q. 191. Was the triumvirate you have spoken of still in power at that time?

A. I think not—but that Gen. Victoria had already become President.

Q. 192. Can you recall any other memorable event in Mexican history, of that year?

A. I think it was the year in which the Federal Constitution was established.

Q. 193. Why do you use the expression "I think?" Are you not absolutely certain whether it was or was not in that year?

A. Because, as I have said, I do not trust my memory in point of dates—as my principal endeavor is, as I have also stated, to gain a knowledge of the principal events.

Q. 194. Is it possible that you feel the slightest necessity of prudence or caution in trusting your memory as to the date as to which I have last inquired?

A. I must confess frankly that in this case, as in all similar cases, I do really mistrust my memory, unless some events may have taken place that may have recalled it to my mind in as clear a manner as if it had but recently happened.

Q. 195. Did you ever study a profession?

A. No, sir.

Q. 196. What had been Yturbide's profession in Mexico?

A. He was the Liberator of the country, and had been proclaimed Emperor in Mexico.

Q. 197. Can you not remember with absolute certainty, and be able to swear to the year in which, on the downfall of the Emperor, the Republic was established in Mexico?

A. Although I am almost positively sure that it was some time in 1824, October, I think, I would not venture to swear it at this moment.

Q. 195. Would you not, as a public man, feel more confidence in swearing to the day, month and year, of that event, even than to that of your own personal marriage?

A. I cannot say that I would, unprepared for the occasion.

Q. 196. What was your next employment, and when?

A. I had no particular employment until I commenced public life two years after that, *i. e.* in 1826, in Vera Cruz, as Secretary and Interpreter of the "Commandancia General de Marina." A short time afterwards I received the appointment of Oficial Segundo of the Ministerio Politico de Marina, and was called up to Mexico by order of the Minister of War, in whose office I acted as Gefe de la Seccion Central y de Reserva, until I think the commencement of 1828, when I again continued my services in the Naval Department until about 1833, when I went up to Mexico as Secretary to Gen. Pedraza; during his Presidency in the same year I went to the United States as Chargé d'Affaires, and returned to Mexico in 1837, where I was employed a short time in the Ministerio de la Guerra, and then again in the Naval Department of Vera Cruz, where I was appointed Prefect of said District, either in 1840 or 1841. I held this office about two years, when I again returned to the Naval Department. I remained there until about the end of the fall of 1845, when I returned to the Capital as member of Congress for the Department of Vera Cruz. The following year I was appointed Minister of Foreign Affairs and of the Interior, as the two Ministries at that time formed but one.

Q. 197. Please give me the precise title of that office when you held it.

A. I think it was Ministerio de Relaciones Exteriores y Gobernacion, but as titles are apt to change, and neither add to or take away from the substance, I don't pay much attention to them.

Q. 198. Are you not as certain of the title and style of that

Ministry at the time you held it in 1846, and as it appears in Mexican decrees and other official documents, as you are now of your own name;—what was it?

A. That I never could be, and I must again state that I think the title was the one I have mentioned; that I knew I was Minister for Foreign Affairs and for the Interior; that I was sometimes even officially entitled "Ministro de Relaciones," at other times "Ministro de Relaciones Exteriores," and at others again, "Ministro de Relaciones Exteriores y Gobernacion," consequently I thought it beneath my notice to pay attention to the precise words on the seal, leaving the charge of that, as I think in duty it should be left, to the Oficial Mayor, or to him and the Cancelleria together, who have charge of the seals; as a matter of theirs, they took care that it should be properly arranged. But it appeared to me that trusting, as he should, to said officials, the Minister, who had things of importance to attend to, should not give any part of his attention to these mere matters of form. The title was, as I have already stated, Ministro de Relaciones Exteriores y Gobernaciones. Sometimes it was called Secretaria, which has the same meaning in Spanish in that connection.

Q. 199. Under what constitution or organic law was Mexico governed in 1846?

A. It can't be said that there was any Constitution, since the new administration that came into power almost at the commencement of the year, was to convoke a Convention for the purpose of framing a new Constitution.

Q. 200. Why could there not be said to be any Constitution?

A. Because all the States of the Republic were, in consequence of the revolution which had taken place, in a state of confusion; so that, thanks to the great efforts made on the part of the administration, they were brought together into some order just a little before the time that the Congress, charged with the admission of a new Constitution, assembled.

Q. 201. Was not that administration conducted under some "plan," if so, what?

A. Yes, sir; under the plan known as that of San Luis Potosí: that having been the place where the pronunciamiento occurred, and by some farther articles agreed upon in an assembly of "notables" in the capital.

Q. 202. Did that "plan" make any change in the Constitution of the country, or on the contrary did it not recognize all the laws in force, including the organic law, whatever it was?

A. Those laws were of themselves subsistent in so far as they could be brought to act in that state of circumstances, since there were no others for the time being to substitute. But whether it was expressly agreed, enacted or ordered that it should be so, I do not recollect.

Q. 203. Of course you have read the Plan of San Luis Potosí, and the additional articles?

A. I read them at that time merely as a passing event, as they could have no other character; and waiting for the result, which was the really important part, and to which I had to contribute as a member of the cabinet, I employed all my efforts to bring about that result, putting aside altogether those provisional articles.

Q. 204. What result do you mean?

A. The meeting of the new Congress, with the object of forming a Constitution such as would correspond with the true interests and the peculiar circumstances of the Republic—a result vitally important in itself, and in which all those who had at heart the wellfare of their country appeared to take a most lively interest.

Q. 205. What organic law did the Plan of San Luis Potosí find, and leave subsisting; how was it known; and of what date was it?

A. I cannot say which it found subsistent, the changes have been so frequent; but it left none.

Q. 206. I mean what was the constitution or organic law of Mexico at the time of the pronunciamiento of San Luis Potosí?

A. I answer, without confidence, that I think it was the constitution known under the name of "Bases Organicas."

Q. 207. What was the next before that, and so on successively with every change, back to the Constitution of 1824?

A. That is a question which, as I indicated before, I could not answer in proper order, on account of the frequency of the changes, although these changes may have consisted merely in the substitution of one constitution for another; that is to say, the Federal for the Central, or *vice versa*.

Q. 208. Had there been up to 1846 so many as a half-dozen different constitutions, with different dates and names, although revolutions with changes of places and persons may have been more numerous?

A. Of Constitutions I know of but two, which up to that time had existed in all their force. These were the Federal, and that of the Bases Organicas I have just mentioned. I cannot speak of course of the years during which I was out of the Republic, viz: from 1833 to 1837.

Q. 209. Of what date were the Bases Organicas to which you have referred?

A. I think some time in the year 1840 or 1841.

Q. 210. From 1840 or 1841 up to 1846, do you know of but one Organic Law, Basis, or Constitution, or by whatever name the establishment of the Government might be known?

A. There was one, but I do not recollect the name.

Q. 211. Can you recollect no other Constitution, Constitutional Basis, Organic Basis or other written form of government between 1846 and 1824? If so, give its style and date.

A. None, unless it be the plan of Tacubaya, somewhere about 1844.

Q. 212. What became of the Federal Constitution of 1824?

A. Whenever any new Constitution was substituted, the Federal one no longer subsisted. It has subsisted several times and ceased as often. But I never kept a record of these things.

Q. 213. In the intervals between the ins and outs of the Federal Constitution, what was the form of government?

A. It was always some other Constitution of the central form—since in Mexico the Constitution has always been of one character or the other.

Q. 214. My question is in effect, and please so answer it now; who overthrew the Federal Constitution of 1824; in what year; was any written form of government substituted in its place; if yea, what was it, and the title by which it was known?

A. The Federal Constitution was overthrown by the pronunciamiento of Jalapa, under General Anastasio Bustamente, some time in 1828 or 1829—I rather think the last year, and a central form of government was established, the precise title of which I do not recollect.

Q. 215. How long did the government set up by Anastasio Bustamente last, in the same form?

A. Until the latter end of 1832.

Q. 216. Then, what?

A. Then came the short administration of General Pedraza, under a Federal Constitution.

Q. 217. How long did the Federal Constitution of 1832 last, and what succeeded it?

A. I did not return from the United States to Mexico until the latter end of 1837, and then I found a central form of government established, and the same Gen. Bustamente President.

Q. 218. Do you not know what occurred in Mexico during your absence in those years?

A. I know there were some revolutions in that time, commencing with the one known under the title of "Religion y Fueros." But having been absent from the Republic, I cannot state the particulars of that or any other.

Q. 219. Were you not absent in the official employment of the Government?

A. I was.

Q. 220. Were you not then precisely informed of every change in the government as fully as if you had been present in the country?

A. Not by any means as fully, but only substantially, and even that not always in regular course.

Q. 221. Please give me the names in succession of all the Presidents of Mexico up to 1846?

A. I must say that is a task superior to my poor abilities, as there have been many, and some after very short intervals who could not excite the least interest in their permanency, and of whom I scarcely think that any Mexican keeps a clear recollection.

Q. 222. Please mention the names of all you remember, beginning with the first?

A. I shall mention them without any attention to order. Generals Victoria, Santa Anna, Bustamente, Barragan, Pedraza. There are three more whom I have in my mind, whose names I can't recollect. José Justo Corro, Gomez Farias; these are all I recollect at present.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers, Clerk.

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September 10.—Examination resumed.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 223. As a Minister abroad, and also in the cabinet of Mexico, I take it for granted that you have paid much attention to general history, and particularly to the history of your own times and your own country; is it not so?

A. As a matter of general instruction I have, and no further.

Q. 224. Have you not found it necessary, not only as a matter of general instruction, or branch of a liberal education, but as a necessary and special sort of instruction and of daily practical use in the discharge of your duties?

A. I have not.

Q. 225. Do you not regard the study of general history, and more particularly the study of the current history of a man's own country, as the peculiar and indispensable study of a Cabinet Minister or a diplomatist?

A. Undoubtedly, sir, in the manner in which I have said.

Q. 226. As this answer seems somewhat inconsistent with your last answer, please state what you mean more precisely?

A. As a matter of general information respecting the most important events.

Q. 227. Is that all? Must not a diplomatist or Cabinet Minister study history professionally, to use the expression, as a lawyer studies law, a doctor medicine, a miner mineralogy, etc.?

A. It appears to me very doubtful whether any such necessity exists in any person who does not pretend to be a professor of history, and certainly not in any person who may be a Minister of State to-day, a diplomatic Minister to-morrow—on each occasion for a short period, and not as an adopted and constant career. General information will suffice, I have always thought, for the discharge of his duties; and should he at any time find himself under the necessity of individualizing subjects in any manner at all, he can always have at hand the ready means of doing so, as far as the occasion may require. This I can say from my own proper experience.

Q. 228. Do you not think that a man who has been all his life in public employment, as you say that you have been—twice in diplomatic service abroad, and twice prime minister at home, should at least be able to remember the changes which have taken place in the form of his own government during twenty-two of the best years of his own life, and be able, without difficulty, to mention in their order the names of all those who have attained the chief magistracy of his country, even if those changes had been as often as twice a year?

A. I cannot say that I do see any such necessity.

Q. 229. How was the name of that Ministry, which you held in 1846, given and established?

A. The office was established from the commencement of our independence. Its particular title, such as it was in 1846, I cannot say from what time it dated, nor how it was given.

Q. 230. If you were about to seek information, in order to give a perfectly accurate answer to my last question, where would you look for it?

A. In some historical work that may be found in California, and should it not be there, nor in the archives of the Mexican Government or consulates, I should have to seek information elsewhere. But in the discharge of a diplomatic or any such post, it would very rarely be found, if ever, that a person has not at command the data he may require, even in such very trivial matters as the title of an office.

Q. 231. For example, to what historical work would you possibly refer to inform yourself of the origin of the title of the ministry which you yourself held in 1846: I mean, by what authority was conferred the title which it bore at that precise time?

A. I might refer to any of those which have been written of late years, though I cannot quote the titles, or to the collection of decrees which have been published, and which exist in California.

Q. 232. Before going to histories, why would you not just refer to the Constitution or organic laws of Mexico, and why did you not mention decrees before you spoke of histories?

A. Because it did not occur to me, as the decrees did not at first occur to me, in which it would be as likely to be found as anywhere else. But of course, in some historical works, mention is made, if I do not mistake, of the establishment of that office, and furthermore, if I do not mistake, it is likewise stated that the First Secretario del Despacho, or Minister of that branch, was the Doctor José Manuel de Herrera.

Q. 233. At what period was that?

A. At the very commencement of our national government, immediately after Gen. Yturbide had got into power.

Q. 234. What historical work do you refer to for that fact?

A. I have already stated that I cannot remember the titles of these historical works. I have seen it so stated somewhere, but in what work I cannot say—I think it was in one of these works—I read them and throw them aside, and think no more about them.

Q. 234*a*. In California we have a great many offices. If you should ask a public man in this State where you should look to find the origin of the title of each of those offices, and the precise words in which it should be expressed, he would tell you at once to look to the Constitution and the Statutes of the State. Why is it, when I asked you that question as to an office which you yourself had held, that you did not answer promptly in the same manner?

A. In California, what has been once established, has remained so. It is a new State. Mexico is not an old nation (speaking of it since the time of its independence), but during the years it has existed hitherto, revolutions have been frequent. The changes they have brought with them have been so likewise, and things which are positively and generally known here, require some forethought and memory there.

Speaking with reference to the title of this office, I really should think, as I intimated yesterday, that it should be beneath my notice to give any part of my attention to the mere wording of the title of the office itself, more especially, as all that belongs or pertains to that particular thing is attended to by persons whose particular duty it is.

Q. 235. Still, could anything have been more easy and natural, than for a man of your great opportunities to say at once, "Look for it in some of the various constitutions or decrees of

Mexico," without talking of histories, archives, consulates, etc.?

A. As such things may be found in such places, that is the reason why I spoke of them, and because they were the first that occurred to my mind.

Q. 236. You cannot tell me in what constitution or decree the title, in 1846, of that Ministry is to be found?

A. I certainly cannot, as it is a matter that never occupied my attention half a minute.

Q. 237. You say there is a general collection of Mexican decrees; are you at all familiar with it; by what name is it known?

A. There are two collections that I know of, entitled, I think, "Coleccion de Leyes y Decretos,"—one of them by a Mr. Arrillaga, and the other by a Mr. Navarro—and I have taken up and consulted volumes of these when necessity required.

Q. 238. You have done so recently, in this city, have you not?

A. I have.

Q. 238*b*. In your answer to question 198, speaking of the Ministry which you held in 1846, you said, "the title was, as I have already stated, Ministerio de Relaciones Exteriores y Gobernacion; sometimes it was called Secretaria, which has the same meaning in Spanish in that connection." In this you seem to say, that the title of that Ministry was, indifferently, "Ministerio," or "Secretaria." Is that your meaning?

A. My meaning is, that by Ministerio de Relaciones is understood exactly the same as by Secretaria de Relaciones. Just the same as with respect to the principal Oficial in that office, the same is understood by Ministro de Relaciones, as by Secretario de Relaciones. All this is in common parlance. Rigorously, although it is a form very seldom observed, all the Ministers of the government should be called "Secretario del Estado y del Despacho de Relaciones," "Hacienda," or whatever the branch he might preside over.

Q. 239. Where will I find this more rigorous use of the words "Secretario," etc., instead of "Ministro," etc.?

A. I don't know that it could be found anywhere, except in any one of the official communications that bear those titles; and here in California, it might be found in copies or transcriptions of that class of communications to the Government. I take it for granted, though I cannot affirm it, that the origin of this title (which appears to be the most correct), must be found in the law or decree that served to establish the office itself, although for the sake of brevity, some part may be usually omitted.

Q. 240. It is of that law or decree that I have been inquiring all this morning; can you now speak more confidently of it than in your former answers?

A. I do not recollect to have ever seen it; otherwise, I might with confidence have said that the title of the Secretarios del Despacho was to be found in it.

Q. 241. I have been mistaken, then, in supposing that a "Secretaria" and a "Ministerio" were not the same thing; but that in each "Ministerio" there was a "Secretaria?"

A. I think that is the very reverse of what I have stated. I have said, referring to the branch of Relaciones, that it was indiscriminately called Secretaria or Ministerio, both signifying the same thing, and that in the same manner, the Minister himself is indiscriminately called "Ministro" or "Secretario" de Relaciones.

Q. 242. In 1846, when you were Minister, what was the organization of that Ministerio?

A. It was divided into different sections—each of them with a "gefe" and subordinate clerks. To one of these was committed all that appertained to Europe—to another all that appertained to America; then there was the Cancilleria for passports, certificates, &c.; and one particular official whose duty it was to take a note of all communications received, and to distribute them to the respective sections, as soon as the "acuerdo" or resolution of the Government was noted upon them. This same official would likewise write the official communications that might be received from the authorities or other persons within the city itself. Then, as the dispatch of interior affairs was annexed to the same Ministerio, there was another section for this special branch. Of course there was an Oficial Mayor, who acts as an under Secretary of State.

Q. 243. Please give me the "Planta" or list of the titles of all the employments in that Ministry, when you were at its head in 1846?

A. That I could not say from memory, because no Secretary of State enters into those details, except when some particular reform or change is called for—and even then he only takes cognizance of the matter for the particular purpose for which his attention is called to it; but never with the object of retaining in his memory the precise number of the empleados. It is with the Oficial Mayor that the Minister has to do, and it is by him that he communicates his order to the other subordinates in the office, without ever needing even to enter their departments, unless he willingly desires.

Q. 243. The question is as if I should ask the Judge the list of employments connected with this Court; or as if I should ask the Collector of Customs for a schedule of the subordinate employments in the Custom House. If you cannot mention all the persons connected with the office in 1846, please mention as many as you can now recall?

A. I will do so with pleasure; my former mistake proceeded from the term planta having been used in the question—the technical meaning of which in the Ministerio is, the list of empleados and their respective salaries.

Now that I understand the question properly, I will in reply state that the Ministerio de Relaciones y Gobernacion had, in 1846, the appointment of Diplomatic Ministers — Chargés d'Affaires, Consuls, Vice-Consuls, &c.; and that of Governors of States or Departments.

Q. 244. You mistake my meaning much more than before; I asked you to give a list of the subordinate employments, or officers, in the Ministry in 1846?

A. The first subordinate to the Secretary of State was the Oficial Mayor Primero, then the Oficial Mayor Segundo, then Oficial Segundo Primero and Oficial Segundo Segundo, then Oficiales Tercero, Cuarto, Quinto, etc., as many as the Governor chose to name Escribientes, Meritorios, Porteros, and one or more Mozos de Oficios.

Q. 255. Was not the number Oficiales limited by law?

A. Although the "Plantas" originally, from what I have learnt from these Oficiales themselves, had a particular number of officials assigned, the government might, and did, increase or diminish that number, according to the business to be transacted, or for other reasons.

An alteration of this kind took place, diminishing for economy's sake their number, when I was in the Ministerio de Relaciones the second time, viz: in 1858.

Q. 256. As Mexico is a government of laws, why do you say you obtained information of Oficiales as to the organization of your Ministry in 1846?

A. Their information referred merely to the very subordinate officials, who might either be increased or diminished in their number in one or more, according to what might be thought needed, according to the amount of business to be transacted. It probably may have been left by law to the option of the Minister, or it may have been done in virtue of extraordinary faculties with which our Presidents have so frequently been invested. But the principal officials are fixed in their number and classification.

Q. 257. Do you not know that that Ministry was regulated at that time in all its appointments by law, just as this Court is, or the Custom House, in this city?

A. Yes, it was so. But had the President considered it necessary at that time, by the advice of the Minister, to add one or more officials of the last class, because they were found necessary for the transaction of business, I really don't think he would have incurred any responsibility by so doing—as in such a case it would not be considered as done as a personal service.

Q. 258. Was Mexico divided into States or Departments in 1846, when you were Secretary?

A. It was divided into Departments.

Q. 259. What Governors did you appoint?

A. Some remained of those who filled that situation at the commencement of the administration. But in some departments, as in that of Vera Cruz and Mexico itself, which are the only two I recollect at the present moment, it became necessary to make new appointments.

Q. 260. Whom did you appoint?

A. In Vera Cruz, Mr. Sebastian Camacho. In Mexico, I appointed a gentleman whose name is very familiar to me, but which I cannot recollect at the present moment. He is at this time Counsellor of State.

Q. 261. Did you appoint no others?

A. I think there were others, but cannot recollect for what particular departments.

Q. 262. When in 1846 did you enter the Cabinet?

A. In January, and I think on the 7th.

Q. 263. Who composed that administration?

A. The President was Gen. Mariano Paredes. The Cabinet was composed, first, of Bishop Becerra, Minister of Justice; Mr. Luis Parres, Minister of Hacienda; Gen. Almonte, Minister of War; and myself in the Relaciones. Some time after General Almonte was succeeded by Gen. Tornel; Bishop Becerra, by his own under Secretary or special Mayor, acting as Minister without a title; and Mr. Parres was succeeded by Mr. M. E. Gorostiza, by myself for a few days, and Mr. Francisco Iturbe. Gen. Almonte left the Ministry; I don't exactly recollect the precise date, but a very few months after his entrance into it. Mr. Iturbe and the Oficial Mayor of Justice commenced towards the latter end of the administration—Mr. Iturbe, I think about the beginning of May, and the other gentleman about the beginning of July.

Q. 264. How long did this administration last, and by whom was it succeeded?

A. It lasted until the latter end of July, the 25th, I think, and was succeeded by Gen. Bravo.

Q. 265. How long did he hold the Presidency, and who succeeded him?

A. He held it but a few days, until the first week, I think, of August; he was succeeded by the general who had commanded the army in the city of Mexico—I have forgotten his name at this moment—who was to remain in office until the arrival of Gen. Santa Anna, in whose favor he had pronounced. Gen. Salas was the name—Mariano Salas.

Q. 266. Do you remember any of those who composed Salas' cabinet, and state anything you may remember about the form of his government?

A. I do not remember who composed his cabinet during the short time that he retained power. As I had then to withdraw for some time from public life, I do not know that any form of government was established until the arrival of Santa Anna, when the Federation was proclaimed again.

Q. 267. About what time did that happen?

A. About the beginning of 1847, I think, although I cannot fix the date precisely.

Q. 268. Then it is your impression that Salas did not immediately proclaim the Federation in August.

A. He may have done so; but as I retired, as I before stated, into private life, without taking any part in politics, the impression those passing events made on my mind was not such as to enable me to recollect them clearly now. Still, from what I do recollect, I think the Federation was not reëstablished until the arrival of Gen. Santa Anna in the beginning of '47.

Q. 269. Mention again the full name of Gen. Paredes, as it appears in proclamations, decrees, &c.

A. I am sorry I am generally so careless in all that respects full names, titles, &c., and particularly with respect to General Paredes in the present case, as to be seldom able to state full names even of persons with whom I have been well acquainted for years. Still, I think I may venture to state, though not confidently for the reasons I have given, that his full name was José Mariano Paredes.

Q. 270. Was it not Paredes y Arrillaga, just as your name as you write it is not Castillo, but Castillo y Lanzas.

A. It is very true that his name was Paredes y Arrillaga, but I beg leave to state that as there could be no mistake about his name, he was always called Gen. Paredes and nothing more; whereas, in Mexico I have always been known myself by the two names,—Castillo Lanzas to distinguish me from other persons of the same name who are well known, such as Castillo Yberri, Castillo Portugal, and others.

Q. 271. You will observe that I did not ask you how he was called amongst the common people, but that I asked you as his Prime Minister (so called in the direct examination) what was his name as it appeared in all official papers, decrees, proclamations, &c. If you remembered anything about him how could you forget that?

A. That omission on my part can only be attributed to the want of a habit of committing to memory full names, and particularly from hearing his constantly called, even in official circles, Gen. Paredes. Still, were I to have seen his signature in any public document at that time without the second name, Arrillaga, I should undoubtedly have noticed immediately the omission.

Q. 273. I have no doubt that in official circles you may hear our President of that day spoken of as President Polk, but would you not regard it as a most astonishing circumstance if one of the members of his cabinet, on being twice asked what was his full name, should not be able to remember that it was James K. Polk?

A. I beg leave to state that there is scarcely a similarity between the two cases, because the addition of a J. K. in President Polk's name, merely corresponds to the christian name of Gen. Paredes, whilst President Polk has no second name; besides that, I had understood that the object was to inquire not only as to the christian, but as to second names. I would have mentioned it immediately, since nothing could be more familiar to me than the name Arrillaga, not only on account of its being Gen. Paredes' name, but also on account of his most worthy relative, the Licenciado Arrillaga, a particular friend of mine.

Q. 274. I wish you to have the benefit of whatever explanations you choose to make, but did I not ask you what was Paredes' name in full, as signed in official papers; and where is the want of similarity in the cases of the official signature of the American President—always James K. Polk, and of the Mexican President—always Paredes y Arrillaga?

A. I can really say nothing more on this matter than what I have said, without incurring repetitions.

Q. 275. Of whom was the administration composed that immediately preceded that of General Paredes?

A. Of General Herrera, though I cannot say who his Ministers were.

Q. 276. Can't you now say who preceded you in the Ministry of Relaciones?

A. No, sir, I cannot.

Q. 277. Let me understand then,—you say that you were Minister of Relations during about the first half of the year 1846, but you don't know who was your immediate predecessor in the same office, nor who was your immediate successor—as you have said you do not remember the names of the gentlemen composing the cabinet of Salas?

A. When I was called to the Ministry of Relaciones I had arrived but a few days before from Vera Cruz, where I had been some years, the last ones in the naval department, retired from everything connected with a public life; consequently I entered Mexico as a new scene. With respect to the Minister that succeeded me I can positively affirm who he was, and that he did not belong to the administration of General Salas. His name was J. J. Pesado, and the President then was General Bravo, as I think I stated before.

Q. 278. This arrangement lasted but a few days?

A. That is true. But it is no less so that Mr. Pesado was the Minister of Relaciones during those few days, and my successor in office.

Q. 279. Then it is also true that after that you know nothing?

A. Yes, for a time; that is, I recollect nothing; I knew things as far as it was necessary at the time.

Q. 280. Now that I mention it to you, don't you know that José Maria Lafragua was the Minister of Relaciones under Salas, during the greater part of the remainder of that year?

A. I had an idea that either he or Mr. Rejon, or both, had held that office in the course of that year, but not a distinct recollection of it.

Q. 281. Have you any reason to believe that your memory has suffered any great deterioration within a few years?

A. Not the least.

Q. 282. Do you not suppose it then a circumstance without a parallel, perhaps in the world, that a man who had been trained to public life should, in the full activity of all his faculties, have held a cabinet office like yours for several months in 1846, and not be able to remember now either who was his predecessor or his successor (not counting the few days of Pesado) in that office?

A. I find nothing extraordinary in that; had I had any interest in retaining in my memory circumstantially those events they would be fresh in my mind at this moment, but my interest at that moment was precisely the contrary; that is to say, to look upon the passing events, as I said before, in as far as I considered it necessary to do so; and to seclude myself from public life as my position then required of me, dedicating my attention to more quiet and perhaps more congenial labors.

Q. 283. Do you consider that I am wrong in supposing that men who reach such high positions and retain their memories would always be able, with scarcely the possibility of an exception, to remember, not only their immediate predecessors and successors, but those who had preceded, and who succeeded them through many years either way?

A. If the reasons I have stated be taken into consideration, I think that all that seems extraordinary in the case disappears—and that the thing is easily accounted for. I find myself under the necessity of giving a short explanation; I am sorry that it should be so personal. I have been for years in employments in Mexico under the Government, which have never made it necessary for me to take part in political affairs, consequently it is not by striving to make myself remarkable in these that I have attained to these high posts with which my government has been pleased to honor me. When I least expected, and had really no reason to expect it, I have found myself called to serve my country in them, and have endeavored to do so loyally and actively, but always preferring those other more quiet posts, for which I may say I consider myself better qualified, and in which not having any necessity for taking a part in that continuous storm of revolutions, I endeavored to fulfil my duty as a simple citizen, but not to follow the course of events with that peculiar attention which would ensure a future recollection of them. This will, I think, explain why there are periods, brief as they may be, of which I can speak, and others of which I cannot.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

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At a stated Term of the District Court of the United States, for the Northern District of California, held at the Court Room, in the City of San Francisco, on Monday, September 12th, A. D. 1859.

Present: The Hon OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
D. C., 420; L. C. 366.

The Court being unable further to continue the examination of the witness, J. M. Castillo y Lanzas, it is ordered, that it be and the same is hereby referred to W. H. Chevers, Esq., United States Commissioner, to proceed with and complete the examination of said witness.

San Francisco, Cal., Sept. 12th, 1859.

Cross examination of J. M. de Castillo y Lanzas, resumed before me, W. H. Chevers, United States Commissioner, as per foregoing order of Court.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 284. During the time that you were Mexican Minister of Relations, in 1846, how was the Administration of the government of the United States composed?

A. I do not recollect, further than that Mr. Polk was, I think, President at that time.

Q. 285. What was the name of the Cabinet Minister of the Government of the United States, who in that year had charge of foreign relations, and what was the title and style of his office?

A. The title was, I think, that of Secretary of State, but who the gentleman was that filled that situation at that time I do not recollect.

Q. 286. What was the chief and avowed object of the policy of the Government of Paredes?

A. To convoke a Congress, that might form a Constitution, such as the experience of past years might convince would be the most adequate, as I stated the other day, to the interests and peculiar circumstances of Mexico, and such as should contribute to restore and maintain, in future, order and interior tranquility, in the country. This I understood to be the principal object of the Administration, when I was called upon to enter the cabinet.

Q. 287. Was not the convoaction of the Congress, etc., rather a means than the object of the policy of Paredes. Was there not another great object of vastly more importance than all others, which had been avowed by Paredes as the principal ground and justification of his *pronunciamiento*, and what was it?

A. I suppose you refer to the defense of the territory in case of a foreign war.

Q. 288. Why do you say in case of a foreign war?

A. Because the general opinion in Mexico at that time was that such a thing might occur.

Q. 289. In the foreign relations of Mexico at the time, what was the most striking fact, and how was that fact regarded by the Administration of Paredes?

A. As far as I can recollect, the most striking fact seemed to be the state of relations between the Mexican Government and that of the United States, which could not be looked upon by Paredes, otherwise than with regret, as they did not appear to be altogether upon that firm, amicable footing, which should have been desired by both countries.

Q. 290. What I desire to know is, what constituted at that moment the most striking, conspicuous and significant fact in the relations of the two countries?

A. I could not venture to enter into further particulars upon this subject, without perhaps exposing myself to make some grievous mistake, in so delicate a matter as this is from its own nature.

Q. 291. What great political event, deeply affecting the relations between the two countries, then occupied the attention of your government?

A. I know of no other, at that period, but the annexation of Texas to the United States.

Q. 292. Can you tell me when that had taken place, and where the American army was in the begining of 1846?

A. I do not recollect either the precise date, nor where the American army was.

Q. 293. About what date?

A. Nor about what date either.

Q. 294. Can you not remember the name of the place, where the American army was then encamped, nor for about how long a time they had been there?

A. I cannot.

Q. 295. Was it not at a place called Corpus Cristi, on the Gulf of Mexico, between the Nueces and the Rio Grande, in the State of Texas; and did not the government of Paredes regard that region as belonging to Mexico, and the presence of the American army there as an invasion of Mexican territory and an act of war.

A. I must again beg leave to state, that I could not venture to enter upon these particulars, without exposing myself to commit some grievous mistakes.

Q. 296. I ask you as a Cabinet Minister of Mexico at that time, and specially charged with the foreign relations of your country, whether this was not the one great fact, which at that time engrossed the undivided attention of the Mexican Government, and that shaped and controlled its actions?

A. It is precisely on account of my having been at that time in the cabinet, that I should not venture to enter upon state affairs of such import, for fear of incurring some very great error; but on the other hand I think I may safely assert that the attention of the government was seriously occupied at the same time, in all that requires the future constitution of the country, and much desired reëstablishment of general order and tranquility in it.

Q. 297. As I desire to test the certainty and accuracy of your memory, of events which happened about the same time with those concerning the affairs of Andres Castillero, to which you have sworn on your direct examination, I must ask you what condition the relations between Mexico and the United States assumed in the months of April and May, 1846, and by what remarkable events those two months were distinguished?

A. I must be permitted to prelude one observation. Where my conscience is concerned, or the strict loyalty which is due on my part to my government at all times, and especially on those occasions in which I had the honor to be immediately connected with its administration, no consideration on earth, I trust, shall make me swerve from the fulfillment of my duty. Now, coming to the point in which two cases are presented, entirely dissimilar one to the other—as in the one, there is nothing which could ever give reason to any sort of reserve, and from its very nature of being so public and so simple, was at one time the subject of general conversation in Mexico, and also of general satisfaction, while the other had in it much of what appertains to serious state considerations, which cannot be divulged in the same manner what I have to say is, that in as far as the subject regarded the Ministry under my charge, the condition that the relations of the two governments assumed in thse stated months were certainly imposing in its character, and as foreboding a hostile termination.

Q. 298. I think that I understand you; but that there may be no possibility of misunderstanding by others who must read this deposition hereafter, I will ask you to be more explicit in stating what are the two cases to which you refer?

A. I refer to the state of the relations between the Government of Mexico and that of the United States, and to the case of Mr. Castillero.

Q. 299. I have asked you to say what was the condition of the relations between the United States and Mexico, as at that time of necessity infinitely more generally known and publicly talked of than anything concerning Andres Castillero or his affairs; I do not wish you to divulge any secrets of state, but to tell me what were the great historical events which marked the months of April and May, 1846; with that understanding please answer question 297.

A. As I before stated, the affairs, in as far as I was concerned as Minister of Relations, with reference to the United States, assumed a most serious condition; the events at that time were in part military, in part diplomatic; in all that related to the military part I had nothing absolutely to do with, as the Secretary of War received his orders directly from the President himself, consequently I can only speak of that portion which corresponded to the Ministry under my charge, and it is with reference to it precisely that I have said that the relations between the two countries at that period, assumed a condition of a very important character.

Q. 300. Why do you say that the relations between Mexico and the United States in the months of April and May, 1846, "were imposing in character and foreboding a hostile termination?"

A. Because, unfortunately, no arrangement appeared possible any longer between the two governments.

Q 301. By "foreboding" you mean that there was reason to apprehend that war would ensue, do you not?

A. That is exactly what I meant.

Q. 302. Where were the American and Mexican armies respectively, during the latter half of the month of April, 1846?

A. As I have already stated, I cannot confidently speak of anything appertaining to the War Department.

Q. 303. What remarkable event occurred somewhere about the 24th of April, 1846?

A. If the question refers to any particular military engagement, as I may suppose from the natural order of ideas in proceeding from one question to the other, I must again repeat, that I cannot say anything about it, for the reason that I have already stated.

Q. 304 What other remarkable events occurred between the time to which I have just referred, and the middle of the month of May, 1846?

A. If you refer to military events I cannot say.

Q. 305. If, on or about the middle of the month of April, 1846, the Mexican army was encamped at Matamoras, and the American army on the opposite side of the river;

If, on or about the 24th April, 1846, a portion of the Mexican army crossed the Rio Grande, attacked, defeated and captured a portion of the American troops;

If, on the 8th May, 1846, a general engagement occurred between the American and Mexican armies, in which the latter were defeated, or at least retired;

If, on the 9th May, 1846, another general engagement occurred between the two armies, in which the Mexican army were routed and dispersed;

And if, immediately thereafter, the American army crossed the Rio Grande and occupied the city of Matamoras;

How is it that you, who were at that moment Secretary of Foreign Relations of the Mexican Government, should, when now asked what were the relations between your Government and that of the United States, answer only, that they "were imposing, and foreboding a hostile termination"?

How is it that you could not distinctly remember that actual war, with the most disastrous results to Mexico, was then raging?

A. It had not escaped my memory that these hostilities were taking place at that time, and it is with reference to them precisely that the Secretary of War used to receive his orders from the President himself, which I spoke of before. Still, there was a hope that notwithstanding those hostilities the two governments might come to some arrangement, in order to avoid a formal declaration of war, and making this war expensive to the whole country. It was with that hope that the labors of the Ministry of Relations were directed in all that concerned this important matter.

Q. 306. Will your memory serve you to tell me what generals commanded the respective forces on the occasion, to which I have referred?

A. On the part of the Mexicans, I think I can recall to my memory Gen'ls Arista and Uraga, as also, I think, Gen. Vega; on the part of the Americans, if I mistake not, it was Gen. Taylor; and I must really say, that the recollection of military names on this occasion is not an effort, but a voluntary act of memory, since it had never been my intention to retain more than a recollection of those facts in general.

Q. 307. Why is it that you have omitted the name of the Mexican Commander-in-Chief in the celebrated battles of Palo Alto and Resaca de la Palma, which occurred whilst you were at the head of Foreign Affairs of the Government in Mexico?

A. Because, as I have just now stated, I don't pay such attention to names unless they be of some celebrated character, as to be able to recall them at pleasure, so that when they do occur to me as at present with reference to the two Generals I have named, and to that of Gen. Urrea, which I may add now, it is quite a voluntary act of memory.

It may be well to add, that when the news of all these military operations or results were received in Mexico, I could have no other object for my purposes in the Ministry of Relations, than that of knowing a general statement of facts.

Q. 308. After all the questions which I have asked you, it appears then that you cannot recollect the name of Gen. Ampudia, Commander-in-Chief of the Mexican Army, in the battles to which I have referred?

A. I confess that his name did not occur to me, as those of the other three Generals I have mentioned.

Q. 309. Who was the Commander-in-Chief of the Mexican army, Ampudia, Urrea, Uraga, or Vega?

A. As far as my memory will serve me in these military affairs, Arista was, I think, the General-in-Chief. The Government, if I recollect right, displeased with his conduct as Commander-in-Chief, ordered him to be superseded, and whether this order arrived before the termination of Gen'l Paredes' administration to its proper destination or not, I cannot positively assert, though, at any rate, I think he continued some time longer as Commander-in-Chief, and it was only months after that they spoke in Mexico of his not having been yet judged or court-martialed.

Q. 310. Did you not hear Mr. Marks, a gentleman present, when he said to me just before your last answer that Arista was the Commander-in-Chief, and that he was court-martialed for his conduct in the actions to which I have referred?

A. I did involuntarily hear, not all that he said, but some part of it; still my answer had I not heard it could have been no other than what it is, for I distinctly recollect that the Minister of War, Gen'l Tornel, had a long conversation with the President, that they had before them drawings of the positions of both armies at different dates, which they were examining minutely, and that the final determination was, as I stated before, that Gen. Arista should be superseded, and that he should come to Mexico, but I think that order contained nothing further. It was not till some months after, as I have said, that I heard several persons in Mexico speak of an order which they said was existent in the military court or Tribunal de la Guerra, or in some other court, in virtue of which Gen'l Arista should have been tried before that time by court-martial, but that he had not been.

Q. 311. There was no impropriety in your hearing what Mr. Marks said, as his observations were addressed to myself as a suggestion to aid me in framing my question, and in an audible tone.

I wish to ask you now, how is it, that when you could not recall the memorable events of the three weeks of April and May, 1846, as to which I have questioned you with so much particularity, you can yet remember the signing of the dispatch of the 23d May, 1846; addressed to the Governor of California, and of having inserted in it the communication from Becerra, dated May 20, 1846, and also remember having received said last mentioned communication, and sundry other small particulars concerning the private affairs of Andres Castillero, and of a date so nearly contemporaneous with that very striking series of historical facts?

A. It appears to me that from what I have stated in some former answers, it should be deduced, as a natural consequence, that I had some recollection of those military events that were passing in the northern frontier of Mexico; not such recollections, nor so clear as the Secretary of War could, and should have, as the principal agent for receiving all the communications proceeding from our Generals employed at the time in that service, as well as for directing to the same chiefs the orders of the President. Notwithstanding that all this active part of the administration was entrusted, as a matter of course, to that Secretary alone, and that I but come to the knowledge of the general facts that were taking place, I did recollect them when I spoke of them as actually occurring, and mentioned the names of some Generals, consequently I think that with respect to this matter I recollect it as much as could reasonably be expected; I had not the least part in the world in these military affairs.

With respect to the other case it is different, because I was obliged to take a part in it, as it was in the Ministry under my charge that the orders should be communicated to the Governor of California, and that I should make him acquainted, for his proper guidance in the matter, with all that the Minister of Justice, Mr. Becerra, had communicated to me. Mr. Becerra and myself were intimate friends, as I have before said; we were in the habit of seeing each other daily, and of conversing together on such matters as appeared to us of most importance in our respective Ministries. The arrival of a messenger from California with official communications from the Governor, and the commencement of a discovery of a mine of quicksilver, together with a sample of the same, was too remarkable a fact in itself, and in its consequences, not to have called our attention; still, here is a new proof of what I have said in this case, that any want of recollection of names or of persons, cannot augur in me a want of memory, since had I fixed my attention upon the person of the messenger himself, I don't think it possible that I should have ever forgotten that it was Mr. Covarrubias, but the fact is, that I recollect distinctly every thing else that I have stated upon this matter precisely as I have stated it, and yet I do not recollect that gentleman.

What I can positively say is, that the official communication and the small sample did not come by the mail, but by private hand. This could have been no other than Mr. Covarrubias, as I had been positively assured of the fact frequently afterwards; but this is the only circumstance in the case which I certainly cannot affirm of my own recollection.

Q. 312. Do you think it natural or reasonable that a Cabinet Minister, Secretary of Foreign Affairs, should remember the signing of a dispatch concerning a quicksilver mine in California, on the 23d May, 1846, and not be able to recollect that on the 9th day of the same month Mexico had lost a battle and an army on her own soil?

A. From what I have stated upon all these points, and leaving my own testimony to bear me out in the question, I really must be permitted to say, that it does not appear to me unnatural or unreasonable. In the one case it was natural that the date should be more fresh in my memory, recollecting, as I did, most of the other circumstances relative to it. In the other, it was to facts as they happened, but not precisely to the dates on which they happened, that I directed my attention; consequently it could not be expected that, between a subject in which I had had to act officially and directly, and in another in which I merely acquired the knowledge of general results, whatever their import might have been, I should possess the same degree of knowledge or recollection.

Q. 313. Did I not ask you where the American and Mexican armies were, respectively, about the middle of April, 1846, and what memorable events occurred between that time and the middle of May, 1846, and were you not wholly unable to say, either in the one case or in the other? Did I not also ask you what were the relations between the two countries at that time, and did you not say that they were merely serious and foreboded war; and was it not only after I mentioned to you the names of Palo Alto and Resaca de la Palma, that you ventured to suggest some Mexican officers whom you thought might have been present at some of these engagements?

And, under these circumstances, how can you now say that your answers have evinced a reasonable, or, indeed, any knowledge whatever of affairs upon that frontier?

A. It appears to me, perhaps I may be mistaken, that we are falling back again on a line of argument which we have already abandoned.

I have consistently asserted that I could not possibly answer, with confidence, in respect to matters in which I had no part at all, nor of particular or general results which I used to get a knowledge of as necessary for other purposes of the administration, but without any necessity, on my part, of recording each one of them individually and circumstantially.

As to the official whom I had named, it must be pretty evident, I think, from what I have stated relative to Gen. Arista, that I certainly knew he was engaged in that case; and of Gen. Uraga, I may now say, that I could entertain no doubt, were it merely from the recollection of a pamphlet which he published in Mexico, relative to that campaign.

Q. 314. It is true that I have recapitulated a little, but I have done so that I may be able to ask you now, how, under such circumstances, you could assert that you had shown a sufficient knowledge of the great facts referred to, and were only unable to give their dates?

A. I do not know if I did use the term "sufficient," but if I did, it could not, at all events, be in any other sense than that in which I have endeavored to explain my ideas in the answers which I have given—that is to say, that I had not such a clear recollection, nor such a minute knowledge of those military operations, as the Secretary of War himself could have, as the immediate agent in all that was relative to those operations, and whose attention was deeply and assiduously applied to them, whilst I merely gathered from him such a knowledge of events as might be useful in the discharge of the business of my own department, in consequence of which, as I said, it could not be in my power to give a detailed account of those events.

Q. 315. In a word, then, such are the imperfect recollections which you, who were Prime Minister in 1846, retained of affairs as they were between your Government and that of the United States, and such the distinctness of your memory as to the affairs of Andrew Castillero, and his discovery of a vein of quicksilver in California?

A. Not by any means so, allow me to say. The military operations that were going on in the Northern Frontier of Mexico, could not comprehend and embrace the state of all the affairs as they were between the two Governments; that was but a portion, and a portion, as I have stated, which we had some hopes might cease to exist by means of some amicable arrangement; and for my part, both from natural feeling, and from a desire for avoiding greater evils, my attention was employed in consulting by what means we might arrive at such a result.

Q. 316. Tell me briefly, what other affairs, intercourse or dealings there were between Mexico and the United States, in April and May, 1846?

A. Those of negotiation, which even in moments apparently of utter despair, may be had recourse to, when there is a sincere desire of profiting by it.

Q. 317. Through whom were those negotiations conducted at that time?

A. Through Mr. Slidell, who was Minister Plenipotentary of the United States to Mexico. He first resided in the City of Mexico, and afterwards in Jalapa; and although some difficulties had been started on account of his reception in the character he was anxious to present himself, which gave rise to further disagreeable communications, still it was to be hoped that, waiving that difficulty, any arrangement which had taken place, might be arrived at afterwards.

Examination adjourned until to-morrow, at 12 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, September 13th, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy of counsel for claimant, and Messrs. Randolph and Sloan for the United States.

Q. 318. Did you ever see Mr. Slidell?

A. Yes, sir.

Q. 319. When and where?

A. I was introduced to him in Jalapa, in the month of November, I think, 1845.

Q. 320. When and where after that?

A. I do not recollect seeing him after that.

Q. 321. Under what circumstances did you meet in Jalapa?

A. On my journey up to Mexico.

Q. 322. Which way was Mr. Slidell going?

A. I understood that he was going to the capital.

Q. 323. Then you were both going to the city of Mexico?

A. Yes, sir.

Q. 324. What was your business at the City of Mexico, at that time?

A. I was going as member of Congress for Vera Cruz.

Q. 325. Did you take your seat in Congress; how long did you continue to hold it; and what was your next business?

A. I did take my seat, but held it only a few days, as almost at the commencement of the ensuing year I was appointed Minister of Relations.

Q. 326. Then you held your place in Congress from the time of your arrival, about the month of November, 1845, until you assumed the office of Minister of Relations in the Cabinet of Paredes?

A. The Congress did not meet till some time in December, and as far as I can recollect, did not transact any business of importance, on account of the revolutionary state of the country, and the approximation of Paredes' army.

Q. 327. But you remained at the Capital from the time that you entered the Capital up to the time you entered into office as Minister of Relations?

A. Yes, sir.

Q. 328. About what time did Congress meet that year? About what time did you take your seat?

A. The Congress met, I think, about the 6th of December. I do not recollect when I took my seat.

Q. 329. About how long after the meeting of Congress?

A. I really cannot say when it was, for as it could not be expected that that Congress should be able to continue many days more, it may be said there could scarcely be any particular object, farther than that of complying with a personal duty, in being present.

Q. 330. As your were on the way to the Capital in the month of November, as you think, was there anything to prevent you taking your seat on the day of the meeting of Congress, and is it not altogether probable that you did so on or about that day?

A. The fact is, that I do not recollect whether I arrived in Mexico in time to do so, as I remained for some days in Jalapa on that occasion.

Q. 331. On what committees were you appointed in that Congress?

A. I don't think that I was appointed to any committees.

Q. 332. Was it not customary in the Mexican Congress, at that time, to assign the members to various committees.

A. It was; but, as I said before, I don't know that, after my arrival in the Capital, any business of importance was transacted, or could be expected to be transacted in Congress.

Q. 333. You are well acquainted with the organization of the Mexican Congress at that date, and their manner of doing business, are you not?

A. I did take care to provide myself, at the time, with the Reglamento of that body, so as to be able to fulfill the functions according to it, should Congress exist.

Q. 334. Can you not tell me now, what was the organization of the Mexican Congress when you were a member, in December, 1845?

A. Its members were distributed into a certain number of committees, for the dispatch of business appertaining to each of them, according to their respective branch, in the affairs of general administration. These committees presented their reports to Congress, which would not be deliberated upon until the second reading of them; they generally included one or more resolutions which, if admitted by the Congress, were discussed, and either approved partially or totally, or thrown out altogether, or finally sent back to the committee, in order that it might reform or present anew, in a different point of view, their report.

The matters that generally should form subjects for these reports, originated either from some measure proposed by the Government, or by some resolution presented by one of the Deputies himself. Whenever it was considered that it was a thing of obvious resolution, it was acted on immediately; when not, it was sent to the corresponding committee. These are, I think, the principal features of the Reglamento I spoke of, and there were some other articles relative to the interior management of affairs in the Congress.

Q. 335. These things you learned in 1845, from the Reglamento of which you speak?

A. As far as I can recollect.

Q. 336. Of how many separate bodies did that Congress consist, and by what names were they known?

A. Of two bodies: Chamber of Deputies, and Senate.

Q. 337. Of which of these were you a member?

A. Of the first, to wit, Chamber of Deputies.

Q. 338. What was the name of the presiding officer of each of those bodies at that time?

A. He was entitled "President." I do not recollect the names.

Q. 339. Do you mean that you do not remember the name of either the President of the Chamber of Deputies, or the President of the Senate, in the year 1845, when you were a member of Congress?

A. I do not recollect their names; for I do not recollect that any business of importance was transacted in either the one or the other of them during their existence at that time. The public mind was so much agitated at that precise period, that no business could be attended to whilst it lasted.

Q. 340. How were the principal standing committees of the two chambers of that Congress entitled, respectively?

A. They took their titles from the principal branches into which the public administration was itself divided; so there was a Committee of Relaciones so called, another of Justice, another of Hacienda, or Finance, and another of War. These were the principal committees.

Q. In both Chambers?

A. I always understood that it was the same.

Q. 342. Have you not a distinct recollection or knowledge how the committees were entitled in both Chambers?

A. I have a distinct recollection that the principal committees used to be called by the same name in both.

Q. 343. Mention the names of the chairman, or of any distinguished members of each or any of the standing committees of either Chamber of Congress?

A. As I don't recollect that those committees were organized in that Congress, I cannot mention any of them.

By consent, examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Sept. 14, 1859.

Cross-Examination of J. M. de Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 344. Have you by reading or conversation refreshed your memory of the Mexican Congress of 1845, since the adjournment on yesterday?

A. I have not spoken to anybody that could give me information on the subject, nor have I seen any journals or work, where I might get such information.

Q. 345. Do you mean that you have conversed with no one on the subject of the Mexican Congress of 1845?

A. I have spoken on the subject to say that I have been questioned about it.

Q. 346. At that time were you chosen a member of that Congress?

[The witness desires to state that by conversing on the subject of the Congress, he has refreshed his memory, and from the circumstances he recollects, is led to conclude that he must have taken his seat in it in the last days of its existence, since he has remembered to have been present at one session, seated next to another member from Vera Cruz, and that Mr. Luis de la Rosa presided on that occasion—the name of the aforesaid member is Gonzalez de la Vega—: consequently the committees must have been named by that time, though he (the witness) does not recollect to have heard anything said about them, or of any measure or resolution having been presented after his arrival which could call for a report from any of them.]

Q. 347. All these things are brought to your mind merely by the fact of conversing with some one since the last adjournment, and not by a suggestion made by the person with whom you conversed?

A. I can positively say that it has been so.

Q. 348. Why do not my questions revive your recollections, as well as conversations with other persons?

A. Because in conversation you have more time to collect your ideas on any given subject, and I may here state that I have in the same manner, not precisely in conversation, but in reading over former testimony brought to mind things which I did not recollect at the moment of being questioned.

Q. 349. This examination is conducted in a very deliberate manner, and I think affords you ample time to collect your thoughts; however, you will henceforward understand that you may take what time you desire to give your answers:

Please now answer question 346.

A. I beg to state that I cannot complain of want of time to give my answers, as the recollection of the things that have come to my mind after any of the examinations, may at times have depended in a certain measure on mere incidents.

With respect to the question that has now been put to me all I can answer is, that what I can recollect on the subject is that the Prefect of Vera Cruz came to visit me some day in October of that year, and to deliver to me the communication which he had received for that purpose, in virtue of which I was informed that I had been chosen a member of Congress for the Department of Vera Cruz, an event so unexpected to me at the time that I could not imagine what to attribute it to.

Q. 350. In what manner were you chosen?

A. By the Electoral College that met for the purpose of those elections in Jalapa or Huatusco, I don't remember which of the two.

Q. 351. Was that the time of the general election throughout the Republic for Deputies, or was it a special election?

A. I think it might be considered as a general election, and not a special one.

Q. 352. Why do you say "I think"; don't you know whether that election took place throughout the Republic, or only in the Department of Vera Cruz?

A. I think it did take place throughout the whole of the Republic, and so far it was a general election, but as some time in the foregoing year there had been a revolution in Mexico, in consequence of which General Herrera had become President, I don't clearly recollect whether the former Congress had completed its term or not, and this want of recollection proceeds from not having anything to do in politics for some years before, during which I resided at some distance from the Capital, in Vera Cruz.

Q. 353. Who was your immediate predecessor in the office of Deputy of the Mexican Congress from Vera Cruz?

A. I doubt very much if I ever knew at that time who they were, because, as I said before, not having taken any part in politics in those years, I did not pay attention to the names of persons entering into office at the time, and this is one of the reasons why my new appointment to the Congress surprised me so much, as I said before.

Q. 354. If I had been elected a member of Congress of the United States a few days ago, and you would ask me who my predecessor had been, and I had replied that I had been out of public life for several years, practising law or engaged in other private business, and therefore, did not actually know the gentleman's name, what would you think of it?

A. I think that in order that the comparison may hold good, it would be necessary for both to be placed in the same circumstances, but there certainly can be no comparison between a government officer or *Empleado*, in a country distracted by internal revolutions and frequent changes, and the same *Empleado*, in a Republic that has for years enjoyed the benefits and blessings of a well established government, and good laws, and where it scarcely appears profitable to imagine that any citizen, whether directly interested in politics or not, can be ignorant of the march of public affairs as well as of the names of the persons who figure in them more or less prominently. Order brings with it naturally that great and general interest, and that zeal for everything that may contribute to it, whilst a state of circumstances such as I have described with reference to my own country, can only produce a desire to bring about that order to which undoubtedly every citizen should contribute as far as in his power, and to which I consider that I did contribute, by limiting my attention, rather than to the turmoil of the revolution, to the fulfillment of my special duties in Vera Cruz; for I must observe, that when I stated that I had not taken any part in politics, I did not intend that it should be understood that I was in private life, for I was in the service of the government.

Q. 355. What was the name of your associate, if you had one, chosen at the same time?

A. Mr. Francisco de Arrangoiz.

Q. 356. You have not recently seen this book which I hold in my hand, or any copy of the same, entitled "La Republica Mejicana, 1846," on the 41st page of which, under the title of "Vera Cruz," I find two names, D. Francisco Arrangoiz, and D. José Maria Castillo Lanzas?

A. I have not seen the book.

Q. 357. On the 114th page of this book I find these words, "Secretario del Despacho de Relaciones Exteriores, Gobernacion y Policia, El Exmo. Señor Don Joaquin Castillo Lanzas," which of these names is yours?

A. The second, though not full.

Q. 358. What part is lacking?

A. The name "Maria" after "Joaquin."

Q. 359. Don Joaquin Maria Castillo Lanzas, of the Cabinet of Paredes, is therefore the same person as Don José Maria Castillo Lanzas, who in December, 1854, was a deputy in the Mexican Congress for Vera Cruz, and you are the individual intended by both of those names, and who held both of those places?

A. Just so, sir, as I have no doubt that I did hold both of those places.

Q. 360. I understand your last answer to be a positive and unqualified affirmation, that you are the same person who held the position of Deputy in the Congress, and the office of Secretary, etc., as just given, in the Cabinet of Paredes, and that there is an error in the compilation of their book, insomuch as the name of the Deputy and the name of the Secretary are differently printed?

A. There is no doubt that the name José is a mistake, but one which has been frequently committed, and which error, attributing it as I did to my signing my name "J. M." and not the full name "Joaquin," I have in these last years adopted the custom of putting the name of "Joaquin" in full in my visiting cards, in order to avoid as much as possible the repetition of it. In Mexico the initial "J," by itself, is almost universally taken for José, which is the most common name.

I know, beyond the shadow of a doubt, that it is the same person.

Q. 362. The form of your answer requires me to call your attention to the question, which is not "is it the same person;" but, "are you the same person?

A. I answer affirmatively now in the first person, that I am the same person who held both those positions, and that I know positively and beyond the shadow of a doubt, that I did hold them in the years 1845 and 1846 respectively.

Q. 363. At the same time that you were Deputy from Vera Cruz, how many Senators were there from Vera Cruz, and who were they?

A. I do not recollect who they were, nor how many.

Q. 364. Was there any difference in the manner of electing Deputies and Senators; and if so, what difference?

A. According to the Federal Constitution, Senators were elected by the Legislatures; but according to the one existing in 1845, though I did not pay attention to it, I think that the election was made by the Chamber of Deputies, the Executive, and the Supreme Court of Justice; however, as I have said, this is only an impression, for in the few days I had been in Mexico, I had not yet turned my attention to that subject.

Q. 355. You speak of the Constitution prevailing in 1845. What Constitution was that?

A. The one known under the name of "Bases Organicas."

Q. 356. Under what law was the Senate organized during the session of 1845, at the time when you were a member in the Chamber of Deputies?

A. It could not have been under any other than that contained in the Constitution I have mentioned.

Q. 357. Was there no law of the year 1845, affecting the organization of the Senate?

A. No law properly so called. There may have been, and I think there was, what is called a Ley Reglamentaria, and that is precisely the one to which, as I have said before, I had not yet turned my attention; of which indeed I had no longer any need, since, in consequence of the revolution just concluding or near its termination, an entirely new Constitution was to be formed.

Q. 358. Of about what date was that Ley Reglamentaria. Explain what you mean by those terms?

A. I cannot bring to mind anything relative to the date, and as to Ley Reglamentaria, it strikes me that the word which comes nearest to it in English, is "By-Law."

The object of those Leyes Reglamentarias is to prescribe the particular manner, form, time, etc., of the execution of a decree or law, and it is the Executive who forms and issues these Leyes Reglamentarias, or By-Laws.

Q. 359. It is then in its nature inferior to a law, and of course still more so to a provision of a constitutional nature?

A. In a certain measure I have considered it as inferior in its nature, but at the same time as very necessary for the fulfillment of a law, or a provision of a constitutional nature.

Q. 360. At what time did Gen'l Herrera become President?

A. About the end of 1844, if I recollect right.

Q. 361. Did he hold office from about the end of 1844 until Paredes took the Government, about the beginning of 1846?

A. He did.

Q. 362. Is your recollection at all clear upon that point?

A. As far as it serves me, I think I can affirm it positively.

Q 263. In what manner was Herrera chosen President?

A. As this was the effect of the revolution, which I think I have stated before had happened when I was at Vera Cruz, and paid no attention to political matters, I may not speak with so much confidence on this part of the subject, but from the impression I have of it, I think that he at first became President by the revolution against General Canalizo, who held that post for General Santa Anna, who likewise fell on that occasion, and that he a short time afterwards was elected President by Congress.

Q. 364. Was it by Congress that he was elected?

A. That is my impression, as I have said.

Q. 365. Was it not by the Departmental assemblies, and not by Congress?

A. As I speak merely from impression on this subject, for the reason I have before stated, I cannot be positive in what I say referring to it, but I still think that he was elected by Congress.

Q. 366. Then you think there is an error in this book, "Republica Mejicana," to which I have before called your attention; to wit, on the 85th page, where it is stated that Herrera was elected President by the vote of the twenty-two assemblies which voted (Tobasco not having voted, on account of revolutionary disturbances)?

A. I could not say that there was an error in it, since I must repeat that I cannot speak positively on the subject; but considering well the case, I think we are both right—the book and myself—that is to say, General Herrera was elected first by Congress, and subsequently by the assemblies.

Q. 367. According to your recollection, Herrera was elected President in 1844, if I understand you?

A. The revolution took place towards the end of that year; but I think that the election of General Herrera did not take place until the beginning of the next.

Q. 368. Which election do you think took place the next year—that by the assemblies, that by the Congress, or both?

A. I think that both, for the revolution must have happened in December, and although it was time even then for the first of the two elections to have taken place, I am rather inclined to think not.

Q. 369. About what time is it your recollection that this double election took place?

A. If my impression is right, the first election took place either at the termination of 1844, or, as I before said, at the commencement of the next year, 1845, and the election by the assemblies could not have been till some months after granting the necessary time for giving the orders to that effect.

Q. 370. Say about what time, according to the best of your recollection?

A. According to my recollection, I should say about three months.

Q. 371. When, after that, according to your recollection, did General Herrera become President by virtue of the election?

A. Granting three months for the election, it must have been about April.

Q. 372. I mean when, after that, was he declared President and entered upon his duties? Answer according to the best of your recollection, and say whether it is distinct.

A. My recollection on this subject is by no means distinct, for the reasons which I have before stated, and on account of which I have not been able to assert positively anything on this matter. That General Herrera continued occupying the post of President from the moment that he entered into it, in December, 1844, until the conclusion of the same month the next year, appears to me very certain; but the formal declaration of the result of his election, I don't think could have taken place till about April, as I have before said.

Q. 373. Is that your best recollection concerning that event?

A. It is my best recollection, yet, as I said before, of events on which I did not fix my attention at the times at which they occur, further than was absolutely necessary or unavoidable that I should.

Q. 374. Yet this book to which I have before referred you, —Republica Mejicana, etc., page 85,—may be altogether correct in stating that Herrera was declared President on the 14th September, 1845, and entered upon his office on the 16th of that month?

[Counsel for the U. S. exhibits the said book to witness.]

A. It may, as to the declaration; but I have very little doubt still, that he was first elected by the Congress, the moment the revolution was quelled, and that he continued to be President from that time until the termination of 1845.

Q. 375. You have no doubt, after seeing the book, that he was installed in office as President, by virtue of the election by the assemblies, and on the 16th of September, 1845?

A. That may have been the case, so far as the ceremony of the installment may have been concerned; but a new circumstance occurs to me at this moment, which convinces me that I have been right in stating that Gen'l Herrera was in power from December, 1844, and this circumstance I allude to is, that the administration was known in Mexico, in familiar conversation, by the title of "Administracion Decembrista."

Q. 376. I am not questioning the time that Herrera first overthrew Canalizo, and came into power. I wish to know whether you now have any recollection of the fact, that he was declared President, and installed as such, by virtue of the election by the assemblies, and in the month of September, 1845?

A. I can only speak from recollection, notwithstanding the reason I have mentioned, of his having been in power during the time I have stated, but cannot venture to say whether what is mentioned with respect to his installment be correct or not.

Q. 377. Do you know of any change in the Constitution having been made by Herrera; and if so, when?

A. I cannot say that I do, at least that I have any immediate recollection of it; but it is very possible that he may have made some modification or change, which may not have called my attention at the time.

Q. 378. What do you mean by "immediate recollection;" give me whatever recollection you have on the subject?

A. I mean that nothing occurs to me at this moment on the subject; but I beg leave to call attention to what I have before said, that during the last years, that of 1845 inclusive, except a few days, I was distant from the capital, and had nothing to do with political affairs.

Q. 379. Then you have no recollection, that in the Congress of 1845, of which you were a member, the Senate was organized in conformity with a constitutional reform, of date the 25th September, 1845, as stated on the 45th page of this book, which I have shown you?

[Counsel for the U. S. exhibits the said book, Republica Mexicana, etc.]

A. In my answer to one of the former questions this morning, I said, if I mistake not, that when I arrived in Mexico, in December, 1845, I had not yet turned my attention to the organization of the Senate, and that in the course of a very few days after that, it became quite unnecessary, as by the revolution, which was achieved in those days, a new constitution was about to be formed. This is the reason I can give for not having been able to have any recollection of the aforesaid constitutional reform.

Q. 380. In what part of Mexico could it be, and under what circumstances, that a man who had been twenty years in public affairs, would not hear, and fix his attention upon, the fact that the existing constitution of his country had been reformed, and the organization of his Senate had been changed?

A. In such circumstances as I have before described, that Mexico has found itself in, any change of that kind would, no doubt, and most reasonably, call the serious attention of all persons, without exception, in a well ordered and perfectly tranquil country. In my own country, I am sorry to say, such changes cannot produce such a general sensation, but must be in a great measure limited to those whom they may affect immediately, for one strong reason among others, which is, that no person could have any confidence in their remaining in force much time; and with reference to these changes precisely in the constitution, I now will say that they were of but very short duration.

Q. 381. At the time referred to, you were in the public service, as Intendente de Marina at Vera Cruz. A short time afterwards you were a member of that very Congress, and immediately again, Secretary of Relations. How was it that you were not impressed with the fact of which I have spoken, sufficiently to retain some recollection of it now; were you not in a position which should have caused you to note and remember it, as well as any other man in Mexico?

[Question objected to by Mr. Peachy, as irrelevant, and purely argumentative, and as having been already answered.]

A. I answer, saying that in that naval post I had no need of turning my attention to the subject, unless I desired it, but that there could scarcely be such a desire, as I have before stated that no confidence could be placed in the permanency of such changes, and nothing was more distant at that time, even from all probability, than that I should have been remembered, first by my fellow-citizens, and in the second place by the Executive to fill posts in the Administration, which I certainly did never expect to fill, and did not aspire to; consequently, I thought that everything bid fair for my continuancy in that post.

Q. 382. What became of the Congress of 1845?

A. It was dissolved of itself on account of the revolution.

Q. 383. What do you mean by "of itself?"

A. That all the members of it ceased from assembling.

Q. 384. By their voluntary act, or by the terms of the pronunciamiento by Paredes?

A. Not by their voluntary act, but by the terms of the pronunciamiento, and the approximation of the army of Gen'l Paredes.

Q. 385. Had you been an opponent of Herrera, and an advocate of an immediate war with the United States?

A. I had had no share in those questions.

Q. 386. Such being the case, on what grounds were you chosen Minister of Relations by Gen'l Paredes?

A. On the ground of some private recommendation to him in my favor, not for any political opinion, but considering that my services in that coast would be loyal and active; I know that there was a recommendation of that kind from some expression which fell from the lips of Paredes himself, but I can positively say that General Paredes did not know me even by sight, nor did I know him.

Q. 387. Do you mean that General Paredes, amid the exigencies of those times, chose, as Prime Minister of his Government (to use your own language), a man whom he did not know by sight, for no political reasons and upon a private recommendation?

A. I can once more assert positively, that he most certainly did not know me, nor I him; of course he had never had an opportunity of judging personally of me; and I could almost, with the same certainty, affirm that had not my name been mentioned to him at that time, and recommended to him, he never would have thought of my person for that post.

Q. 388. Does it not strike you that this mode of choosing a Prime Minister was contrary to the custom and to the necessities of all governments amongst civilized people?

A. I can only say again that what I have stated upon this point is really, positively, and entirely true, and nothing but the truth. I have already said that I could have never myself expected such a thing, and that I was absolutely taken by surprise when General Almonte, already named Secretary of War, came to apprise me of the desire of the President, and interposing his own personal friendship with me, wished that I should accept. It is very possible that he and Mr. Becerra, who had already been named Minister of Justice, may have exerted their influence in my favor, but of this I can say nothing.

Q. 389. How could it have happened that Paredes did not choose the leading members of his Cabinet from men of well known political connections, influence, and opinions, just as the President of the United States, or the British Queen, would choose a Minister of that grade?

A. It is really a thing which I myself cannot explain, as the principal and almost only knowledge they could have had of me as a public man, was at the time that I was President Pedraza's private Secretary, and that I was Charge d' Affaires to the United States, and this was the only ground they could have in Mexico, or at least, so I think, to form any judgment with respect to my qualifications, or to the services that I might be considered capable of rendering. I don't know of any other public post in which I might have been, which could have afforded them an opportunity of forming any opinion with regard to myself.

Q. 390. What was the organization of Paredes' government?

A. Everything was to remain in the same state until a new constitution could be formed, as there was no possibility of making any immediate changes.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 15, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 391. Please mention the titles of all the political bodies of which the government of Paredes was composed?

A. The four Ministries, Council of government and the Supreme Court of Justice.

Q. 392. Who was the presiding officer in the Council of government, and mention the names of some of its most distinguished members?

A. The President was General Valencia, and besides him there was Mr. Larrainzar, General Tornel, I think Mr. Segura and Mr. Aleman; I don't recollect any others just at this moment.

Q. 393. Were you not in daily intercourse with them when you were Secretary of Relations.

A. Not in personal intercourse, but official, which was by notes from the Secretary of Relations to the President of the Council, who communicated the contents to the other members, and replied in writing in the same manner.

Q. 394. In the book "Republica Mejicana, 1846," on pages 114 and 115, you will find what purports to be a list of the members of that council. Look at it and see if you find the names of Segura and Aleman?

A. Of the three first that I mentioned I spoke with confidence, and the other two I could only say "I think," because I had not a distinct recollection.

Q. 395. Please answer my last question?

A. I have not found them, and I explained the reason why I did mention their names.

Q. 396. Do you remember a very important and memorable meeting of the Chamber of Deputies, on or about the 23d December, 1845?

A. From all my recollections, I had not yet arrived in Mexico, or I should certainly have remembered it.

Q. 397. You have no recollection then of an address to the nation adopted by the Chamber, and published on or about that day?

A. I have a recollection of it, and of its having been signed by the members of that body, as such documents generally are in Mexico; I do not recollect to have signed it, as I should have done had I been in Mexico. I think that at such moments of crisis as those were, had I signed that document, I could not have forgotten it.

Q. 398. What was the tenor of that address, in very general terms?

A. From its general tenor, as far as I can recollect, it might be considered as a protest against the pronunciamiento of San Luis Potosí.

Q. 399. On page 76 of a certain volume filed in this case, marked as "Exhibit Bassoco No. 3, O. H," I find what purports to be a copy of that address, in the first sentence of which Gen. Paredes is denounced as a traitor to his country, and the whole tenor of which is very much the same; do you mean that if you had been at the Capital you would have signed that address?

A. I should have had to sign it in one form or another, for had I considered that my reasons for not signing it were just, I should have formed what is called a private vote, stating those reasons, which, with my signature, would have been published at the same time; but no such document as this last one I speak of was ever published.

Q. 400. On page 71 of the same Exhibit, I find that by the second article of the Plan of San Luis Potosí, that the Chambers, as well as the Executive, were forbidden to continue to exercise their functions; do I understand you that General Paredes chose as his Prime Minister a member of one of those same Chambers, and one who, if he hadbeen at the Capital, would have signed the address to the nation, in which he was denounced as a traitor?

A. I beg leave to state that I said I should have had to sign it in one form or another; that is to say, I should have signed the address, such as I found it, or should have published my private opinion, stating the reasons why I did not do so.

Q. 401. When in your answer to the 397th question you said you would have signed that address had you been in Mexico, you meant only that you would have signed the address, or have signed and published a dissenting note or protest against the address; that is, that you would have been either for it or against it?

A. That is my real meaning, because in the first place I should have acted according to what my convictions might have been at that moment, and in the next place it has been generally the custom when there is a dissenting vote, to join it to that of the majority, so that they would go together.

Q. 402. Do you remember at that time whether there was a political difference between you and the other Deputies from Vera Cruz?

A. I do not know what a political difference could arise from; what I can say is, that one of them at least, Mr. Arrangoiz, was kind enough to help me when in the Ministry in dispatching some part of the business; that he was on the point of being made by the government of Mexico, Prefect of Mexico, which he was willing to accept, and that he did accept from the same administration the appointment of Mexican Consul at Havana; as for the other member from Vera Cruz, Mr. Vega, whom I recollect of belonging to the Chamber at the time, I don't think that we should ever have differed in opinion, as we used generally to consult together whenever we have been together in the service, and even when we have not been together.

Q. 403. The reason that I have asked you that question is, that I find the name of Mr. Vega signed to that address denouncing Gen'l Paredes. You speak of that gentleman and Mr. Arrangoiz, as having then been Deputies from Vera Cruz with yourselves; do you remember any other Deputy from Vera Cruz at the time?

A. I spoke of those two as the only ones I met at the Chamber when I went, and of course the only ones I could refer to. I know that Mr. Escandon was also named a member from Vera Cruz, but I do not recollect of seeing him in the Chamber.

Q. 404. Do you not find his name also signed to that address?

A. I do.

Q. 405. Can you give me any further explanation why it was that Gen. Paredes selected you, who was the colleague of these two deputies from Vera Cruz, with no known difference of sentiment between you and them, and with views so generally and thoroughly accordant with those of one of them, viz., Vega, and within a few days after they had signed the vehement denunciation of himself, made you Prime Minister of his Cabinet?

A. I can say no more upon this subject, because I really know no more than what I stated yesterday; but I beg leave to observe that when I speak of sentiment in regard to Mr. Arrangoiz, and Mr. Vega, I don't intend to signify political sentiment, for it has been my custom in Mexico, at all times, to respect every one's political opinion, and avoid inquiring what it may be.

Q. 406. During the latter days of December, did there or not exist a difference between you and your colleagues from Vera Cruz, of this nature, to wit; were you in favor of Paredes, whilst they were in favor of Herrera?

A. With my colleagues, when we met at that time, we used to speak (as I generally do, avoiding opinions) merely on the passing events or the latest news received. Gen. Paredes, who had not yet arrived in the Capital, did not know me yet, personally, and I think that I may safely say that he could not for that reason have thought of me for a Minister, whilst Gen. Herrera had known me personally for years, and honored me with his friendship.

Q. 407. Had you been one of those who approved and supported the Administration of Herrera, up to the pronunciamiento of Paredes?

A. I was not called upon to support it in any way, but being an Empleado of the government as I was, I could not but obey his orders to the last moments of his Presidency.

Q. 408. My question is not as to an obedience, but as to your approval of the policy of the administration, or your opposition in sentiment to the same?

A. From what I stated yesterday, I think it may be deduced that there could scarcely be any ground for my approval or disapproval of that administration; as being engaged, as I said, in the Naval department, at Vera Cruz, and taking no part in political events so far as the administration was concerned, I could form no clear opinion of it.

Q. 409. Were you ever engaged with others in writing a book?

A. Not to my recollection; as the only book I think, which I have published or had any part in, was a collection of poems. in 1835 or 1836.

Q. 410. In Mexico?

A. No, sir. In Philadelphia, United States.

Q. 411. What was the title of that book; was it in English or Spanish, and who was the publisher?

A. The title was, "Ocios Juveniles;" it was in Spanish; I don't recollect the name of the publisher.

I now remember another little work which I published in Mexico, in 1852, or thereabouts, for the use of schools, the title was, I think, "Elementos de Geografia," etc. I do not recollect any other work.

Q. 412. I have here a work entitled "Apuntes Para la Historia de la Guerra, entre Mexico y los Estados Unidos. Mexico, 1848. Tipagrafia de Manuel Payno, (Hijo), Calle de Santa Clara, N. 23;" being in the Spanish language, and edited by a number of gentlemen, amongst whom I find the name of Don José Maria Castillo, are you the same person?

A. I cannot be, as I have not the least recollection in the world of having ever had any connection with other persons, for publishing a work of this description, or any other.

The name Castillo is very common in Mexico, and there always have been persons of that name in the army, as General Castillo, who is at present living. During one of the administrations of Mr. Gomez Farias, I was ordered by him to collect documents and write a history of that kind, and he allowed me to have as an associate in the work, at my request, Mr. Manuel Larrainzar; he gave orders that the archives should be at our disposal, but a short time after, hostilities commenced with the United States, and we did not commence the work. This order I received from Mr. Farias, by his Secretary of Relations at that time, Don José Fernando Ramirez.

Q. 413. When did you receive that order; about what time?

A. It was I think between the end of 1846, and the beginning of 1847, as far as I can recollect. I think I may safely say it was in 1847, though I cannot be positive.

Q. 414. What office did Mr. Farias hold at that time. What hostilities do you speak of; where were you when you received the order?

A. Farias was Vice President at that time, acting as President on account of General Santa Anna's absence from the Capital. The hostilities I have referred to was the war with the United States, which commenced at that time on the coast of Vera Cruz. I was then in the city of Mexico, in private life, assisting only occasionally at the sessions of the Geographical and Statistical Society of which I am a member.

Q. 415. Tell me, if you please, more precisely the nature of the work contemplated by the order of Mr. Gomez Farias?

A. From what I understood, his desire was that we should collect all the documents possible, official and unofficial, that might be relative to what was called the question of Texas, from the commencement of the efforts made in that portion of the country to separate itself from the Mexican government, till the precise time, more or less, in which he spoke; and after we had collected these data, to write a full statement of the matter, according to our best judgment, in order that revised and corrected afterwards it might serve in Mexico as an authentic record; but, as I said, this work was not even commenced.

Q. 416. According to your answer, the order of Farias intended a work very much like this history, which I now put into your hands.

The Don José Maria Castillo mentioned amongst the editors, is not then the Don José Maria Castillo Lanzas, Deputy from Vera Cruz, who appears on page 41 of the "Republica Mejicana, 1846?"

A. I may positively assure you that it is not me.

In Mexico, even those who make the mistake of putting "José" for "Joaquin," scarcely ever omit the second name, Lanzas; and then again, looking over the list of Redactores which I have before me, I see about eight with whom I never had the least personal intercourse, and have never known them but by name; with the others, there is not one, I may say, with whom I am on terms of private friendship.

Q. 417. I observe, as to the omission of "Lanzas," you observe, do you not, that no second names are given in that list of Redactores or Editors. You do not answer my last question precisely in form, though perhaps you intend to do so in substance. It was, whether the person mentioned among the Redactores was the same who appears to have been Deputy from Vera Cruz. Before concluding your answer, please designate the persons in the list of Redactores with whom you are acquainted, whether they are living, and where they are to be found?

A. I don't see any second name here in this list.

With respect to the second part of the question, I said, I think, that I could positively assure you that it was not me. I now say in answer that I know beyond a doubt that it was not the same person mentioned here who was Deputy from Vera Cruz.

Of the list, I know Mr. Iglesias, supposing that it is the same one who has been Minister of Hacienda. I know likewise Messrs. Manuel Payno, Guillermo Prieto, Napoleon Soborio, Francisco Schiafino, and Francisco Segura, and if this José Maria Castillo should be the Licenciado of that name, whose second name is Portugal, I must say I know him too. Of these, then, I may say that when I left Mexico I knew Segura, Soborio, Payno, Iglesias, and Castillo (supposing them to be the persons I take them for) were all living in the said Capital. I can't say anything with respect to Mr. Prieto, and Schiafino; I really don't know where they are.

Q. 418. How long have you known the Don José Maria Castillo, whose second name is Portugal; mention any circumstance about him that may serve to identify him?

A. I have only known him personally since the latter end of last year, and I was then informed that he was a brother of General Castillo, of whom I spoke before. He lives in the Capital. I have also been told that he is connected, by marriage, with General Robles.

Q. 419. After parting with Mr. Slidell, in Jalapa, when did you next see him again?

A. I have no recollection of having seen him again. We may have met at Mr. Hargous', with whom we were both on terms of friendship, but I have no distinct recollection of it.

Q. 420. Was he not in the city of Mexico when you were there, in December, 1845?

A. He was there, and it is for that reason that I think we may have met at Mr. Hargous'.

Q. 421. Do you state positively that he was in the city of Mexico at that time?

A. To the best of my recollection, it is certain that he was there the most of December of that year.

Q. 422. On what do you rely as your means of knowledge?

A. On the recollection which I had of his having commenced his official communications with the Mexican Government at that time.

Q. 423. Did that come to your knowledge as Deputy?

A. No, sir, not till I belonged to the Cabinet of General Paredes.

Q. 424. In what manner did you learn it then?

A. From his first official communications to me as Secretary of Relations.

Q. 425. Why did you not learn it from communications which he had before addressed the Government? Did you not find them there in the office?

A. I had not any occasion to see them before I became myself a member of the Cabinet, as I had not occasion either to go into the office before that.

Q. 426. Perhaps you don't understand my question. You said that you learned the fact that Mr. Slidell had commenced his communications with the Government in December, 1845, from the first communication which he addressed to you in 1846; and I have asked you why, instead, you did not learn the fact that Mr. Slidell had addressed communications to the Government in 1845 from those communications themselves, which you must have found in the Ministry, when you entered upon office?

A. I hope that I may be understood now, but must beg leave to say that I don't see what variation or modification I might make in my former answer. I should really be wanting in truth were I to say that I have positively any recollection of having known the fact before I received the first communication from Mr. Slidell. It is very possible that I might have heard of such documents before that time, but I cannot say that I have any recollection of it; and in the office these documents would not be called for immediately, and not probably till they were found necessary to be examined, in connection with those of a recent date.

Q. 427. Can you not with absolute confidence affirm now, under your oath, that before renewing the correspondence between yourself, as Minister of Relations of the Republic of Mexico, and Mr. Slidell, as envoy of the United States, you turned to the correspondence which had passed between him and your predecessor, and fully informed yourself of all that had proceeded from either party?

A. I can solemnly assert that I cannot affirm anything of the kind. It would be contrary to my habits of business, the occasion not having yet occurred for examining those documents.

Q. 428. What is it that you mean by "it would be contrary to your habits of business,"—what habit of business?

A. I mean to say that my practice has been to take up things as they are called for.

Q. 429. Were you not daily under the necessity, especially when you first entered into office, of referring to communications received by and sent by your predecessor, relating to unfinished business, which came into your hands as Minister?

A. I do not recollect to have been under that necessity as Secretary of Relations. My first duties at those moments were those that regarded the interior of the country—duties of immense importance, and very urgent at that crisis.

Q. 430. Was not every matter of foreign intercourse, as well as of domestic concern, which the Government of Herrera had in hand, suddenly and abruptly brought to a close by the revolution of Paredes?

A. I am not aware that it was.

Q. 431. How could it have been otherwise, when the new Government was installed in the interval of the two governments, short as it may have been?

A. No doubt it might have produced that effect, but I must beg leave to repeat, that I am not aware that it did produce it. In the interior of the country, as must be the case in such circumstances, there might have been some authorities who might not have wished to continue under the new order of things.

Q. 432. It seems that you did not understand the question. I mean, whether all the business of the country, whether foreign or domestic, which your predecessor had in hand, was not suddenly and abruptly brought to a close by his being turned out of office; and whether, when you came into office, and had to resume the consideration or discussion of any of these matters, foreign or domestic, you were not continually obliged to refer to papers in the office, and inform yourself of the contents of communications which had been sent or addressed to your immediate predecessor?

A. I really cannot say, sir, that they were brought to a close. There was a suspension, which did not depend on the office, as it was ready from the first moment to attend to any business its attention might have been called to. No doubt it was frequently necessary to read former documents, as containing the leading matter for new communications, but this is a custom that some Secretaries of long standing have often considered most convenient to observe, in important matters at least, so as not to err in the new resolution on the subject before them.

Q. 433. At the time that you came into office there was a pending correspondence between Mr. Slidell and the Government of Mexico, and, perhaps, also between your Government and the Ministers of France, England, Spain, Central America, and other countries; how could you possibly take up and continue such correspondence without fully informing yourself upon all that had gone before?

A. I did take up such correspondence as it came, and then, in due time, endeavored to study the particular subject or question to which each of them might refer.

Q. 434. What do you mean by "as it came?" Was it not your first indispensable duty, immediately upon your entering into office, to look and see what business was on hand, pending and unfinished, what was the condition of each separate affair, and what had been done in it, in order that you might know what yourself had to do, and when it was to be done?

A. What, according to my manner of doing things, I thought my first and most indispensable duty on that occasion, was to restore order and tranquility in all the Departments of the Interior. In point of foreign affairs, I know very well that any Diplomatic Minister who might have an important subject pending in the office, would avail himself of the opportunity of his customary visit, on my entering into office, to hint the desire he had of its being attended to; or, should he not be in the Capital, he would not fail, as soon as he deemed it convenient, to call my attention to it in writing. This is the system I followed on that occasion, and I don't know that any Minister had reason to complain of his not having been attended to, or any important matter in due course, as far as that depended on me.

Q. 435. It is your recollection, then, that of the fact of Mr. Slidell's having communicated with the Government in December, 1845, you had no knowledge whilst you were a Deputy in the Congress, and learned nothing from the correspondence of your predecessor, remaining in the office, at the time that you entered it, nor until afterwards, when Mr. Slidell first addressed his communication to yourself?

A. I affirm that I have no recollection of the fact stated in the question, as a fact, and much less of having acquired any knowledge of the contents of the communications between my predecessor and Mr. Slidell, until the time of the reception of this gentleman's first one to the Ministry. That is my impression.

Q. 436. Is not the necessity for a Minister to refer to the correspondence of his predecessor so constant, of so constant a recurrence, that the Minister must know who his predecessor was, just as well as he knows that he was Minister himself?

A. No doubt, sir; and had I heard the name of Mr. Slidell mentioned, in connection with that of my predecessor, when I was asked a few days ago who he had been, instead of the answer which I then gave, I would have instantly said, "Mr. Peña y Peña." I took up the question connected with other ideas, and that made me lose the recollection of it at the time.

Q. 437. It is wholly owing to the mention of Mr. Slidell, and not to any reading or conversation, that you are now able to say that your immediate predecessor, in the office of Minister of Relations of the Republic of Mexico, was Mr. Peña y Peña?

A. Yes, sir; and the name came to my memory since the first time that Mr. Slidell was mentioned the other day, in connection with this gentleman's visit to Mexico.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., September 16, 1859.

Cross-Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

At request of Mr. Randolph, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 17, 1859.

Cross-examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, for claimant; Mr. Randolph, for the United States.

Examination adjourned by consent, until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Sept. 19th, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; Mr. Randolph and Mr. Sloan, for the United States.

[The witness desires to make a correction in his last two answers, which were made entirely according to his impression at that moment, as it is very true, as he then said, that whenever the name of Mr. Slidell has occurred, it has brought to his recollection that of Mr. Peña y Peña, and he thinks that had the first gentleman's name been mentioned in connection with the second, when the question was put to him with reference to who his (the witness') predecessor was, he would have remembered it, but that his want of recollection of his name proceeded, among other reasons, from the circumstance of Mr. Peña y Peña's having retired from the Ministry some days previous, and the Ministry remaining under the charge of the Oficial Mayor, who was the person that introduced him (witness) to the gentlemen of that office. Since the last questions were put to him, he has been considering very carefully, if, taking all things together, his answer was perfectly correct, and his object now is to state that as far as the name of Mr. Slidell is concerned it is so, but that some doubts having started up in his mind, as to whether his memory may not have been aided by his having seen, though not read, a printed copy of the communications between Mr. Slidell and the Mexican government, this did not contribute to a recollection of Mr. Peña y Peña.

The witness desires these statements to be made, on account of the doubts which he has spoken of, that none may remain on the mind as to his veracity in his testimony.]

Q. 438. What is there in the name of Mr. Slidell, which should or could suggest to you the name of your predecessor in the office of the Minister of Relations in the Republic of Mexico, more than in the name of Herrera, and other distinguished Mexicans in office at that day, or in the mention of the great political facts which had occurred in the contemporaneous history of your country?

A. I will endeavor to explain it. I mentioned, the other day, that during the administration of Gen'l Herrera in Mexico, I took no part at all in political affairs. I heard then of the changes of the Ministers, because I think that these changes occurred several times during his administration. Mr. Peña y Peña came in, in one of these changes, if I mistake not, and when I might have had an opportunity of transacting business with him, in his character of Minister as a member of Congress from Vera Cruz, Mr. Peña y Peña retired from office on account of the revolution, and, as I said before, left it in charge of the Oficial Mayor, who was the person that received me on entering into office; consequently, there were no particular facts or circumstances that made me remember the name of Peña y Peña in connection with Gen'l Herrera. But in reference to Mr. Slidell the case varies. I knew Mr. Slidell as Minister Plenipotentiary appointed by the Government of the United States to Mexico, the object of his mission being to enter into negotiations with the Mexican government. Thus I could not remember Mr. Slidell without remembering his first communication in Mexico, as an opening to his negotiation; and that first communication naturally brings with it the remembrance of Mr. Peña y Peña, to whom it was directed. Hence it is, that in my mind, the remembrance of Mr. Peña y Peña is very clear in this last case, and not so in the first.

Q. 439. Let us change the circumstances a little; suppose that you in Mexico were examining a witness who was entirely unknown to you, but said that he was Mr. John M. Clayton, and had been Secretary of State under President Taylor, and that after questioning him about President Polk and his administration, and the events of that time, you had asked him who was his immediate predecessor in the office of Secretary of State, and he had answered that he could not tell, because when he came into office he found the chief clerk in charge of the office and had no occasion to know, and that some days afterwards, upon the mention of the name of a certain foreign Minister, your witness should recollect that the name of his predecessor was James Buchanan, and give as his reason that he then remembered to have seen a communication from that foreign Minister, addressed to his predecessor as James Buchanan, by name; what would you think of that witness and his testimony?

A. Before forming my opinion on the subject, I would endeavor to place myself precisely in the situation in which that witness might have been, either from personal circumstances, or those of the country in which he resided. I must beg leave to say, that no judgment can be formed of the situation of Mexico, or of that in which persons at times find themselves, if the politics of any other country are to serve as a standard to form that judgment. Thus, in the present case, I hardly think there can be any comparison between the state of a country harassed by continual political convulsions, by incessant changes in authorities, supreme and local, in which changes few can take any interest who may not be concerned in them, and another country in which it would be almost unpardonable not to be well acquainted with the changes brought on, not by revolutions, but by the laws and according to the laws, and not at irregular and unequal periods, but at those prescribed by the Constitution and the laws—thanks to the existence of a well organized and firmly established government. But in a country in the condition which I have indicated my own to have been in, and the peculiar condition which I was personally said to have been in myself, it would be really surprising that I should have a clear remembrance of persons acting under an administration, of whose acts and changes of Ministers I knew but little or nothing at the time, and that I should not have a clear recollection of one with whom I had to transact business of the greatest importance, in which another person with whom I had had no connection had been as intimately connected at a former period. Judging thus—calling to mind all the necessary circumstances to form a correct judgment—it appears to me that there could be no mistake in this, and at the same time it appears to me equally evident that the two witnesses referred to in this answer, could not justly be judged, placing them on the same footing, while this footing was at the same time so diametrically opposite in the one with respect to the other.

Q. 440. If I understand your last answer fully, the difference in the political condition of Mexico and the United States is so very wide that it is impossible for us to test your statements by the rules of our own experience and ordinary judgment, and hence that we can gain no light by a cross-examination. Is that what you mean?

A. I certainly could not mean that, for however wide the difference might be, politically, between the two countries, that difference cannot and does not destroy the ordinary rules of reasoning, which may have often to decide in cases in which that difference may be wider or more complicated. I think it is but necessary to fix the attention on the particular situation and circumstances of the person who may be acting as witness, in order to be able to judge with perfect truth and accuracy whether, in that particular condition, he could be expected to possess the same kind and degree of knowledge and recollection which he could command if he had found himself placed in a more advantageous position, or in a different position.

Q. 441. How long is it since you saw that copy of the correspondence of Mr. Slidell with the Mexican Government, of which you have spoken?

A. I think it was on the same day, from what I have been endeavoring to recollect, in which the question was put with reference to Mr. Peña y Peña's name.

Q. 442. Where did you see it, in what book, and can you show me the book?

A. At Mr. Barron's, in Mr. Lafragua's report. The book does not belong to me; I had it accidentally.

Q. 443. Mr. William E. Barron, one of the claimants in this case; and another copy of the same report, which we have here marked "Exhibit Bassoco No. 3, O. H."?

A. It was Mr. William E. Barron, and this "Exhibit Bassoco No. 3, O. H.," is another copy of that same report.

Q. 444. Please look at the Exhibit just mentioned; say whether you do not find in it on pages from 8 to 41 inclusive, a correspondence between John Black, American Consul at the City of Mexico, and John Slidell, Envoy, etc., on the one hand, and the Mexican Government on the other, on the subject of the annexation of Texas, and the political relations of the two countries growing out of it, including a manifesto, or address, from President Paredes to the Mexican nation on the same subject, and of date, 21st March, 1848?

A. I do.

Q. 445. Have you not been residing in the house of Mr. William E. Barron, since your arrival in San Francisco?

A. I have.

Q. 446. In that correspondence, do you not see not only that John Slidell was the American Envoy and Peña y Peña, Mexican Secretary of Relations, but also by certain documents that Gabriel Valencia was President of the Council of Government, as you testified the other day?

A. Yes, sir.

Q. 447. And on page 38 do you not find a communication addressed by J. M. de Castillo y Lanzas to John Slidell, inclosing him his passports, and dated the 21st March, 1846?

A. I do.

Q. 448. Why then, in answer to question 317, did you say that you were carrying on negotiations with Mr. Slidell as Minister Plenipotentiary of the United States, at the same time that military operations were going on, on the Northern frontier of Mexico, to wit: during the last half of April and the first half of May, 1846, when certain battles occurred to which I had called your attention, and during which same period, the greater part of the various steps concerning Andres Castillero's mine had been taken by your Government?

A. I perhaps have not been well understood in what I then stated. For my part, I understand that the negotiations were never entirely broken up until actual war (not to take into consideration those hostilities on the Northern frontier) began at Vera Cruz. I considered then, the negotiations as pending, as long as we had not heard the last word from the Government of the United States upon the subject, and so true is this, that some months later, when the administration of Paredes did not exist, another communication was received from the State Department at Washington, proposing to enter into negotiations; consequently, as long as we had not known in Mexico what resolution the Government of the United States might take, on Mr. Slidell's return to that country, and in view of the communications which had passed between the Mexican Government and said gentleman, there was a hope, as I said the other day, that, waiving the obstacle which had caused the immediate difficulty as to the reception of Mr. Slidell in the character of Minister Plenipotentiary of the United States, some means might be found of returning once more to the way of negotiations, in order to settle any cause of hostility between the two governments, and to avert from Mexico the calamities resulting from war over the whole country. I cherished, in however small a degree it might have been, the hope of seeing things take that favorable turn, whatever the final result might have been afterwards. This is the true sense in which I said what I did say the other day.

Q. 449. I asked you why you said that you were carrying on negotiations with Mr. Slidell in the months of April and May, 1846, when it now appears that you had given him his passports on the 21st March of that year?

What do you mean when you say that you understand that negotiations were never entirely broken up until actual war (not to take into consideration those hostilities on the Northern frontier) began at Vera Cruz?

What do you mean by "actual war?" At what date did it begin at Vera Cruz?

When did you hear the last word of the Government of the United States upon that subject?

Please answer as fully and pointedly as you can, to express what you mean to say.

A. I have already endeavored, in my former answer, to explain what my meaning has been in all that I have said upon this point. It is true that the passports were delivered to Mr. Slidell, but not on account of any result of the principal question at issue; since this, then, was not taken into consideration at all, consequently the principal object of Mr. Slidell's mission, as I considered it to be, remained still pending, and in danger of being broken up on account of matter of form as to his reception. I conceived it was very probable, or, to say the least of it, very possible, that the Government of the United States would not on that account break up the negotiation entirely, but might present it again under a form that might not afford any new obstacle or difficulty in proceeding; consequently, I say again that in my opinion the negotiations commenced and carried on by Mr. Slidell had not reached their final result. This has been my meaning all along.

What I have said just now explains the second part of the question, as there were still, if I mistake not, further communications on the subject from the Department of State at Washington to the Mexican Government, so that war did not really and in fact commence till the beginning of 1847, at Vera Cruz. Had the administration of General Paredes remained in power, the new overture for negotiation on the part of the Government of the United States would have been received by that administration, and had I been still then in the Ministry of Relations, I would have considered that new overture as a continuance, and such a continuance as I had hoped it might be, as I mentioned. Before the negotiations recommenced with Mr. Slidell, it was necessary that Mr. Slidell should return to Washington, in order that the negotiations might continue or not, according to the decision of the American Government, and that produced an interruption, but by no means a conclusion or breaking up of negotiations.

I mean by "actual war" the real effective waging of hostilities, and not the declaration of war alone. The war commenced, as I have stated, in the beginning of 1847.

It was not to the administration of General Paredes that the last word, that is, the last communications on the subject, were directed; or rather, I should say, it was not that administration that received them; and I can say nothing as to what may have guided the administration of General Salas in his replies to those communications.

Q. 450. I may with confidence, may I not, ask a man who says he has been twice Minister of Relations, whether battles, invasions, capture of cities, a declaration, and conquests, do not constitute a state of war, and the effective waging of hostilities?

A. They do, sir.

Q. 451. Before the beginning of hostilities in Vera Cruz, in the year 1847, had there not occurred a skirmish, of which I have spoken, on or about the 24th April, 1846; the battle of Palo Alto, on the 8th May, and Resaca de la Palma, on the 9th May, 1846; the passage of the Rio Grande, and the capture of Matamoras a few days afterwards; the declaration or recognition of the fact of war by the United States on the 13th May, 1846; the seige of Monterey, with several bloody engagements, and the capitulation of that city a few months after the declaration of war; the conquest of California and New Mexico, and the great battle of Angostura, as the Mexicans call it, on the 22d and 23d days of February, 1847?

How, after all this can you talk about war not having commenced until the year 1847, at Vera Cruz, and of the continuance, or anything like the continuance, of the negotiations between the two countries, which Mr. Slidell had attempted to open?

A. As a matter of course, speaking of negotiations, I can only refer to them, and, indeed, I have only referred to them. With respect to the time that I was Minister of Relations, it was yet time then, by means of negotiation, as I think I intimated the other day, to prevent the continuance of those hostilities, and to bring the differences existing between the two Governments to an amicable arrangement. Had this taken place, as it very possibly might have done, if not under Gen. Paredes' administration, during the period of that which immediately succeeded, many of the calamities that occurred would have been avoided, the hostilities on the Northern frontier would have subsided, and those that successively happened in other parts of the republic would not then have happened. I repeat, then, that in my opinion, confining myself to the only period of which I can speak with confidence, I have said nothing in which the facts may not bear me out, according to the explanation which I have given of my views and personal conduct in the official post which I held during the few months the administration of Gen. Paredes lasted.

Q. 452. Do you not propose to make any answer to that portion of my last question which asks how, under the circumstances therein enumerated, you could say that war did not begin until the operations commenced at Vera Cruz, in 1847?

A. I gave it as an opinion of mine, founded upon the ground that the communications had continued after the administration of Gen. Paredes. It was not, as I have thought, until after these had ceased, without producing any favorable result, that it became necessary to abandon all thoughts of any arrangement at that time, and leave the final decision exclusively to arms.

Q. 453. It is to the same communication, is it not, to which you allude in your answer to question 448?

A. Yes, sir. It is.

Q. 454. The communications to which you refer are the same which I find on pages 41 to 46 inclusive, in "Exhibit Bassoco No. 3, O. H.," are they not?

A. The first one is the one that I consider a continuation of the negotiations.

Q. 455. Do you not observe that in that communication, dated 27th July, 1846, Mr. Buchanan, Secretary of State of the United States, speaks of the war then existing, and of a desire to re-establish peace, and that the communication is sent through Commodore Conner, who, you may remember, was blockading the Mexican coast on the side of the Gulf? How, then, can you infer that war had not commenced, or that this communication was a continuance of Mr. Slidell's negotiations?

A. I have admitted all along that hostilities did exist; that the object of negotiations, so far as I was concerned at least, acting as Minister of Relations, was to prevent, if possible, this same calamity from extending to other parts of the country, and the war from becoming general in it. This is, I think, what I have stated relating to this part of the subject.

Now, with reference to the communication from the Department of State in Washington, I can say, that it has positively appeared to me a mere continuation of the negotiations; a continuation such as I might have expected, as I have before said, founded on the circumstance which I mentioned, that the true question at issue had not been touched upon at all. I could not without injustice have supposed, such being the case, that the Government of the United States would not endeavor to bring about the negotiation again, waiving as I said from the commencement the question of mere form, which certainly did not appear to me sufficient motive for cutting off entirely all means of arrangement in an amicable form. It is very true that no mention is made of Mr. Slidell in the communication I speak of, but the spirit and substance of this communication appear to me to manifest its connection with the former communications between the Government of Mexico and that gentleman; and even now, at this distance of time since these things occurred, and recurring once more to said communication, and collecting my ideas on the subject, the truth of what I have stated appears as evident as it would at that time.

Q. 456. I understand the distinction which you propose to take between hostilities and a war. The question which I must press upon your consideration is, whether it does not appear from this communication that not hostilities merely but war in its technical and most comprehensive sense, did not at that time exist between Mexico and the United States; and, as you must know a war puts an end to diplomatic intercourse and breaks up negotiations, how can you persist in saying that this communication, forwarded in the midst of a war, and in the hope of bringing it to a close, is, in any sense, a continuation of negotiations which had been commenced beefore the war, and for the purpose of preventing it?

A. I have said so, because such has been and is my opinion on the subject. Had this proposal on the part of the American government came later, I might have supposed it to have been unconnected altogether with the negotiations on the part of Mr. Slidell, but everything has appeared to me always in it to bear the stamp of a continuation of the same idea, commenced when it was proposed to the Mexican government in the name of the American government, to send a Minister to enter into negotiations with it for the amicable arrangement of existing differences. The execution of what was proposed in this case had been interrupted by the difficulty which occurred as to the reception of the American Minister in that character, and consequently there was no reason to take for granted that that interruption should be considered as a termination of the question. The new communication from the State Department abounds in that same idea, in my opinion, and as if the same spirit that had dictated one dictated the other also.

Q. 457. At what period, for example, had the communication come that you would have considered it unconnected with negotiations before the war; and why any more at that period than on the 27th July, 1846?

A. After the bombardment and taking of Vera Cruz, for example, which of itself alone was already a serious loss; and had it came after that time I could not but have considered it unconnected with the former negotiations, but my impression is, that the object in view was precisely what I said at first, to avoid the occasion of these new hostilities in the country, and by means of the negotiation newly proposed, to come to an arrangement between the two governments, that would bring the others to a close.

Q. 458. About what time did you hear of the American declaration or recognition of war of the 13th May, 1846?

A. I don't recollect the exact date, but I think it was in July.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., September 20th, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 459. You have frequently said that the reason why you were not more familiar with the events of the war—or what you call the hostilities—on the Northern frontier, was that those matters belonged to the Secretary of War, and would only come to your knowledge incidentally; were there not such things as Cabinet meetings under President Paredes?

A. There were, sir.

Q. 460. How were those Cabinet meetings composed, and what the nature of the business brought before them?

A. They were composed of the President and the four Secretaries of State, besides the Oficial Mayor of the Ministry of Relations, who acted as Secretary at those meetings to take down notes of what might be discussed in them. The President had made known to the Ministers from the commencement his desire that they should endeavor, according to their best knowledge, to dispatch as much as they could of the public business that corresponded to each of them, leaving only for the Cabinet meetings those matters which they might consider necessary so to do; and besides that, he allotted certain days in the week for receiving one or two of the Ministers only, in order to transact business solely with him, or with them. Consequently, the subject of these meetings was the one that might be proposed by any of the Ministers to whom it might occur.

Q. 461. Were not the great events of April and May, 1846, on the Northern frontier of Mexico, laid before a Cabinet meeting by Gen'l Paredes?

A. They were laid before the meeting, but not discussed in it, as that would have required a knowledge of those matters which I think I may safely say that no person in the Cabinet but the President and Secretary of War really possessed; and that was the principal reason why, in my opinion, these matters used to be concerted between the two in their private meetings, on which occasions the Secretary of War received his orders directly from the President.

Q. 462. Why were they laid before the Cabinet, if not for the purpose of discussion; what sort of knowledge do you mean that was confined to the President and Secretary of War?

A. They were laid before the Cabinet, seldom in detail, to inform the Ministers of the events which were passing. The knowledge I referred to was, in all that relates to military affairs, military operations, plans of campaigns, etc.; but it was not only during Gen'l Paredes' administration that measures, or, as we call them there, acuerdos, were taken between the President and the Minister, to each of whom that particular acuerdo might correspond; this has been the practice of other Presidents likewise.

Q. 463. Have you no recollection of the receipt in the Capital of the news of the battles of the 8th and 9th of May, 1846, the passage of the river by the American army, the occupation of the city of Matamoras, etc., etc.?

A. The recollection I have of them is, that according as the official dispatches were received at the Minister of War's office, they were taken by him to the President to inform him of the contents, and then the President, on the first occasion, communicated them to the rest of the Cabinet, as I have before said, on their meeting. I recollect likewise that they were sent to the official journal, in which they were published, and that any measures proceeding from them were after that subjects of discussion, as I have stated, between the President and Secretary of War.

Q. 464 It seems to me that any man might venture to say as much as that without ever having been a Cabinet Minister, or even in the city of Mexico. I did not ask you whether the Secretary of War communicated his dispatches to the President, and whether they were afterwards printed in a newspaper, but whether you have now a recollection of the fact of the receipt of the news of the events mentioned in the question; please answer yes, or no?

A. Yes, sir; but not a separate and distinct recollection of it.

Q. 465. What sort of a recollection then?

A. Such as I have endeavored to explain in a former answer, that is to say, that events of that character were taking place, and that in proportion as the news were received officially by the Secretary of War, they were communicated to us.

Q. 466. Do you know of any other events or rapid succession of events, the receipt of the news of which could have produced upon the mind of a Cabinet Minister a more distinct, separate and profound impression, than those to which I have called your attention?

A. They did produce an impression, and a strong one, but for reasons which I have alleged, that impression could not be of a character to insure a perfect and distinct recollection, not having entered into the details of each event, but merely taking the general facts as they happened.

Q. 467. When did you receive in Mexico the news of the events to which I have referred you in my former question?

A. The news of these events, so far as I can recollect, were received about the month of May.

Q. 468. Of course the news of the battles of 8th and 9th May, the passage of the river, and the taking of Matamoras, must have been received at the city of Mexico in May, but what time—the day?

A. I could have no recollection of the precise date, having never taken any particular notice of it; and, moreover, besides the news upon these, as upon other subjects, communicated by the regular mails, others upon the same subject used to be received by express.

Q. 469. About what day, and why do you mention mails at all; what had the regular means of transmitting letters to do with communications of that magnitude addressed to the Government?

A. Whatever I might say as to the time, or about the time, at which such news were received in Mexico, not having taken any particular notice of that circumstance, as I before stated, would be no more, on my part, than mere calculation, and as such only, I would say, that the news must have arrived the last week of May, from the 22nd to the end of the month. As to the regular mails, I mentioned them because when any events of importance happen, it is very often the case that officials are not satisfied with merely sending express couriers, but avail themselves also of the regular mails.

Q. 470. Upon what do you base your calculation of the time?

A. I have no particular basis for it, because express couriers as well as the regular mails are more or less time on the roads, according to the state of these, on account of the season and from other causes relative to the relay of horses and other incidents.

Q. 471. Can you not venture to affirm particularly, as you were Cabinet Minister at the time, that the news of the battles of the 8th and 9th of May, etc., was expressed to the city of Mexico with extraordinary and all possible dispatch, and that it was received there in five or six days at the longest?

A. That they were expressed I may venture to affirm, but nothing touching the particular number of days.

Q. 472. When the courier arrived with the tidings of two great defeats, and the destruction of a Mexican army, the passage of the river, and the occupation of Matamoras, was not the whole Capital greatly shocked and startled, and have you no distinct and separate recollection of that fact occurring while you were in office as Secretary of Relations?

Also, approximately at least and without resort to general considerations as to the mails, or ordinary couriers, state of the weather, roads, etc., have you no distinct and separate recollection of the time when this fact occurred?

A. Not being in the habit of going much out of doors or mixing in society then, or at any other time, my only means of judging of that impression the receipt of that news might have caused in the Capital, could only proceed from that which I observed in persons with whom I conversed at the time, or from what I should have learned from them; deducing from thence my recollections on the subject, I can state with certainty, that the impression was great in the Capital on that occasion.

As to the time at which that occurred, I could not in truth say more than what I have said.

Q. 473. Do you not observe that your impression about the time is exceedingly vague, when you say that it must have happened between the 22d and 31st of May.

A. I have stated the reason for this, as I have said, that I did not take particular notice of that circumstance, nor have I had occasion to fix my attention on it since that period.

Q. 474. A witness without a memory, I need not tell you, can be of very little value, and that in this particular case a recollection of dates is of peculiar importance. I ask you now, therefore, how it is, that you are able to swear that you remember the signing of a dispatch on or about the 23d May, 1846, addressed to the governor of California, and of having inserted in it the communication of Becerra, dated May 20th, 1846, and also remember having received said last communication, and sundry other insignificant particulars concerning the private affairs of Andres Castillero, and yet have not a separate, distinct and personal recollection of the receipt of the news, and of the time of the receipt of the news, of events of the greatest national importance, and of the impression which the receipt of that news produced in the Capital, except so far as you gathered it from your very limited intercourse with society, although at that time, you, yourself, were Secretary of Relations?

A. I have said, that it cannot be expected that I should remember incidents which I did not take particular notice of, not thinking, in my opinion (a mistaken one, perhaps), that incidents of that kind could be so important. Of the impression produced in the Capital, I have said as much as I could say, judging of it according to the only means I had at that time to judge from, that is, the limited circle of persons I had intercourse with, and the reports which I heard from them; and, as I said before, those incidents to which I did not pay particular attention at that time, and to which I don't know that I had any reason since then to have attended to, could not have existed in my mind, and consequently would not here be subjects for recollection; but this cannot be the case with respect to other subjects to which I must have attended personally and politically, and to which I may have had occasions afterwards to pay attention to again.

Q. 475. If I understand you, you mean that you retain in your recollection now, those incidents which struck you as most important, and with which you had to do personally; am I right?

A. In most cases I think I do, especially, as I have mentioned, if there should have been fresh occasions of recurring to them.

Q. 476. Hence, you remember better that which relates to the discovery of this vein of cinnabar in California, and Andres Castillero's pretensions thereto, than you do the public events of that day, which were laid before you in Cabinet meetings, and of which I have just now been questioning you?

A. I think that what I recollect of one and the other is as much as reasonably I should recollect of them. In point of time, my recollections are the same in both cases. In point of the precise dates of happening my recollection could not be the same, since one has had to fix my attention and the other has not.

Q. 477. What has happened to fix your attention on the affairs of Andres Castillero, and since what time has it been so fixed?

A. I have had, since the beginning of the month of April of the present year, occasion to see the expediente on that particular subject, and in it I have seen photographed, as the other documents are that I saw, the communication directed by me to the Governor of California on this subject, and by seeing my own signature affixed to that document, and its date,—the 23d of May, 1846,—I immediately knew that I must have signed it that day or the next, so that that date was by that circumstance made familiar to me.

Q. 478. Your attention, then, has been fixed on the affairs of Andres Castillero, since about the time you contracted with Mr. Barron to come to San Francisco to testify? Your recollection has been refreshed by the photograph of the expediente which he showed you? And where is that photograph now?

A. My attention has been newly called to this subject by that circumstance. My recollection was distinct as to the principal facts, and has been refreshed with respect to the precise day, more or less, on which it was signed.

The photograph of the expediente was shown to me, I think, in Mexico, by Mr. Pardo, and I don't know where it is now.

Q. 479. Was any explanation given you on the subject of that photograph; and if so, what was it?

A. I don't know of any particular explanation having been given.

Q. 480. What did Mr. Pardo say, when he presented it to you?

A. He merely told me what it contained, and what it referred to.

Q. 481. What did he ask you?

A. I don't know that he asked me anything on that occasion.

Q. 482. Did he ask you if that was your signature?

A. I don't know that he did ask, but merely showed it to me.

Q. 483. Did he tell you why he had brought a photograph, instead of an ordinary copy? Did you not understand that it was to show the handwriting and signature?

A. I don't know that he said anything upon the subject. I merely recollect of his showing me the expediente upon that occasion.

Q. 484. Were you not certain, that the only object in having a photograph could be to find out whether that was your signature or not, and to discover the person who had written the body of that paper?

A. I could not be certain, since he said nothing to me on the subject.

Q. 485. Where do you live in the City of Mexico?

A. In the Portal de las Flores, No. 4, which is in the public square,—the Grand Plaza.

Q. 486. How long have you lived there, and do you own the house?

A. I do not own the house; my family has been in possession of it for about five years, they having taken it when I was absent from the Republic.

Q. 487. On your direct examination you said you were to receive what may be estimated at fourteen thousand dollars cash as compensation for your services here—this requires me to ask you what are your private circumstances, if you are a man of wealth, and how much you consider yourself to be worth?

A. A man of wealth I am not; as a Government Empleado, I depend on my salary, which is, as an Intendente in the Navy, four thousand dollars a year for life; but when called to serve in other offices, should the corresponding salary be greater I receive that, and not the other.

Q. 488. Have you no property in lands, goods, and money; if you have any, how much?

A. I have none.

Q. 489. How many times have you been private Secretary, and to whom and when?

A. Three times to my recollection: the first to Capt. Plarres, commander in the Navy at Vera Cruz, in 1826; to General Pedraza during his administration as President, in 1833; and to General Santa Anna, at different periods in 1828 and 1829, at his farm of Manga de Clarto, near Vera Cruz, and in the first months of 1832, when he proclaimed the revolution of Vera Cruz, against the administration of Bustamente.

Q. 490. Don't you recollect any other person for whom you have been private Secretary?

A. No, sir; unless it may have been incidentally for a few days.

Q. 491. Try again?

A. I have no recollection of anybody else at this moment.

Q. 492. I see in your printed answer to question 4, that you said you were private Secretary to Gomez Farias; how is that?

A. That was an error in print, they having read Farias, instead of Pedraza.

[NOTE BY COMMISSIONER.—It appears by the original deposition, that the witness said Gomez Pedraza, instead of Gomez Farias.]

Q. 493. When were you Prefect of the District of Vera Cruz?

A. From about the end of 1839, till about the commencement of 1842, as near as I can recollect.

Q. 494. Please mention some circumstance of the Pronunciamiento of Santa Anna against Bustamente, which happened in 1832 as you said; what public office was Santa Anna then holding, and where was he stationed or residing?

A. The Pronunciamiento was against the Ministers of General Bustamente, whom it was desired he should remove from office, for not acting in a manner which could give satisfaction to the nation; and the other object was, though not publicly avowed at the commencement, to invite General Pedraza to return to the Republic, and place him in the Presidency, considering that he had been legally elected to that office in 1828. and ejected by General Guerrero in that year, who in the course of the ensuing year was himself ejected by General Bustamente.

Previous to the Pronunciamiento he was residing at his hacienda before mentioned, but held no office.

Q. 495. Mention the names of the Ministers to whom you refer, if you can?

A. Alaman, Facio, Espinosa, and Mangino.

Q. 496. Do you know of a book in this city, where you can find a history of those occurrences?

A. I do not, sir.

Q. 497. Will it not be found in Alaman's history of Mexico, brought down to a recent date, which can be seen at Mr. Biesta's bookstore, in this city?

A. It may be found there, but I don't know that it extends to that date.

Q. 498. How long was it after that revolution before Santa Anna became President himself?

A. He became President rather more than a year after the Pronunciamiento, that is to say, about the month of April, 1833.

Q. 499. Where were you at that time?

A. That was the time that I was Secretary to General Pedraza, during the short term of his Presidency.

Q. 500. What time did you go to the United States as Chargé?

A. About the same time, and in the same year that General Santa Anna and Gomez Farias became, respectively, President and Vice President.

Q. 501. Who was President of the United States at that time?

A. General Jackson.

Q. 502. Vice President?

A. Mr. Van Buren.

Q. 503. Secretary of State?

A. When I first arrived it was Mr. Louis McLane, and afterwards Mr. John Forsyth.

Q. 504. Do you recollect what were the great political questions agitated in the United States during that time?

A. The question relative to the Bank of the United States, another on a French claim, the merits of which I do not recollect, and latterly the question of Texas.

Q. 505. What concerning Texas?

A. About the acknowledgment of its independence.

Q. 506. What time in the year 1837 did you leave the United States for Mexico?

A. I left in October, but had ceased in the month of April to hold my office as Chargé d'Affaires.

Q. 507. Who was President, Vice President, and Secretary of State, at that time, of the United States?

A. I have no distinct recollection of that period, but I think the President was General Harrison. I have no recollection of the others.

Q. 508. Where were you during the month of March, 1837, and in what office were you employed?

A. I was in Philadelphia, merely awaiting the arrival of my successor.

Q. 509. During the whole of that month of March?

A. Yes, sir; and even before it; for, if I recollect right, he had received his appointment since the month of December, of the year before, and had written to me from New Orleans, where he resided, requesting me not to go away until his arrival. His name was Francisco Pizarro Martinez; he was Mexican Consul, and had been some time before at New Orleans.

Q. 510. What great public event happened in the United States in the year 1836?

A. I don't recollect any particular event other than those I have mentioned.

Q. 511. Do you remember meeting a very distinguished person in the United States, under peculiar circumstances, in 1836; if so, where?

A. I do not recollect of having personally met with any such personage.

Q. 512. Where was your residence in 1836, what city, what street, and, if you can remember, what number?

A. Philadelphia, Fourth street; the number I do not recollect.

Q. 513. What were your duties as Chargé d'Affaires?

A. To attend to the prompt dispatch, and to the best of my judgment, of all the affairs between the Mexican government and that of the United States, intrusted to me for that purpose; and to cultivate, as far as on me depended, amicable relations between the two governments.

Q. 514. With what officer of the Government of the United States did you communicate, and was there any other Mexican diplomatic representative in the country at that time?

A. I communicated always with the Secretary of State, and there was, at that time, no other Mexican Minister in the country.

Q. 514*b*. Do you remember any remarkable event happening in the United States in the month of March, 1837; if so, what?

A. I recollect none, unless I except the fire in the capitol, though I am not sure it was there either.

Q. 515. Why did you prefer to live in Philadelphia?

A. Because I found it a very agreeable residence for my family.

Q. 516. Did not your official duties frequently call you away from Philadelphia?

A. During the sessions of Congress, only?

Q. 517. At that time by what mode did you travel from Philadelphia to Washington?

A. From Philadelphia to Baltimore by steamboat, from Baltimore to Washington by railroad.

Q. 518. Think of that answer again, see if you want to correct it; if yea, do so.

A. I speak as far as my recollection serves me, except with respect to the road from Baltimore to Washington, which, I think, was not for some time at first by railroad, but by stage coaches.

Q. 519. During the four years that you were in the United States, did you reside all the time in Philadelphia?

A. I did, sir; except, as I have before said, during the sessions of Congress, that I used to be in Washington. In the year 1836 and the rest of the time, till my departure in October, 1837, I do not recollect to have been absent from Philadelphia.

Q. 520. How was the steamboat in the habit of passing from Philadelphia to Baltimore, during your residence in the United States, as Chargé d' Affaires?

A. I do not recollect the names of the waters it crossed.

Q. 521. Do you recollect the fact that you took a steamboat at Philadelphia, and that steamboat landed you at Baltimore?

A. After the lapse of twenty-three years, I cannot speak correctly of that road; but my impression is, that it was not the whole distance from Philadelphia to Baltimore, but that before taking the steamboat we had to go a short portion by land, to a place the name of which I do not recollect.

Q. 522. It is true the time is long and not so important as some others; but as you were in the habit of making this journey for four years, I would ask you whether you went a part of the way from Philadelphia by land and then took a steamboat, and if so, the name of the waters on which that steamboat plied, and whether it landed you in Baltimore or not?

A. In the year 1836, my impression is, as I have before stated, that I did not go to Washington; consequently it is now twenty-four years since I performed that journey, and of it I recollect distinctly, that I went from Baltimore to Washington by land carriage, and a great proportion or most of the road to Baltimore from Philadelphia by water; so that what I really don't recollect is the name of the place where passengers took the steamboat, or the name of the waters.

Q. 523. Is Philadelphia situated on any waters; if so, what name do they bear; and the same of Baltimore?

A. I do not remember the name of the river on which Philadelphia is situated; and the same of Baltimore.

Q. 524. Your recollection of the city of Washington is better, is it not, as to its situation?

A. As far as its topographical situation is concerned it is better, inasmuch that the river that passes there is the Potomac.

However, on these points what I do not answer correctly must not be attributed to want of memory, but to a carelessness of observation at the time.

Q. 525. What is the reason that you did not visit Washington during the years 1836 and 1837, as you have said?

A. For particular reasons, emanating from the Texas question.

Q. 526. You did not desire, I presume, to offer any slight to the Government of the United States; since, if such had been the feeling at the time probably you would not have remained in the country, nor would your successor have been appointed; would you not, therefore, have visited Washington upon great days of State, if such had occurred?

A. Mr. Forsyth, Secretary of State, was aware of my particular position, and of the state of my health, which was not good at the time; and, consequently, knew well why I could not then, as on similar occasions, leave Philadelphia to be present at those great days of State. He knew with how much pleasure I had always been present on those same occasions.

Q. 527. Do you not remember, early in 1837, some very distinguished occasion, on which you, as the representative of Mexico, might have been obliged to offer those excuses?

A. I cannot imagine what the question refers to.

Q. 528. I refer to the inauguration of a new President?

A. I don't recollect to have found myself in that necessity, since my health had never been very good during the whole of my residence in the United States, particularly from that time to the time of my leaving.

Q. 529. Do you mean that you recollect nothing of the inauguration of a President of the United States in the year 1837, of the month when it occurred, the name of the person inaugurated, of his election, and the time when it took place?

A. I have no distinct recollection, as I did not see it, and have a very faint idea of its having been in the month of March; and as to the name of the Supreme Magistrate himself, though I before said I thought it was General Harrison, my impression at this moment is, that it was Mr. Martin Van Buren.

Q. 530. When and where did you next see General Santa Anna, after leaving Mexico in 1833?

A. I did not see him, until my return to Mexico in 1837, in his hacienda, near Vera Cruz, where he was residing.

Q. 531. Why did you not go to see him?

A. I could not see him till then, because when he was in Washington I wrote to him from Philadelphia that the state of my health would not permit me to go there.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, September 21, 1859.

Cross-Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 532. Have you ever lived in any other place in the United States?

A. No, sir; I have never lived in any other place. I have been at New Orleans, New York and Baltimore, merely journeying through.

Q. 533. Mention some of the persons with whom you have been acquainted in Philadelphia, New Orleans, New York, Baltimore and Washington?

A. In New Orleans, the Messrs. Lizardi and Mr. Pizarro Martinez; in Baltimore, the Mexican Consul, Mr. Tiernan; in New York, the Mexican Consul, James Treat, and Mr. Siccard; in Washington, President Jackson, Messrs. Louis M'Lane, John Forsyth, General Cass, Mr. Woodbury, and one or two more of the Cabinet Ministers, whose names I do not recollect; in Philadelphia, the family of General Yturbide, the family of Mr. Cuesta, George Follin, Mr. Bille, who was the Danish Minister, and family, Commodore Stewart, Mr. Head and son, the President of the Bank of the United States, whose name I don't recollect. I don't remember any others at present.

Q. 534. The object of my question is, if possible, to find some one here who has known you at some of those places. Can you not think of any body in New Orleans among the American population?

A. My other acquaintances in New Orleans were of a passing nature, so that I could not name any other than the gentlemen I have named belonging to that city, of whom Mr. Manuel Lizari, at present in the City of Mexico, is I believe an American citizen, and the house was well known for years in New Orleans.

Q. 535. Can you think of no one else in New York?

A. I don't recollect of any more at present.

Q. 536. How often have you been in New York; how long have you staid there at a time?

A. I have been in New York three or four times, but my longest stay there at any time, as well as I can recollect, has not been over a fortnight. I was there in 1832, and twice in 1833, and during my residence in Philadelphia I think I made a visit of two or three days once.

Q. 537. What time in the year 1832 were you there?

A. About September or October.

Q. 538. What were you doing there then?

A. I went in order to embark in a packet for Vera Cruz, belonging to Mr. Collins—who was another person that I knew in New York.

Q. 539. Where did you go from?

A. From Washington and Philadelphia, where I had been sent to from Vera Cruz by General Santa Anna on a private commission to General Pedraza, who it was thought might be at Washington, but as I found on my arriving was not in that city, but in Philadelphia.

Q. 540. When you were in New York on those occasions, do you remember where you staid?

A. No, sir; I used to go to whatever hotel the Mexican Consul might recommend me to on each occasion, without taking notice of the name, it being for so short a time. In Philadelphia, I stopped at the Mansion House Hotel.

Q. 541. But it was not at the Mansion House that you resided the four years that you were Chargé d'Affaires?

A. No, sir, not at that time; but in 1832 that was my residence.

Q. 542. Did you live in the same house from 1833 to 1837, while you were in Philadelphia?

A. At first I stopped at the same hotel, Mansion House; then for a short time at a boarding house, belonging to an American lady of a French name which I do not recollect, and for all the remainder of the four years I lived in the same house I mentioned yesterday in Fourth street.

Q. 543. Do you remember who kept the Mansion House while you were there?

A. Yes, sir. Mr. George Head, who, as I was told on that occasion, was the first owner of the establishment.

Q. 544. The remainder of the time I presume you kept house yourself, did you not?

A. Whilst I lived in Fourth street I did.

Q. 545. How long was that?

A. Nearly the four years, deducting the few days that I was at the Mansion House, and the short time I was at the boarding house.

Q. 546. Who was your landlord?

A. A doctor—I think his name was Wood—who lived two or three doors further on in the same street.

Q. 547. Please mention the names of such of the tradespeople with whom you dealt, and such of your private acquaintances whom you can remember.

A. Of acquaintances I had no others that I can remember, except three more that occur to me at this moment—Mr. Frenaye, Dr. Ryder, of Georgetown College, and Rev. Mr. Hughes, at present Catholic Archbishop of New York.

Of tradesmen I recollect no names.

Q. 548. I asked you as to private acquaintances in Philadelphia, of the people among whom you lived?

A. The gentlemen I have named resided in Philadelphia at that time, as well as Bishop Kenrick and his brother, whose names I may add to the list.

Q. 549. What was the occupation of those persons in Philadelphia at that time?

A. Dr. Hughes was curate of St. John's Cathedral; Dr. Ryder, I believe, resided with him, and was sent, I suppose, by the President of his college for some occupation in his profession, which was that of a clergyman. Mr. Frenaye, who had been for some years a merchant in Mexico, continued in the same profession in Philadelphia. The Rev. Mr. Kenrick, the elder, who is now Archbishop of Baltimore, was Bishop of Philadelphia; and his brother, at present Archbishop of St. Louis, Missouri, acted as curate of St. Mary's in Philadelphia.

Q. 550. As you held the honorable and distinguished post of Charge d'Affaires of the Mexican Government, I take it for granted that, to some extent at least, you and your family entered into the refined and hospitable society of that city; if so, please mention the names of some of the families among whom you visited.

A. I have always been, more or less, according to the position I may have found myself in, of very retired habits, and my family the same, so that our circle of acquaintances was always limited, and that of my family more particularly, for not understanding the language of the country, it may be said that their acquaintances did not go beyond the two Mexican families, resident in Philadelphia, I have named, and a friend or two more who spoke the Spanish language.

Q. 551. And thus it is, therefore, that you cannot mention the names of any families of the American population of Philadelphia, with whom it might have been supposed you might have associated during the four years; and that you do remember the names of sundry priests, and have informed yourself even of the rank to which they have risen in the Catholic Church, and the places of their present establishment?

A. Not having associated with those families, as I have said, and for the reason that I have stated, I could not have the pleasure of knowing them personally, and, consequently, could not mention their names, or anything relating to them. I have named others who were not priests; and such of those that I have named that are priests, I may say that I know that they obtained that high rank because most of them are known in Europe by their reputation, and mention is accordingly made of them in the American papers. It is but a few days ago that, in one of those papers published here, I saw an article relating to the two Archbishops Kenrick. It is thus that I have obtained my information with respect to those gentlemen.

Q. 552. Can you mention the names of any prominent politicians who resided at that time in Philadelphia, and also to what parties they belonged?

A. There was one lawyer by profession, but whose name I don't recollect, nor can I say what party he belonged to.

This circumstance makes me recollect another person of the same profession in Philadelphia—Mr. Dupanceau.

Q. 553. Was not your habit of withholding yourself from private society in the city of your residence, entirely contrary to the custom and usage of foreign Ministers generally?

A. It was, perhaps; but that had been invariably my habit, and perhaps even in the Diplomatic career there may be other exceptions.

Q. 554. Do you not also consider your omission to make the acquaintance of public characters, residing in the same city with yourself, during so long a period as four years, a remarkable and exceptional fact in the career of a foreign Minister?

A. Indeed, sir, I could not determine the case, in this instance, by my own judgment.

Q. 555. When I asked you just now what prominent politicians resided in Philadelphia, during your residence there, and spoke in a tone as audible as that in which I put the rest of these questions, and after the commissioner, at my request, had read the question to you, why did you go on to call the names of Mr. Van Buren, Mr. Webster, Mr. Clay, Mr. Calhoun, and Mr. Benton?

A. I had not, in the first or second instance, understood the question properly. It contained two parts; the first, the names of politicians; secondly, the parties they belonged to. Wishing to fix my attention to these two parts of the question, in order to answer it as well as it might be in my power, and thinking all the time that the question was regarding prominent politicians in the United States, and not in Philadelphia alone, I mentioned those names which had been familiar to me during my residence in that country. I did not think that my attention had been called as to the particular place named—that is, Philadelphia—but that when I was asked if I understood the question, it was with reference to particular parties, and that is the reason why I said that I would endeavor to answer the question as far as I could.

I should regret to have committed any impropriety in any respect.

Q. 556. By what names were the great political parties of the United States known, during the time that you were Charge d'Affaires, and resided in Philadelphia?

A. By whatever distinctions they may have been marked, so as to know the one from the other, for my part I never could distinguish them clearly, but by classifying them under one or the other of the general denominations of Federalists and Democrats. Questions of local interests might produce other subdivisions in those political parties, which could easily be distinguished for the time being, but which did not appear to me to be permanent, as the two grand divisions were those which I have mentioned.

Q. 557. I asked you merely by what names the great parties were known in common discourse, and in the newspapers. Please state briefly what those names were, as you heard them at the time that you arrived in the country, and what they were when you left it.

A. I do not recollect any other names at those times, but those I have mentioned.

Q. 558. Have you brought with you to this city any of your papers or correspondence, of the date of your residence in Philadelphia?

A. No, sir. I brought no correspondence at all, nor papers that would give me any light on the subject.

Q. 559. When you were in Washington, in attendance on the sessions of Congress, as you have stated, where did you reside?

A. At Mrs. Ulrich's, opposite to the Department of State.

Q. 560. Where was that, at that time?

A. Very near the residence of the President of the United States.

Q. 561. Did you always stay at the same place?

A. I don't recollect stopping at any other on those occasions, and it is the same house at which Gen'l Santa Anna, on my recommendation, stopped when he was in Washington.

Q. 562. Have you recently seen anything in print, or conversed with any one, relative to the place where Santa Anna stopped when he was in Washington?

A. No, sir, I have seen nothing about it in print, nor conversed with any one on the subject, for I doubt very much if there is any one among those persons I am acquainted with here, that know anything about the matter; but I recollect very distinctly the letter of recommendation I sent him for Mrs. Ulrich, and that he thanked me in his first letter for the lodgings, which he found very convenient.

Q. 563. Can you remember the year, and what time of the year, Santa Anna was in Washington?

A. In 1836; and I think it was about August or September.

Q. 564. Mention briefly how he came to be there?

A. As well as I can recollect, he went there as soon as he was set at liberty in Texas, where he had been a prisoner under Gen'l Houston, by whom he was taken at the battle of San Jacinto.

Q. 565. Do you recollect just now the alleged cause of the revolt and war in Texas; I mean on the part of the Texans?

A. I don't know of any other alleged cause, which can be said briefly, than that of their wishing to establish in the State a form of government in conformity with the Federal Constitution.

Q. 566. What became of the Federal Constitution of 1824?

A. It had been superseded by that of a central form, in that same year; and this being a period during which I was not in the Republic, and of which I cannot, of course, speak with confidence, for the reasons I have before stated, I could not mention all the circumstances of the case; but I think I may safely venture to say, in general terms, that there had been some revolution in favor of a centralization in Mexico, in consequence of which, the Congress proceeded to form that Central Constitution.

Q. 567. Do you remember now by what name that Central Constitution was called?

A. I think it was called by the name of "Las Siete Leyes."

Q. 568. Was it not known as the "Bases Constitutionales?"

A. It may have been also known under that name, but I think the most familiar name was the other.

Q. 569. If I understand you, you say again that you have not a perfect knowledge of these events because of your absence from Mexico, although you were in the service of the government at that time as a foreign Minister?

A. Yes, sir; and I think I explained the reason for this the other day, in answer to a question similar to this one.

Q. 570. Can you mention the names of any private families with which you became acquainted in Washington, during your residence there as Charge d'Affaires?

A. I had not the pleasure of meeting those families except at dinner or evening parties.

Q. 571. Mention the names of some of those which you can remember, that you got acquainted with in that manner.

A. It is almost impossible to recollect the names of acquaintances made in that manner. However, I may mention the names of the family of General Cass, which is the only one that I distinctly remember by name.

Q. 572. As the people of Washington are in the habit of showing many courtesies and opening their doors to foreign Ministers, is it due to the same reserve with which you lived in Philadelphia that you did not make their acquaintance, and cannot now remember any of their names?

A. I attribute it exclusively to that cause.

Q. 573. Mention the names of some of the public personages, other than cabinet officers, with whom you formed a personal acquaintance in the city of Washington?

A. Other than cabinet officers, I do not recollect to have made a personal acquaintance with any, except Mr. Adams and Mr. Dickens.

Q. 574. Who was Mr. Dickens?

A. He was, I believe, secretary in the chamber of Deputies.

Q. 575. Of how many chambers was the American Congress composed, and by what names were they known?

A. Of two chambers, the House of Representatives and the Senate.

576. What did you mean just now by "the chamber of Deputies?"

A. I said it unthinkingly from the custom of calling it by that name in my own country, and because the proper name did not occur to me at that moment. I referred to the House of Representatives.

Q. 577. Why did you not form an acquaintance with some of the members of congress, particularly the chairmen and members of those committees which had charge of international affairs?

A. I can mention no other reason for it than that which proceeds from my character of reserve, and that I did not think that there was any particular subject at the time which would make that necessary for me.

Q. 578. For example, when the recognition of the Independence of Texas was under consideration, did you not think that a proper occasion to make the acquaintance of members of Congress, and particularly of the chairmen and members of those committees which would have to make a report upon that question; as the representative of Mexico did you not care to urge reasons against the passage of that resolution?

A. I really did not think that my duty called upon me to make the acquaintance of those gentlemen for that purpose, and I trusted that, in the course of the debate on the report, all the reasons that I could bring forward as the representative of Mexico against the resolutions would be ably and fully developed by the gentlemen in the chamber who should be opposed to the resolutions proposed.

Q. 579. As you are entirely master of the English language, and held so high a public post, I presume you were in the habit of reading political papers published in Washington during your residence in the United States as Charge d'Affaires. Please mention the names of the most conspicuous of those papers, and also of their editors.

A. I can only mention the names of such papers as I used to receive, and generally to read myself; those were the National Intelligencer, and the Globe, of Washington; the Philadelphia Gazette; the New York Courier and Enquirer, and the Richmond Enquirer; of the editors of these papers, the only one whom I knew personally was Mr. Walsh, of the Philadelphia Gazette; of the others, I think I have heard the names, but do not recollect them, except of one of the editors of the National Intelligencer, who, if I mistake not, was called Mr. Webb.

Q. 580. Do you recollect to have heard the name of Francis P. Blair; if so, in what connection?

A. I do recollect it very well, sir; I think he was editor of the Globe.

Q. 581. Did you not have a personal acquaintance with him, or any of his family?

A. I really don't remember, sir.

Q. 582. The same question of Duff Green, and Gales and Seaton?

A. The first one was the editor of the Richmond Enquirer; Gales and Seaton, of the Daily Intelligencer, and Col. Webb was not, as I said before, editor of that paper, but of the New York Courier and Enquirer. It strikes me now, too, that I used occasionally to see the Herald, of New York, whose editor, I think, was Colonel Bennett, but I had no personal acquaintance, to my recollection, with either Duff Green, Gales, Seaton, Webb, or Bennett.

Q. 583. Is there any thing else connected with your residence in Washington that now occurs to you worthy of mention; if so, please mention it?

A. Nothing else occurs to my memory at present.

Q. 584. Do you remember any remarkable event happening in the city of New York, during your residence in the United States, not of a political nature?

A. No, sir; I really do not.

Q. 585. Say in the years 1835, or 1836?

A. No, sir.

Q. 586. I mean a very extensive and memorable conflagration?

A. I cannot say that I do remember it.

Q. 587. You were Minister Plenipotentiary and Envoy Extraordinary to England, from the year 1853 to 1856; who was Prime Minister during that period?

A. At first, Lord Aberdeen, and after that Lord Palmerston.

Q. 588. Was there no other?

A. I recollect no other in that period.

Q. 589. When did you arrive in England, and when did you leave; by what conveyance either way?

A. I went and returned by the West India Mail packet, *via* Havana and St. Thomas; I arrived about the beginning of July, 1853; I left England on the first February, 1856.

Q. 590. Mention, if you please, in their order, the principal questions, or rather general subjects, which engaged the consideration of the Parliament and the people during the time that you were in England as Mexican Minister?

A. I know of but two of that character: the Reform Bill, and the Crimean question, which of itself, seemed to absorb all others at that time. Some attention was given too, as I can recollect, to two more important questions relating to privateering and right of search.

Q. 591. What Reform Bill, by whom presented, and when?

A. I cannot say by whom presented, nor when. The Bill I refer to is the one relative to the voting at general elections.

Q. 592. I do not very well understand your definition or explanation; perhaps, as you enjoyed the great opportunities of a foreign Minister, you can tell me more precisely what it was that Parliament had under consideration?

A. I do not pretend to define it technically, but I think I may express my idea of the subject, stating that it is a greater extension or enlargement of the electoral franchise, and certain modifications with respect to the elections in boroughs; or in other words, that the object is, according to my humble opinion, that a greater number of voters may be able to come in at elections, and that these elections in the boroughs may be more in proportion to the actual number of inhabitants.

Q. 593. What do you mean by the "Crimean question"?

A. The question relating to the war in the Crimea.

Q. 594. Crimea is only a place, and that war extended to many places; what war is it you speak of?

A. I speak of the war of the united forces of England and France against Russia, in behalf of Turkey.

Q. 595. When did that war commence, under what Prime Minister, when concluded, and under what Prime Minister?

A. It commenced in 1854, under Lord Aberdeen, as Prime Minister, and terminated in 1855, under Lord Palmerston, as Prime Minister.

Q. 596. About what time did the change of Ministers take place, and on what question?

A. The change, I think, took place about the middle of 1855; I cannot say what the precise question was that caused it.

Q. 597. Were you not there; did you not attend the sessions of Parliament, read the newspapers, and pay particular attention to what was going on?

A. Yes, sir; but still, in important cabinet changes of this character, it is not always easy to ascertain the true causes of them; one person might attribute it in that case, for example, to a want of sufficient energy in the cabinet; another to a want of sufficient foresight in everything relative to measures for provisions, armament, etc.; and others still, to the hidden influence of some foreign cabinet; and probably persons might be found who might attribute it to all these causes at a time, and these were the causes of which more was spoken, as far as I could hear and know, in London at the time.

Q. 599. What is the process by which one set of British Ministers is put out of office, and another put in?

What is the immediate cause that uniformly determines the change?

A. As I understand it, the force of public opinion, made manifest through Parliament by the number of votes for or against the cabinet, on some important question.

Q. 600. Do you remember the important question on which the Aberdeen Ministry found themselves in a minority?

A. I remember no other but one of those I have touched upon in one of my last answers. I mean the want of foresight, and of measures sufficiently active, in all that refers to military preparations, embarkment of troops, provisions, etc.

Q 601. When you represented Mexico as Minister Plenipotiary, etc., in London, did you not get acquainted with the Ministers of the United States, France, Spain, Austria, Denmark, and Russia, before the war commenced; if yea, mention the names of those personages?

A. Of the United States, with Mr. Buchanan; of France, first Count Walewski, and afterwards Persigny; of Spain, first Don Xavier Ysturiz, and afterwards Don Antonio Gonzalez, and in the intermediate period between these two gentlemen, John Comin as Chargé d'Affaires; Austria, Count Colloredo; Denmark was without a Minister when I arrived, then first came an Admiral of that Navy, and next a General, whose name I don't recollect; I don't recollect the name of the Russian Minister then, but he was a Count, and is now Russian Minister in Paris, if I mistake not; we exchanged cards once or twice, but never knew each other personally.

I was personally acquainted with all these Ministers except the last, and on terms of good friendship with Mr. Buchanan, the Spanish Ministers and Chargé, and the Austrian Minister.

Q. 602. Why is it that your personal acquaintance with Mr. Buchanan did not serve to remind you that he had been the American Secretary of State in 1846, when I asked you that question some days ago?

A. I can find no other reason for it but that whenever I have remembered Mr. Buchanan, it has been always in connection with the Senate of the United States in Washington, where I first had the pleasure of seeing him in the years 1834 or 1835, and with his mission to London, where we used to meet together.

Q. 603. I am now reminded to ask you what I had before forgotten. Mention the names of the other foreign Ministers to the United States when you were Chargé d'Affaires from 1833 to 1837.

A. I shall endeavor, as well as I can remember such an old date, to do so. I think from England, Sir Charles Vaughn, and in the same legation Mr. Bankhead, who I think remained some time after as Chargé d'Affaires. From France, Mr. Serurrier, and Mr. Pageot, who was afterwards too, I believe, Chargé d'Affaires. From Spain, first Mr. Tacon, and afterwards Mr. Calderon de la Barca From Holland, Mr. Martini. From Prussia, Count Behr, I think. From Brazil, Mr. Cabalcante de Albuquerque. From Chile, Mr. Carvallo. There is one more from Portugal, whose name I don't recollect at this moment, married to an American lady and resident in Baltimore. The Russian Minister was not allowed to have any intercourse with the Ministers sent by the governments of Spanish American States, and that is the reason I do not know him personally.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Sept. 22, 1859.

Cross-Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 604. Have you never seen any almanac, or other book or pamphlet, containing the list of names of Foreign Ministers, given by you yesterday in answer to the 601st and 603d questions?

A. No, sir; I never have.

Q. 605. Have you not refreshed your recollection of those names and persons, by conversation with somebody about them?

A. No, sir; before I mentioned them yesterday, I never had occasion to speak of them?

Q. 606. Can you explain why it is that you remember names of those persons so accurately now, when you were unable to recollect so many things connected with your own personal history, political experience, and history of your own country during the best years of your own manhood?

A. I think I generally recollect those things in which I may have been personally interested, of which I had a clear knowledge when they happened, and to which I may have paid sufficient attention for them to make an impression on my mind.

With respect to the political history of my country, I have not only been absent from it many years, during part of which I have not had occasion to acquire that clear knowledge of events, and even when I have been in the Republic I have not always paid the necessary attention to public affairs, for reasons which I have before now stated, to be able ever to bring them to my mind again, as I could have done had it been otherwise.

Q. 607. Have you seen anywhere in print, or gathered from conversation with any one, the fact which you mentioned in your answer to question 602; to wit, that Mr. Buchanan was in the United States Senate in the years 1834 and 1835?

A. No, sir; but I mentioned the circumstance to himself, as he appeared to have remembered me the moment that we first spoke together in London.

Q. 608. Did you ever exchange any notes or letters with Mr. Buchanan, and if yea, have you any of his writing here?

A. The only notes I ever exchanged with him exist in the office of the Mexican Legation, in London, where I left them. I have in Mexico some little work or pamphlet, I don't recollect the title, of which he was kind enough to make me a present of a copy, on which occasion he wrote on a blank leaf before the title page a few friendly lines, and signed them.

Q. 609. Who was your immediate predecessor, and who your successor in that Legation?

A. My immediate predecessor was Colonel Francisco Facio, who was before and afterwards Mexican financial agent in London. My immediate successor, for upwards of a year, was the Secretary of the Legation, the Licenciado J. N. Gonzalez de la Vega, and until a full Minister was named, whose name is Mr. Thomas Murphy, and whom I suppose still remains there.

Q. 610. Is he a Minister Plenipotentiary and also a Mexican?

A. Yes, sir, he is a Minister Plenipotentiary, and also a native of Vera Cruz, in the Republic of Mexico.

Q. 611. During your residence in London did you continue the same secluded manner of life which you observed when a Minister in the United States, or did you make some acquaintances in circles of private life; if yea, please mention the names of some of them?

A. I used to live in London in the same secluded manner, as far as circumstances permitted, as I had lived in the United States; my acquaintances there were, as far as I can recollect, Mr. Thomas Baring, Colonel North, both members of Parliament; Sir Fitzroy Kelly, Mr. Milner Gibson, also Members of Parliament; two gentlemen of the name of Bates, one of them connected with the house of Baring Brothers, and the other the principal owner of a commercial house, who has had till now, and I believe still has a house in Mexico; the two Messrs Murrietos, of the well known firm of that name in London, Mr. Lizardi, merchant; Mr. Hugh Sandyman, a banker; partner of a Mr. Sanderson, Mr. Lasada, a celebrated watchmaker; Mr. Jones, a banker, I think,—a gentleman who had resided some years in Mexico, of the mining profession, and has at present two sons in the Republic, one of them in Guanajuato and the other in San Luis Potosí or Zacatecas; Mr. Salamons, who was Lord Mayor of London in 1855, and a few others, principally merchants, who had resided in Mexico, where I had not known them, and with whom I was not so well acquainted as those I have named,—one of these gentlemen was called Mr. Henderson.

Q. 612. Do you know anybody in California with whom you were acquainted when you resided in the United States as Chargé d'Affaires, and in England as Minister Plenipotentiary?

A. I do not know of anybody in California with whom I had been previously acquainted in the United States, but there is a gentleman here of the name of Lucas Ponton de Arce, with whom I was very well acquainted the last two times I was in England, and to whom I gave a passport, as Minister, when he came out to Mexico.

Q. 613. The 4th question, direct examination, was; "What public employments have you held?"—the most of my cross examination so far, as you will observe, has been directed to your answer to that question; that is to say, to ascertain the truth of your statements as to whether you were or not the person in that answer described, and whether you have or not held the offices of which you there speak; if you think proper, you can produce the person of whom you have last spoken, Lucas Ponton de Arce, and take his deposition and have it incorporated in yours, or have it taken separately afterwards?

[Question objected to by Mr. Peachy, upon the ground that Mr. Castillo, the witness, cannot produce Mr. de Arce or any other witness and have his deposition taken in this case on behalf of the claimant.

Counsel for the United States offers to subpena the person in question, if the witness will oblige him with his address, or any other person the witness has mentioned as having known him at either of the times referred to.]

A. This gentleman has a tobacco store in Sansome street, in this city.

[The counsel for the United States returns his thanks to the witness for having accorded to his request for the photograph of himself to be sent to Mr. Buchanan.]

Q. 614. You regard this document being the communication addressed to the Governor of California, being of the date 23d May, 1846, and signed Castillo Lanzas, as a grant of two leagues of land to Andres Castillero, do you not?

A. Yes, sir.

Q. 615. Are you a lawyer?

A. No, sir; I am not.

Q. 616. Upon what then do you found your opinion that this document is in effect a grant?

A. Upon the ground that I do not know of any other form in which the Mexican Government could have made the grant.

Q. 617. Under what law did the Central Government of Mexico make grants of land?

A. Under the Colonization Law of 1824, and the Reglamento which was published some time after.

Q. 618. Under what provisions of that Colonization Law, or of that Reglamento, do you maintain that this document is a grant?

A. According to that law, as far as I can recollect (for it did not appertain to my office at the time to take cognizance of it), the President of the Republic had it in his power to make it.

Q. 619. Under what provision of the law?

A. I have said that I cannot speak correctly on this part of the subject, as it was all transacted and carried through by the Ministry of Justice, where of course care was taken that everything should be done in conformity with what the law and Reglamento prescribed in the matter. The grant once made by the President, the only part of the business that appertained to me was that of informing the Governor of California of the grant which had been made, in order that he might put the grantee in possession, for the Minister of Justice was not authorized to give orders to Governors.

Q. 620. I understand you then, now to say, that this document is not a grant, but a communication to inform the Governor of California that you had learned through the Minister of Justice that the President had made a grant, and instructing that Governor to give possession: Is that correct?

A. I must beg leave to repeat, sir, that I have always considered it as a grant, and given in the only form which is customary in our public offices; the only form, indeed, in which I conceive it possible to have been given. The Minister of Justice, in fulfillment of the order of the President, made a sufficient communication to me, not merely that I might become acquainted with its contents, but that I might communicate, on my part, the necessary order to the Governor of California, so that the grant made by the President, and by him commanded that it should be carried into effect, might so be perfectly fulfilled.

Q. 621. I call your attention to your last two answers, and ask you if they are not contradictory, in that, by the first, you say that the grant had been made by the President, and communicated to the Minister of Justice before you wrote the dispatch to the Governor of California; and in the second, that that dispatch was itself the grant?

A. What I said in my first answer was, that I could not speak correctly with reference to the provisions of the law, as this matter did not appertain to me, but that the Minister of Justice, whose duty it was in that case to attend to it, took care that everything should be done in conformity with what was therein prescribed on the matter.

Q. 622. It does not appear to me that you have yet removed the contradiction at all. Have you anything further to say on the subject?

A. I must frankly confess that I don't see at all wherein the contradiction exists. I said, "I cannot speak correctly" of the proviso, because it was not my business to attend to that, but that, the grant having been made by the President, according to the power he had for making it, I knew of no other way in he has expressed, has, on more than one occasion, declared that the protocol to which the counsel for the Government alludes, is without force or validity.]

A. I know beyond all doubt, that the aforesaid grant in California, to wit, of the 23d May, 1846, was made;—as I signed that document myself, and remember all the circumstances relative to it, which I have mentioned. On what ground those Mexican Commissioners may have made the declaration to which the question refers, it is not for me to say. The only thing I can state on this subject is, that I am almost sure that none of those gentlemen held at that time a position which could give them a command over the archives; and that I don't believe they could have had access to these, as I then heard that part of the archives had been taken to Queretaro, and the rest were in boxes, closely shut, in the city of Mexico, and not to be opened until the Government should return to the capital.

Q. 630. Who had the keeping of them all this time?

A. I was not informed of that, but must suppose that they were under the charge of some one of the officials of the Ministry of Relations.

Q. 631. Why could they not be opened; what could prevent it?

A. It must have been in consequence of some order of the Government at Queretaro, who, it must be supposed, did not wish to have in Queretaro more than the necessary documents for the ordinary dispatch of business, and would not like those left in Mexico during its absence to be taken out of the boxes, for fear that any other document might be mislaid.

Q. 632. Where were you all this time?

A. I was in the city of Mexico.

Q. 633. Who had charge of the archives?

A. I have said that I do not know who had charge of them then; in ordinary times it is the business of the archivero to take care of them.

Q. 634. How could the government that was at Queretaro have any control over them?

A. By the control it had over its empleados, who obeyed its orders.

Q. 635. Are you certain that you were in the city of Mexico at that time?

A. I don't recollect to have left the city of Mexico at any time in 1848, for any purpose at all.

Q. 636. Who was the Governor of the city of Mexico?

A. I know nothing of the authorities of the city of Mexico, because I lived very privately on account of the war, and knew nothing of appointments of authorities in the city.

Q. 637. Have you not some general idea of whom the authorities were?

A. No, sir.

Q. 638. How can you say that there were any Mexican authorities there at all?

A. I cannot say anything relative to the circumstances of the city at that period.

Q. 639. Your answer surprises me; I should suppose that a gentleman of your position would be always able to say something of the circumstances of the city in which he resided, of Mexico at that time in particular?

A. I can say nothing but what is the truth.

Q. 640. Can't you say who was at the head of affairs in the city of Mexico on or about that time?

A. I can only say that I suppose it was General Scott who was at the head, and I believe (but I can't trust much to my recollection in this case) that I then heard that General Quitman was then Governor of the city.

Q. 641. Where in the city of Mexico are the Mexican archives kept; are they not kept in the palace?

A. They are, sir; but besides the general archives which are kept in the palace, each office of the government keeps its own archives separate from the rest, under charge of its own archivero.

Q. 642. Don't you know that the Americans took the palace, all its offices and all its archives?

A. If they took all, of course no Mexican authorities could interfere in the business at that time; but if it is true that any portion of them was under the charge of a Mexican official, it must be equally true that they must have been removed beforehand from the palace; I cannot of myself say which of the two was the case, for I merely mentioned before what I had heard.

Q. 643. It was only upon hearsay then that you ventured to say or suggest that the Mexican Commissioners knew nothing about this grant, because a portion of the archives were then boxed up and kept in the city of Mexico under the charge of Empleados of the Mexican Government at Queretaro, with instructions not to open them until that government returned?

A. I cannot say positively what I did not know positively. I heard it said as I have said, and that is the reason I made use of the words "I believe."

Q. 644. Who was there sufficiently interested in this grant to tell you such a story as that; and how could you, an ex-Minister of Relations, listen to it?

A. No person interested in the grant, that I am aware of, mentioned that circumstance to me; and in the absence of better reasons this appears to me to be one that may explain in a certain manner that declaration having been made by the Commissioners, for I cannot for one moment imagine that had they had access to the archives, and seen this communication of 23d May, 1846, to the Governor of California, the aforesaid Commissioners would have made that declaration;—such is my impression.

Q. 645. In your opinion then, no weight is to be given to that declaration of Mexico, made at that time and under those circumstances, as evidence upon the question of fact whether or not this grant, as you call it, was made on the day it purports to bear date?

[Question objected to by Mr. Peachy as irrelevant.]

A. It is not for me, as I said before, to state anything as to why this declaration was made; and ignorant as I am of the reasons which led the Mexican Commissioners to make it, it is impossible for me to form any clear and decisive opinion upon it.

Q. 646. Are those Commissioners now living?

A. They were living when I left Mexico in April last. I saw them all shortly before leaving.

Q. 647. Where were you in August and September, 1847.

A. I was in Mexico from the time that General Paredes' Administration terminated, till about the month of May, 1849, more or less, but not in active service.

Q. 648. What happened about that time?

A. In September, 1847, an American army entered the City of Mexico. I can say no more, being in private life as I said before.

Q. 649. Can't you say something about what happened just before, what became of the Mexican Government and Army, and something about the manner in which the change was effected?

A. I can only add the little I then heard on the subject, which was, that after the taking of the Castle of Chepultepec, General Santa Anna with the Mexican Army evacuated the City, resigning the Presidency, which was taken by Mr. Peña y Peña as President of the Supreme Court of Justice, but he also left the City and went to Toluca.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., Sept. 23, 1859.

Cross-Examination of J. M. Castillo y Lanzas postponed, for the purpose of taking the depositions of Lucas Ponton de Arce and Samuel Head, witnesses summoned on the part of United States. (See *ante*, pp. 2220, 2222.)

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San Francisco, Sept. 23, 1859.

Cross-Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Messrs. Randolph and Sloan, for the United States.

Q. 650. You have spoken of the communication of the 23rd May, 1846, addressed to the Governor of the Californias, as a grant. What assurance had the Supreme Government of Mexico, at that time, that the lands therein described as two leagues upon the mining possession of Andres Castillero, had not been already granted in colonization to others, and became private property?

A. I can give no information upon this point; as I have stated, all this business had been transacted between the President of the Republic and the Minister of Justice, who had in his possession, at the time, all the documents relating to the subject.

Q. 651. I understand you to say that you were not in Queretaro, at any time, whilst the Mexican Government was there?

A. I was not, sir.

Q. 652. On the same day that you signed this dispatch of 23rd May, 1846, to the Governor of California, might you not have signed a great many other papers?

A. It is very probable that I might sign some others, because it was only on packet days, or on such occasions, that we had much correspondence to sign.

Q. 653. Do you remember any other papers you signed on that day?

A. I do not, sir.

Q. 654. I need not ask you whether or not you belong to the Central or Church party in Mexico?

[The counsel for claimant requests the witness, if he has any reasons for not wishing to answer the question, to make them known.]

A. I find no difficulty in answering the question, as I have never, in the whole course of my public career, belonged to any party.

Q. 655. Still, I understand you to say that you have recently held the place of Minister of Relations in the Cabinet of Zuloaga?

A. I held that place part of last year.

Q. 656. In the month of April, when you left the Capital, was there not a very embittered feeling of hostility prevailing between the Central or Church party and the Liberal party, who, about that time, had been repulsed from the City of Mexico, which they were attacking?

A. There was, I believe, some embittered feeling between what is called the Conservador party and the Liberal party. In each of these parties, if I mistake not, they have different grades in their respective opinions. In the Liberal party, for example, some are in favor of giving to the nation greater degree of liberty at once than others, and hence their respective names of Puros and Moderatos. In the same way in the Conservador party, there may be some, very few indeed, who may desire to have things remain just as they have been, whilst the greater part are distinguished from the other party, *i. e.* the Liberal party, in this one point, that they consider necessary, for the present, a central form of government, and are of opinion that all reforms should be gradually introduced without endangering, as they think it would, the public tranquility in the nation, by anticipating measures for which they think it is not yet entirely prepared.

This I think is the true state of the country; and such is the opinion I have of the character of my own countrymen, that I really think that if a superior man, with the necessary tact and experience, were to start up in the country, he would undoubtedly, without much difficulty or labor, reconcile parties sufficiently at least to establish a government in the country that would be acknowledged throughout the whole of it, and whatever bitter party feelings may at present exist, would in the first instance be smoothed down, and would end by losing all their bitternes. That is my opinion.

Q. 657. At the time to which I have referred, were not the roads from the Capital infested with bands of partisans of the Liberal cause, and was it not very dangerous for prominent persons, connected with the opposing faction, to fall into their hands; was it not very customary for the adherents of either faction to put to death those of the opposite faction whom they might find traveling in the stage coaches or otherwise?

A. In all our revolutions the roads have usually been infested by parties calling themselves soldiers, belonging to this or the other band, but who in reality have no other object than that of robbing and plundering. I do not know that except on those occasions on which the different parties have been engaged in action, or in which some principal military leader may have been caught by his adversaries, any person has been shot merely on account of the political party to which he might belong.

Q. 658. Do you not believe from your knowledge of the state of the country, that if you had fallen into the hands of any of Degallado's men, so soon after their retreat, and the massacres at Tacubaya, and had been known as the late Minister of Relations of President Zuloaga, that you would in all probability have been shot?

A. I am happy to be able to answer that question by a practical case. I feel great satisfaction for myself in doing so, and if any honor should accrue to my countrymen on account of it, I shall feel proud of the same.

The case is this: when we left Mexico, Degollado's troops had but a few days before been routed and dispersed; in the course of my journey from that Capital to the coast, San Blas, I have traversed through tracts of country and cities, in which I have had to pass through camps of Government and Liberal troops alternately; I have been seen by both, and known by both, and have not been in one single instance molested by either one or the other.

This, I think, speaks for itself.

Q. 659. To what do you attribute your good fortune, in passing through the hands of your enemies at that time with safety of life and without molestation or detention?

[Question objected to by Mr. Peachy, for the reason that although the supposed impossibility of obtaining witnesses from Mexico, in the present disturbed state of that country, might be a pertinent inquiry if we were seeking the reasons which have induced the Government to resist all applications to take testimony in the City of Mexico, yet it is now an irrelevant matter.]

A. I attribute it to the national character, and I may mention it as a proof of what I said before, that it might not be difficult to remove all sort of bitter feelings or animosities between the parties. These are generally just enough to distinguish between those who merely endeavored to fulfill their duty in whatever post they may be called upon to act, and those who make war and exert all their influence, should they have any, for mere party triumphs, or the like?

Q. 660. Mention the names of some of the places which were in the occupation of the Liberal forces when you passed through, and of the Liberal officers whom you saw, and by whom you were recognized?

A. The principal forces of the Liberals were in Guanajuato and Leon. I did not myself see, or at least did not recognize, any officer, but was told that General Echeagaray, and others whose names I don't recollect, some of whom, like the officer I have mentioned, had recently belonged to the staff of Gen. Degollado, had seen me; and I understand that some of my fellow-passengers were informed of the same.

I was informed at Guanajuato that I had been seen and known there, by the parties I have mentioned.

Q. 661. Then you do not know of your own knowledge that you were seen and known by any of the Liberal officers?

A. I know that they could not avoid seeing me, for it was daylight yet when the diligence arrived, and at the very entrance of the diligence house, and in the corridor up stairs, were some of these officers, as my fellow-travelers can testify.

Q. 662. You did not speak with any of them?

A. I did not.

Q. 663. Did you travel in any disguise?

A. No, sir; in my usual dress.

Q. 664. Was it General Echeagaray, the same who had been operating on the side towards Puebla against General Llave?

A. No, sir; quite a different person. The one I mentioned I think had been for a long time in Guadalajara, Colima, etc., with Degollado, to whom, I was told, he was very much attached.

Q. 665. You took no passport?

A. Yes, sir; I did.

Q. 666. Will you produce it?

A. With pleasure, sir,—this is it,—and I request it may be returned on my departure, as I may find it necessary on my journey to Mexico.

[Witness produces the passport.]

Q. 667. You will, however, permit me to have a photographic copy taken of it, to be filed as an Exhibit, with a note upon it in your handwriting, and with your signature, that it is an exact photographic copy of this original passport?

A. Most certainly, sir; and should it be found preferable, I am most willing to leave the original, and take the photographic copy myself.

Q. 668. What is the reason that the description of the person is left blank in this passport; also, that the place for the signature of the bearer is blank; of what use would the passport be without those means of identification; what would prevent a person who had got possession of this passport, from passing himself off for you?

A. The fact is, that I never considered it necessary to have this passport, so that I took it out and it was given to me more as a matter of form than anything else. Had I not been a well-known person in the Ministry of Relations, none of those omissions would have occurred; had I not considered that I should not be called upon on the road to present it, or that if there was any chance of this, it could only be in places where I am personally known, I would have signed it,—and I beg leave to do so now before it is filed.

Q. 669. I think that that would be, perhaps, an unnecessary trouble, as no signature at this time would vary the effect of the passport for any purpose; and after the photographic copy is taken, and the original is returned, you will of course sign it or not, as you think proper.

If this passport was not of sufficient consequence to be filled up, it is of still less consequence whether it is returned to you or not, that is, if it was a matter of indifference whether you brought it to California or not, it is still more indifferent whether you take it back to Mexico or not, is it not?

[Question objected to by Mr. Peachy as irrelevant.]

A. When I left Mexico I saw no real necessity for the passport, but I took it out as it had been my custom whenever I traveled. We have now been absent from Mexico some months, and I don't know what measures the government in the Capital may have taken upon this subject, or may take by the time that we return; that is the reason why I think it safer to be provided with it.

Q. 670. Is there any other J. M. de Castillo y Lanzas in Mexico?

A. With the exclusion of the name Lanzas there are other J. M. de Castillos, no other named J. M. de Castillo y Lanzas.

Q. 671. These words "Yntendente de Marina retirado" in the passport are not intended to distinguish you from any other Sr. Don Joaquin Maria de Castillo y Lanzas?

A. No, sir; they are so put because it is generally the custom to express in passports the particular trade, profession, or office grade of the indivual named in them.

Q. 672. During your residence in San Francisco have you lived in the same retired manner as formerly in the United States, in England, and even in Mexico, as you have testified; or have you, as possibly might be expected of a distinguished public officer from a foreign country, made the acquaintance of the Governor and other high officials of this State, and others of influence and position here, and also of the public functionaries residing here as the representatives of foreign governments?

A. I have lived in exactly the same retired manner which has been a habit with me through life; I have scarcely mixed at all in society, and consequently have not had the honor of being introduced to the functionaries of the State, mentioned in the question. I have had the pleasure of being introduced to two or three only of the foreign consuls here, who are Mr. Gautier, Mr. Davidson and Mr. May.

Q. 673. To revert for a moment to the expedientes filed by the claimants in this case, I will ask you whether the writing on page 7 (in red ink) of "Exhibit Bassoco No. 9, O. H." being the minute of a letter bearing date April 6th, 1846, addressed to the Governor of California, is a private or official document, and whether the signature to the same is your signature?

A. It is the minuta of an official document with my name attached to it in the handwriting of the Escribiente himself, as it is the custom to annex the Ministers' names to such documents in order to show at first view on any future occasion who was the Minister who signed it.

Q. 674. The original ought to be found in the archives of the State of California, ought it not?

A. That depends altogether upon cirumstances, if it had been received it ought to have been filed in the archives of the State.

Q. 675. How many modes are there in the Mexican Ministries for the Minister to affix his signature to public instruments of writing, and what the appropriate signature for the several classes or grades of writings signed by the Minister?

A. There are two modes—the full signature and the half signature; the half signature is used in their official communications to each other, and to the other authorities of the Republic; in passports too, and perhaps in some other documents of the same description which do not occur to me at this moment. The full signature is used in other documents, such as certificates, diplomas, titles to official posts, etc.

Q. 676. What is the proper mode of signing decrees, laws, and other completed acts of the sovereign power, and of signing the order of publication for the same?

A. The President signed by himself with his full signature, directs them to the Minister to whose branch it may appertain, mentioning his full name and title; and the Minister generally orders the same to be published by affixing thereto his half signature.

Q. 677. You regard the grant of two leagues of land in this case, do you not, as an act of the sovereign power of Mexico, expressed through General Paredes, then President?

A. Not precisely as an act of sovereign power, but rather as an act of the authority conferred on the President by the sovereign power.

Q. 678. Where is the document in this case containing either the full or the half signature to the expression of the will of the nation, or to the completed act of authority lodged in him by the sovereign, which was the nation, to dispose of this portion of the public domain to Andres Castillero?

A. A document of this kind could not have been framed with these forms without having been looked upon in Mexico as extraordinary. The decree of sovereign power, in virtue of which that authority was lodged in the President, required no doubt those forms, and would not have been complete without them, but the President once vested with that authority in due form requires no other formality for the exercise of it than in the ordinary usages of the public service of the country as established in the different offices.

Q. 679. A grant like a decree being something which is really addressed to all the world, though in favor of a particular individual, is one of those fully completed acts of power which require the full signature, is it not?

A. The authority granted by the sovereign power for making those grants requires the full signature, but the simple exercise of that authority does not. That authority cannot proceed but from a decree of Congress, as in the Congress is vested the exercise of this sovereign power, and that decree thus emanating from the Congress and communicated by the same to the President, must by him be ordered to be published, affixing his full signature; by that means it became known to the nation and to the world that that authority has been lodged by the sovereign power in the President of the Republic; this done the President has no longer any need, as I said before, of other forms in the exercise of this authority than those that are usually and universally known in our service.

Q. 680. Tell me, if you please, in this instance where is the authority to grant, bearing a full signature and of whom?

A. The authority is not given for any particular grant, but for all the grants of the same description that may be made by the Executive, by the Colonization law of 1824.

Q. 681. Getting his authority from the law of 1824, you say then that Paredes need not sign his full name to a final decree, granting this portion of the public domain to Andres Castillero?

A. Were it a decree, or what we understand in Mexico for a decree, there is no doubt it would require his full signature, but we do not consider it a decree nor is it one, it is the mere exercise of a power or authority vested in him in virtue of a decree, and consequently, as I said before, requires no more in order that it may be executed or produce its full effect than the ordinary forms of service in the offices.

Q. 682. You mean even the half signature was not necessary, but with his rubric alone Paredes might grant these two leagues of land around about this mine, described in the petition as situated on the property of a private individual?

A. As to the form I have already said all I could say upon the subject, but as regards this last circumstance, as being on the property of another individual, I certainly cannot venture to say anything, since the business as I said yesterday had been transacted between the President and the Minister of Justice, but from the known character of both those gentlemen I may venture to assert that they would in no instance be capable of knowingly and voluntarily committing an act of injustice of any kind.

Q. 683. Do you not propose returning to Mexico with all convenient dispatch after finishing this deposition?

A. Such is my desire, sir, for I have a large family dependent on me.

Cross examination closed.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 24th, 1859.

Examination of J. M. de Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

By consent, examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., September 26th, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

By consent, examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., September 27, 1859.

Examination of J. M. Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of cousel for claimant; Mr. Randolph, for the United States.

DIRECT EXAMINATION RESUMED.

Q. 684. Did you know a newspaper called the *Diaro Oficial del Gobierno Mexicano*?

A. I did, sir, during the administration of Gen'l Paredes, in 1846, it was the official government paper; it continued for some time, (how long I cannot say) under the administration of Gen'l. Salas, as the government paper, under the title of "Diario del Gobierno de la Republica Mexican."

Q. 685. Did you in 1846, know certain journals called respectively "El Monitor Republicano" and "El Republicano," published in the city of Mexico?

A. I did.

Q. 686. Have you lately seen volumes containing copies of those papers, of the year 1846, or any part of that year?

A. I have seen these volumes within the last four days, and they are now here before me.

Q. 687. Look at the "Dairo Oficial" of the 22d April, 1846, No. 53, under the heading "Marina, Mazatlan, Entradas de Buques," and state what entry you find there relating to the American Schooner "Hannah"

A. I find the following: "Dia 1° de Abril, Bergantin Goleta Americana 'Hannah,' de 89 tonelados; su Capitan Benjamin F. Thusum, y 10 hombres de tripulacion; procedente de San Blas, en 5 dias de navegacion; en lastre; Pasageros, Anselmo Datayada, Gregorio Aguirre," the translation of which is as follows: "1st day of April, American hermaphodite brig 'Hannah,' of 89 tons, Captain Benjamin F. Thusum; crew ten men, proceeding from San Blas, five days sail, in ballast, passengers, Anselmo Dalayada and Gregorio Aguirre."

Q. 688. Look at the same "Diaro Oficial," of the 1st April, 1846, No. 32, under the head of "Marina, Mazatlan, Entra-dos de Buques," which may be translated "marine news, Mazatlan, arrivals of vessels," and state what entry you find relative to the "Juanita."

A. I find the following:

"Marzo.

"Dia 2, Bergantin Goleta nacional 'Juanita' del porte de 102 tonelados; su Capitan José Francisco Snook, y 11 individuos de tripulacion, procedente de San Diego, en 12 dias de navegacion, con frutos del pais; Pasageros, Salvador Valdes, Victor de la Cruz y Doroteo Zavaleta."

The translation of which is as follows:

"March 2d, National hermaphodite brig 'Juanita,' 102 tons burthen, Captain José Francisco Snook, crew 11 men, proceeding from San Diego, twelve days' sail from San Diego, with fruits of the country; passengers"—same as in Spanish.

Q. 689. Look at the same "Diaro Oficial," of the 10th April, 1846, No. 41, under the head of "Marina, Mazatlan, Salidas," or in English, "Marine News, Mazatlan. departures," and say what entry you find relative to the said "Juanita?"

A. I find the following:

"Marzo,

"Dia 12, Para San Blas, en lastre, el Bergantin Goleta nacional 'Juanita;' de 100 tonelados; su Capitan José Francisco Snook, y 11 hombres de tripulacion; Pasageros José Maria Covarrubias, Diego Luot, Roberto Hait, Francisco Mellus."

The translation of which is as follows:

"March 12th, for San Blas, in ballast, the national hermaphodite brig 'Juanita,' 100 tons, Captain José Francisco Snook, crew 11 men, passengers"—the same as above mentioned in Spanish.

Q. 690. Look at the said "Diario Oficial," of the 5th April, 1846, No. 36, under the heading "Editorial," and state what you find there relative to the news from California.

A. I find the following words:

"Tambien ha recibido el Supremo Gobierno noticias de la Alta California, alcauzando, las fechas hasta el 5 del mes proximo pasado, y no ocurrir en aquel departamento especial novedad."

The translation of which is as follows:

"The Supreme Government has also received news from Upper California, down to the fifth of last month, and nothing particular had occurred in that Department."

Q. 691. Look at the "El Monitor Republicano" of the 6th April, 1846, No. 410, and at the Republicano of the same date, and state if they notice the foregoing news, and in what words.

A. They notice the same news and precisely in the same words. In both papers it is credited to the "Diario Oficial" of the 5th April, 1846.

Q. 692. Examine the "Diario del Gobierno de la Republica Mexicana," of the 27th December, 1846, No. 143, and state what you find there, extracted from the "Polynesian" of the 25th July, 1846, relative to the discovery of certain mines in California.

A. I find the following under the heading "Interior, Vera Cruz, Diciembre 13, de 1846:"

"En las islas de Sandwich, bárbaras poco ha, se ha establecido una monarquia constitucional; el poder legislativo reside en dos cámaras, la una de nobles y la otra de los comunes; el ejecutivo en el monarca Los isleños, reputados como bárbaros hasta el año pasado, tienen establecimientos públicos de todo género, y adelantan cada dia tal vez mucho mas que nosotros en la carrera de la civilizacion. En Honolulu, su capital, se publica semanariamente en clase de periódico oficial del gobierno de Java, en idióma Yngles uno titulado 'The Polynesian,' tenemos números que comienzan en 25 de Julio y alcanzan hasta el 10 de Octubre último. En el del 25 de Julio despues de darse una noticia muy comprobada del descubrimiento de una Mina de Azogue, á distancia de setenta millas al Norte de Monterey y diez millas distante del pueblo de San José en la baja California, asi como de muchas minas de plata, cobre, plomo, y otros metales y placeres de oro se dan las siguientes noticias que traducimos literalmente, sobre la ocupacion de las Californias por una partida de aventureros procedente de los Estados del occidènte de la Union Anglo-Americana, capitancada por un tal Ida."

This article is credited to the "Indicador," which on its part credits it to "El Espia de la Frontera."

The translation of it is as follows:

"In the Sandwich Islands, a short time ago barbarous, a Constitutional Monarchy has been established; the legislative power is lodged in two chambers, the one of Nobles and the other of Commons; the Executive in the Monarch. The Islanders who were reputed as barbarians till last year, have public institutions of every kind, and make daily much greater progress perhaps than we in the career of civilization. In Honolulu, the capital, there is published weekly by Java, an official journal of the government, in the English language, under the title of 'The Polynesian,' of which we have received some numbers, commencing on the 25th July and reaching to the 10th of last October. In the one of the 25th July, after giving a very authentic account of the discovery of a quicksilver mine seventy miles distant to the north of Monterey and ten miles distant from the town of San José in Lower California, and likewise of several mines of silver, copper, lead and other metals and placers of gold, it gives the following news, which we translate literally, on the occupation of California by a party of adventurers proceeding from the Western States of the Anglo-American Union, commanded by a certain Ida."

Q. 693. Now examine "El Republicano" of the 9th December, 1846, No. 273, and "El Monitor Republicano," of the 6th December, 1846, No. 654, and state whether you find the same notice published in those papers.

A. I find the same notice in precisely the same words, credited in both papers to the "El Espia de la Frontera."

Q. 694. Examine "El Monitor Republicano," of the 12th April, 1846, No. 416; and say if you find anything relative to the discovery of mines of coal and quicksilver in California.

A. I find in this paper, under the head of "Interior," a notice of the matters referred to in the question, in an article credited to "El Vigia del Pacifico, the first paragraph of which is in the following words:

"Tepic, 31 de Marzo.

"Californias.

"Por una goleta Americaña mercante, llegado el 25 del corriente á San Blas, tenemos noticias de este departamento, cuyas fechas de Monterey alcanzan al 10, y de Santa Bárbara al 17, siendo lo mas notable á que se contraen, el reciente descubrimiento de dos minerales; uno de carbon de piedra, muy inmediato al Puerto de San Francisco, y otro de azogue, cerca del Puerto de San Gabriel: los especuladores del último, estan muy contentos pues los ensayos que han practicado les han dado un resultado de un producto de un doce por ciento."

The translation of which is as follows:

"Tepic, 31 of March.

"Californias.

"By an American merchant schooner which arrived at San Blas on the 25th inst., we have received news from that Department, the dates of which at Monterey reach to the 10th, and at Santa Barbara to the 17th. The most remarkable of what they contain is the recent discovery of two mineral tracts, the one of coal, very near the port of San Francisco, and the other of quicksilver, near the port of San Gabriel. The speculators in this last are very well satisfied, as the assays which have been made have given as result the product of twelve per cent.

Q. 695. Examine now the "Republicano" of the 11th April 1846, No. 42, and say what you find in that paper about this same matter.

A. I find the same article in precisely the same words, credited to "El Vigia."

Q. 696. Examine the "Diario del Gobierno de la Republica Mexicana" of the 19th December 1846, No. 135. State what you there find relative to the Minister of Exterior Relations, and the reading of his report to Congress.

A. In that paper I find under the heading, "Oficial, Soberano Congreso Nacional Extraordinario. Sesion del dia 14 de Diciembre de 1846," the following words:

"Se presentó el Señor Ministro de Relaciones y dijo: que al darse cuenta al Congreso en la sesion anterior, con los documentos relativos á las ocurrencias de Tabasco," etc. * * *

"En seguida procedio á la lectura de la memoria del ministerio de su cargo, y la cual se suspendió para continuarla el dia de mañana."

The translation of which is as follows:

"Official.

"EXTRAORDINARY SOVEREIGN NATIONAL CONGRESS.

"*Session of the* 14*th December* 1846.

"The Minister of Relations presented himself and said, that on giving an account to Congress at a former session, of the documents relative to the events in Tabasco," etc.

* * * * * * *

"In continuation, he proceeded to read the report of the Ministry under his charge, and the reading was suspended, to be continued the next day."

Q. 697. Do you find the same entries in the other papers?

A. In the "Monitor Republicano" of the 24th December 1846, No. 672, and in the "Republicano" of the 18th December of the same year, No. 282, I find the same article, substantially.

Q. 698. Now examine "Diario del Gobierno de la Republica Mexicana" of the 20th December 1846, No. 136; and also, "El Monitor Republicano" of the 25th December 1846, No. 673; and also, "El Republicano" of the 20th December 1846, No. 284, and say if you find in those papers a notice of the further reading of that report.

A. I find the following words in all three of those papers:

"Se presentó el Señor Ministro de Relaciones, y continuó al lectura de la memoria de su ramo suspendiendola despues para seguirla el dia de mañana,"—referring to the proceedings of Congress on the 15th of December 1846.

The translation of which is as follows:

"The Minister of Relations presented himself and continued the reading of the report of his branch, and suspended it afterwards, in order to continue it to-morrow."

Q. 699. Examine the said "Diario" of the 21st of December 1846, No. 137, and "El Monitor Republicano" of the 28th December 1846, No. 676, and "El Republicano" of the 21st of December 1846, No. 285. State what notice they contain of the reading of the said report.

A. I find the following words in all three of those papers, referring to the proceedings of Congress, in session of the 16th December 1846:

"El Señor Ministro de Relaciones continuó la lectura de su memoria, y habiendo concluido se retiró, quedando acordado se imprimiera."

The translation of which is as follows:

"The Minister of Relations continued the reading of his report, and when he concluded, withdrew, and it was ordered printed."

Counsel for claimant now offers in evidence the following part of "The Polynesian," printed in Honolulu, on Saturday, July 25th 1846, Vol. 3, No. 10, that is to say; beginning on the fourth column of the first page of said number, which is the 37th page of said volume with the words "For the Polynesian, California Mines, Honolulu, July 20th, 1846," and ending on the first column of the second page of said copy, being the 38th page of the said volume, with the words: "A Mexican officer of the army, a Padre, and a native of New York, are on a very small scale extracting quicksilver from the San José mines. I remain," etc. etc.

This copy of the Polynesian is herewith filed, marked, "Sandwich Island paper. W. H. C." See *ante*, p. 2223.

Examination adjourned until to-morrow, at 11 o'clock A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Sept. 28, 1859.

Examination of J. M. de Castillo y Lanzas resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

[Counsel for the United States objects to the introduction, in evidence, of the newspapers severally called "Diario Oficial del Gobierno Mexicana," afterwards called "Diario del Gobierno de la Republica Mexicana," (see question696), "El Republicano," and "El Monitor Republicano,'" and to any numbers or issues of the same, or to any extracts therefrom, and particularly to all those passages of the same, which have been offered in evidence, or referred to by the claimant, on the ground:

First: That they are new matter, and not proper to be offered, inasmuch as the direct examination has been closed.

Second: That they are not duly proved.

Third: That they are private documents produced out of the custody of the claimants, and entitled to no more consideration, because of their being in print, than they would be if in manuscript.

Counsel for the United States also objects, upon the same grounds, to the introduction of a paper called "The Polynesian," and especially to that portion of the same referred to, offered in evidence by the Counsel for the claimant.]

Direct Examination closed.

### CROSS EXAMINATION RESUMED.

Q. 700. Were these files of newspapers, or any of them, brought by you from the City of Mexico?

A. No, sir; not one of them.

Q. 701. Have they at any time since they were printed been in your keeping, respectively?

A. No, sir; for I never kept a collection of them, even in Mexico.

Q. 702. Were you concerned in printing or editing any one of them?

A. Not in printing any of them, but merely in furnishing the editor with such official documents belonging to the Ministry of Relations, as it might be thought expedient or necessary to publish.

Q. 703. You mean that when you were Minister, you sometimes furnished documents to newspapers bearing the same names?

A. I used to furnish them to the "Diario del Gobierno" only, from which they used to be generally copied into the other papers; and the other Ministers used to do the same in their respective departments; and, occasionally too, some other offices, as the Custom House and the Public Treasury.

Q. 704. You did not furnish to these newspapers for publication any of the articles to which you have testified?

A. It could only have been to the official journal, if any. The other two were journals of the opposition—against the Government.

The extract mentioned in the answer to question 690, the editor may, perhaps, have found in some of the documents lent to him to examine.

Those relative to the departure and arrival of vessels, he must have procured from the Ministry of Finance, or at times from the Ministry of War. Finally, those relative to the Minister of Relations presenting himself to read his report to Congress, he must have received from the Secretaria del Congreso. The other extracts are copied from papers published out of the City of Mexico.

Q. 705. That is to say, that the newspaper in question obtained its shipping news, in your opinion, from the Minister of the Marine and of War, and his congressional news from the Secretary of the Congress; but that was not my question.

I asked you, whether you, yourself, had furnished to the newspaper any of the extracts as to which you have been examined and testified. Please say whether you did, or did not?

A. Not any, unless, as I said before, perchance the extract mentioned in the answer to question 690, which, probably, he took from some official document which I showed him at that time.

Q. 706. Have you or have you not any recollection of having furnished that extract to the editor of that paper?

A. No, sir; I have no recollection of it.

Q. 707. Then you have no recollection of having furnished any of the extracts for the Mexican newspapers, as to which you have been examined?

A. I could not have furnished him with any others, as they do not belong to my office.

Q. 708. What do you know about the newspaper called "The Polynesian?"

A. I had heard of that paper, but never saw it till a few days ago.

Q. 709. Have you any knowledge of how these newspapers came to be brought to California, and who brought them?

A. I have no personal knowledge of it, as I had had nothing to do with them, until these last days, when I saw them in Mr. Peachy's office.

Q. 710. Do not all these Mexican newspapers purport to have been printed and published in the City of Mexico?

A. They do, sir.

Q. 711. Can you give me any reason why the extracts given in answer to the 692nd question, appears in the Government paper of the 27th December, under the head of "Vera Cruz, December 13th, 1846;" whilst the same notice, in precisely the same words, had been printed in the two newspapers, "El Republicano," of the 9th, and "El Monitor Republicano," of the 6th of the same month, by which it appears that the official newspaper, was publishing, as news received from Vera Cruz, the same thing which other newspapers had published in the Capital twenty days before?

A. Of course, in answering this question, I speak of a time in the year, 1846, in which I had no longer any connection with the administration, and consequently none either with the official journal; but I think I may venture to say that the editors of the three papers mentioned must have received the extract referred to in the question in the same journal, that is, the "Indicador" of Vera Cruz, which took it from "El Espia de la Frontera," and that the official journal did not publish it until some time after the others, considering it of less importance than other matters they had on hand at the time.

Q. 712. Please look at the "Diario Oficial del Gobierno Mexicano" of Monday, 4th May, 1846, and tell me what you find there marked.

A. I find the following:

"Mas para que la horrible traicion de Alvarez sea bien comprendida, anunciamos y comprobamos con documentos intachables, que la expedicion destinada á guarnicionar y cubrir las Californias, en las momentos de mayor peligro, y cuando tropas de las Estados Unidos han comenzado á invadirlas, se ha frustrada porque D. Juan Alvarez, de acuerdo con las enemigos de la patria, se apoderó de las viveres, de las pertrechos y aun de las buques, en el momento mismo en que iban á zarpar para tomar 1,000 hombres que el gobierno, con tan laudable celo y empeño tenia situados en Mazatlan. Si las California se pierden, Alvarez, unirá á tantas responsabilidades que pesan sobre su delincuente cabeza, la de haber coöperado mas eficazmente que el mismo gabinete de Washington á la desembracion del territorio de la República."

The translation of which is as follows:

"But in order that the horrible treason of Alvarez may be well understood, we announce and demonstrate with irrefragable documents, that the expedition destined to garrison and protect the Californias, in moments of the greatest danger, and when troops of the United States had commenced to invade them, has been frustrated, because Don Juan Alvarez, on an understanding with the enemies of the country, has seized the provisions, munitions, and even the vessels, at the very instant they were going to sail, to convey 1000 men that the Government with the most laudable zeal and earnestness had placed in Mazatlan. Should the Californias be lost, Alvarez must add to the many responsibilities which weigh on his guilty head, that of having co-operated more effectively than even the Cabinet at Washington, to the dismemberment of the territory of the Republic."

Q. 713. From all which it appears, according to the editor of the official paper, that before the 4th May, 1846, the Mexican Government considered that California was in the greatest danger of being lost to the Mexican Republic,—that troops from the United States had already commenced to invade California, —that for the protection of California the Mexican Government had taken measures to send a thousand men to California —that these measures had been frustrated by the treason of Alvarez, who had made himself an ally of the Government at Washington, and was doing more than the Americans themselves to dismember California from the Mexican Republic:

Did not the editor express the sentiments of the Government on that subject, to the best of your knowledge, obtained as Secretary of Relations at that time, and to the best of your present recollection?

A. To the best of my present recollection, I think I may safely say that the editer expressed therein his own personal sentiments and no more; and that what he stated could have no further weight than what his own opinion might be entitled to, as it was expressed in an article not included under the heading of "Oficial."

Q. 714. Were not the facts true as to the attempt to forward the troops to California, at the time stated, and as to the belief of the Government that California was already invaded by troops from the United States?

A. Their ultimate destination may have been that, but from my recollection, the true object of placing those troops in Mazatlan was to provide against any emergency, such as that of the revolution of Alvarez, which had been expected, and the protection of our ports on the Pacific Coast; but all these measures were concerted (as I have stated on another occasion) by the President and the Minister of War, and they only could correctly say when and wherefore any change in these military measures took place.

Q. 715. Under the head "Editorial," in the first column of the same paper, May 4th 1846, what do you find there in substance?

A. I find the news as coming from General Arista, Commander-in-Chief at Matamoras, stating that a large number of troops of the Mexican army, under the command of General Torrejon, had crossed the river Bravo, and placed themselves between the head quarters of the American army and Point Isabel; and by the official dispatch of Arista, contained in the next number of the same journal, I find that said event took place on the 24th April 1846.

Q. 716. In the same paper of Wednesday, May 20th 1846, do you not find that on that day (most probably the day before, as the paper was issued in the morning) a dispatch from General Arista, had been received, giving an account of the battle of Palo Alto, on the 8th, and by an editorial article, that news had been received at the same time of the battle of the 9th, in which said editorial article occurs the following passage:

"Venganza debe ser el grito universal, y guerra á esa pérfida nacion, que despues de haber violado los derechos de la Republica, ahora ha sacrificado á nuestros valientes, aunque con escarmiento suyo. El Gobierno Supremo está haciendo y hará nuevos esfuerzos, grandes como las circunstancias lo exigen."

The translation of which is as follows:

"Vengeance should be the universal cry, and war to that perilous nation which, after having violated the rights of the Republic, now has sacrificed our brave men, although with heavy loss to themselves. The Supreme Government is making, and will make, new efforts, great as the circumstances demand"?

A. I do.

Q. 717. And in another issue of the same paper of Friday, May 22d, 1846, do you not find another editorial upon the same subject, in which the great magnitude of the loss sustained by Mexico is admitted, and a vehement appeal is made to the Mexican nation to forget their dissensions, and unite to vindicate the national honor and repel an unjust aggression at whatever cost or sacrifice, and in which, as a sample of the whole, will be found the following passage:

"Apartemos la vista del interior de nuestra infortunada Republica; dirijamosla á esa frontera en donde se va á decidir de nuestra suerte para siempre."

The translation of which is as follows:

"Let us turn our gaze from the interior of our unfortunate Republic; let us direct it to that frontier where our fate is going to be decided forever"?

A. I do.

Q. 718. It was in the midst of circumstances like these, that you, on the next day after the date last mentioned, to wit: on the 23d day of May, 1846, addressed your dispatch to the Governor of California, inserting therein the communication which you had received from the Minister of Justice, dated the 20th May, and signifying the assent of General Paredes to the appropriation of five thousand dollars in money, and various articles of value, to Andres Castillero and his vein of quicksilver, in California; and that you also communicated to the Governor of California the intelligence of what you call a grant to Andres Castillero of two leagues of land, situated upon and around a vein of quicksilver?

A. It was at that time that I signed the document which bears the date of 23d May, 1846.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., Sept. 29th, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 719. Do you find in any of these Mexican newspapers, any list of arrivals at Acapulco, or any other shipping news from that port, during the months of April and May, 1846?

A. I could not say without examining them, as the shipping news was, as I said yesterday, generally directed to the Minister of War and the Minister of Hacienda.

In the official journal which I have looked over, I find no shipping news from Acapulco in the months of April and May, 1846.

Q. 720. In the "Diaro Oficial" of May 7th, 1846, do you not find a notice of the arrival of an express from California?

A. I find in said paper the notice of the arrival of communications from Alta California, advising that some dragoons from the United States, under the orders of Captain Fremont, had advanced to near Monterey, and that the commanding General on the part of the Mexican Government had made a sortie with some forces and had driven them back to the mountains.

Q. 721. In the issue of the next day do you not find the official dispatch from General Castro communicating in full the same news referred to above, and that the dispatch bears date the 1st of April of that year, and refers to the next preceding dispatch from that officer to this Government as of the 5th March of the same year?

A. I do, sir.

Q. 722. In the newspaper called "Republicano," which purports to have been an evening paper issued at 3 o'clock—in the paper of the 6th of May, under the head of news received at the latest moment (that is to say, before going to press), do you not find a notice of the same news from Upper California?

A. I do, sir; substantially the same, in the following terms:

"A ultima hora.

"CALIFORNIAS.

"Ha llegado un extraordinario al supremo gobierno con comunicaciones de aquel Departamento, en que se le manifiesta el mayor entusiasmo para defender de los Americanos el territorio, y al efecto han repetido sus habitantes el desembarco de algunas tropas que pretendieron invadir el pais."

The translation of which is as follows:

"At the last hour"

"CALIFORNIAS.

The Supreme Government has received by express some communications from the Department, which tend to show that there is the greatest enthusiasm to defend the territory against the Americans, and that its inhabitants have repelled with that view some troops that had disembarked with the intention of invading the country."

Q. 723. From the extracts from the said newspapers, it appears that the news from California, of the date April 1st, 1846, was received in the city of Mexico some time during the day of the 6th of May, 1846, does it not?

A. Yes, sir.

[Question and answer objected to by Mr. Peachy, because what the journals say on that subject must be learned from the journals themselves, not from the witness' opinion of what is stated in the journals.]

Q. 724. In Mexico, expresses carrying news to the Government travel at least as fast as private travelers, do they not?

A. They do, sir.

Q. 725. If, then, the dispatches from Gen'l Castro to the Government of Mexico, above referred to, left Monterey, in California, on the 4th day of April, 1846, on board the "Don Quixote," at the same time with Andres Castillero—as undoubtedly they did—and were not received in the city of Mexico before the 6th day of May, 1846, it follows, does it not, that Andres Castillero did not reach the city before the same day?

[Question objected to by Mr. Peachy.]

A. I could not answer affirmatively upon this point, as it would be necessary to know beforehand whether or not both Andres Castillero and the express had set off at that time on their land journey, and had had the same command of relays on the road, for it has often happened in Mexico that travelers or couriers going by express have been detained on account of these relays.

Q. 726. It is in evidence that the "Don Quixote" anchored in the harbor of Acapulco on the 21st April, 1846, without having touched at any point on her voyage to Monterey; also that Andres Castillero did not leave Acapulco for the city of Mexico until the 24th April, 1846, three days afterwards. Assuming these facts, and bearing in mind what you have just said, viz., that expresses travel at least as fast as private travelers in Mexico, is it not pretty clear that Andres Castillero did not reach the capital before the dispatches for the Government arrived there on the 6th day of May, 1846?

[Question objected to by Mr. Peachy, and for the purpose of saving any further cross-examination on this point, the counsel for the claimant is willing to admit, that if Andres Castillero and the bearer of these dispatches left Acapulco at the same moment, and traveled towards Mexico over the same road during the same time, and with the same speed, that they must have reached Mexico about the same time; he is also willing to admit, that if couriers always traveled faster than private individuals, and if Castillero and the courier left Acapulco at the same time, and traveled over the same road to Mexico, the courier would have reached there first.

Counsel for the United States desires to have it noted, that if the counsel for the claimant is unwilling under the circumstances to admit that Andres Castillero did not arrive in the city of Mexico before the 6th day of May, 1846, he prefers to have the answer of the witness to the foregoing question.]

A. In Mexico, private travelers, particularly when they travel on horseback, go often pretty nearly at the same speed as expresses; and when they have any important business on hand prefer to go by express;—supposing then, that Andres Castillero traveled by express, as I think it very probable, I see no reason why, having left Acapulco on the 24th April, 1846, he should not have arrived the very first days of May in Mexico, and consequently before the courier express, who arrived only on the 6th, for what cause it would be impossible for me to say.

Q. 727. I presume you see just as little reason why the communication should not have arrived by the first days of May?

A. If they were conveyed to Mexico by the express courier I referred to, they could not be received in Mexico before the courier himself arrived.

Q. 728. The very conclusive nature of your last answer induces me to ask you whether, if Andres Castillero was himself the express messenger, and the bearer of these dispatches from California (as was undoubtedly the fact), you can see any reason to suppose it possible that he reached the city of Mexico before the dispatches?

[Question objected to by Mr. Peachy, because it states as a fact what is not proven, to wit, that Castillero was himself the bearer of dispatches.]

A. I have been speaking upon the supposition that it was not Andres Castillero, but some express courier who was the bearer of the dispatches from Acapulco to Mexico; I cannot say whether such was the case or not, as I have no knowledge of it.

Q. 729. Would it be according to the custom as to those matters in Mexico for an express courier carrying important government dispatches to lie by three days in Acapulco, to wait until Andres Castillero, a private traveler, was ready to set out?

A. It would not certainly be the fault of the courier himself, but it might be on account of his having been detained by the civil government, or the military commander of the place;—this, I think, is a circumstance which has sometimes happened when they have wished to avail themselves of the opportunity in order to give some particular information to the government.

[Question objected to by Mr. Peachy as irrelevant; and the answer, on the ground that it contains a mere conjecture.]

Q. 730. You are not prepared then, under all the circumstances of this matter, to give it as your conviction, that it is in the least degree improbable that Andres Castillero reached the city of Mexico before the 6th May, 1846?

[Question objected to by Mr. Peachy, because it is irrelevant; and upon the ground that it asks the witness' opinion merely, and seeks from him an inference drawn from facts with which the counsel for the Government is as familiar as the witness. The counsel for the claimant adds, that he has refrained from making objections to a great number of questions asked by the counsel for the Government, for the reason that it is the practice of the Commissioner under the direction of the Court to take the answers of the witness, subject to the objection. The noting of the objection therefore, would have the effect merely of incumbering the record, already too much incumbered with irrelevant matter. At this point of the examination, the counsel for the claimant conceives it due to himself to make this statement.]

A. I can affirm nothing on the matter, but, from the circumstances of the case, I think it probable that Andres Castillero may have reached the City of Mexico before the 6th May, 1846.

[Answer objected to by Mr. Peachy, as containing nothing more than a conjecture.]

Q. 731. Have you no recollection of the receipt of this news from California?

A. I have a recollection of its having been received.

Q. 732. Of the person who brought it?

A. Not of the person who brought it, as it was not directed to my department.

Q. 733. In General Castro's dispatch to the Government, above referred to, do you not find this passage:

"Los deseos de poner cuanto antes en el conocimiento del Supremo Gobierno este suceso, me poner en el caso forzoso de fletar un buque que directamente de la vela para Acapulco, conduciendo al Capitan D. Andres Castillero, Comisionado por el Supremo Gobierno en este departamento, cuyo indivíduo, a pesar de su escasa salud, emprende su marcha solo con el fin de hacer un servicio particular al pais y en general á la nacion."

The translation which is as follows:

"The desire to place as soon as possible this event in the knowledge of the Supreme Government, obliges me to charter a vessel to sail immediately for Acapulco, carrying the Captain, Don Andres Castillero, a Commissioner from the Supreme Government to this Department, which individual, in spite of his bad health, undertakes his journey solely for the purpose of rendering a special service to this country, and in general to the nation."

A. I do.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL., Sept. 30, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 734. Give the whole of the extract from the Mexican newspapers to which you refer in your answers to questions 690 and 691.

A. It is as follows, as taken from the "Republicano," Vol. 1, No. 37, April 6, 1846.

" Muy Importante:

" *En el Diario Oficial de ayer se lee lo siguente:—*

"El Escmo, Sr. General D. Francisco Mejia, communica al Supremo gobierno, que el ejercito Americano se hallaba á dos leguas distante de la ciudad de Metamoras, despues de haberse colocado en el Brazo de Santiago con tres buques de guerra y veintiuno de trasporte. Es indecible el entusiasmo tanto del ejercito, como del vecindario, para repeler al enemigo y hacer una heróica defensa. Cartas particulares de personas fidedignas, refieren que trescientos vecinos de Matamoros, con su venerable párroco y prefecto á la cabeza, salieron á intimar al General Taylor, que jamas consentirian la dominacion de los Estado Unidos, y en seguida para demostrarselo incendiaron las casas situadas en el campo, con un heroismo digno de los mejores tiempos de Esparta. Cuando escribimos estas lineas ya habrá tronado el cañon. El General Ampudia esfuzaba sus marchas y hoy se hallará adelante de Monterey. No pedimos al Dios de los ejercitos, mas que tiempo y su proteccion, y se fijará con gloria el nombre de la gran Republica Mexicana.

"Tambien ha recibido el Supremo Gobierno noticias de la Alta California, alcanzado las fechas hasta el 5 del mes procsimo pasado, y no ocurria en aquel Departamento especial novedad. Los Señores comandantes, Castro y Vallejo, se esplican con el mayor entusiasmo para defender aquel interesante territorio, y ofrecen sostenerlo aun cuando sea preciso que el enemigo pase sobre sus cadáveres. Se nos ensancha el corazon al observar el noble entusiasmo de los Mexicanos, que en los puntos de mayor riesgo sostienen denodados los derechos santos de su pátria."

The translation of which is as follows:

"Very Important:

"*In the Diaro Oficial of yesterday, will be found the following:*

"The most Excellent Sr. Don Francisco Mejia communicates to the Supreme Government that the American army was stationed at two leagues distance from the City of Metamoras, after having occupied the Brazos de Santiago with two vessels of war, and twenty-one transports. The enthusiasm of the army, as well as of the neighboring country, is inexpressible, to repel the enemy and to make a heroic defense. Private letters from persons worthy of credit, relate that three hundred of the population of Metamoras, with their venerable parish priest, and the prefect at their head, sallied out to intimate to General Taylor that they would never consent to the domination of the United States; and therefore, to prove it, burned the country houses, with a heroism worthy of the best days of Sparta. Whilst we write these lines, the cannon must have already thundered. General Ampudia was pressing his march, and should now be beyond Monterey. We ask of the God of armies only time and his protection, and the name of the great Mexican Republic shall be inscribed in glory.

"The Supreme Government has also received news from Upper California of dates to the 5th of the last month, and nothing had happened in that department of especial novelty. The Señores Commandantes, Castro and Vallejo, express the greatest enthusiam for the defense of that interesting territory, and promise to maintain it even when it may be necessary for the enemy to pass over their dead bodies. Our heart swells to observe the noble enthusiasm of the Mexicans, who at the points of greatest hazard maintain with heroism the sacred rights of their country."

Q. 735. Look at the "Diario Oficial del Gobierno Mexicano," of Thursday, April 24th, 1846, and say what you find under the editorial head.

A. I find the following:

EDITORIAL.

"Se han recibido noticias en el Ministerio de la guerra, de Metamoros, cuyas fechas llegan al 13 del corriente y son muy satisfactorias. La division del Sr. Ampudia llegaba dentro de dos dias á la ciudad y muy en breve se esperaba al Sr. Arista para que tomara el mando. Los preparativos de nuestro ejército eran muy activos en campaña, y grandes probabilidades existen de que alcanzará un triunfo importante y acaso decisivo. Mañana publicarémos algunos documentos."

### TRANSLATION.

"News has been received in the Ministry of War from Metamoras, of dates which come down to the 13th instant, and very satisfactory. The division of Ampudia had been two days in Metamoras, and Arista was very soon expected to assume the chief command. The preparations of our army for entering upon the campaign were going on very actively, and the greatest probabilities exist that it will obtain an important and perhaps decisive triumph. To-morrow we shall publish some documents."

Q. 736. Look at the "Diario Oficial," etc., of Friday, April 24th, 1846, and say whether you do not find a proclamation of President Paredes, and accompanying the same various dispatches from the Commanders of the Mexican Army on the Rio Grande; in which proclamation, based upon the accompanying dispatches, President Paredes formally declares war against the United States, or (as it may be considered) formally announces the existence of war between Mexico and that country?

A copy of which proclamation, with the translation thereof, is herewith filed and marked "Exhibit Castillo Lanzas No. 2, W. H. C."

A. I do see the document referred to in the question, and the accompanying document, but at the same time I beg leave to answer, that in said manifesto or proclamation of President Paredes, he solemnly announces that he does not declare war against the United States; his words are as follows:

"Anuncio solemnemente que no decreto la guerra al Gobierno de los Estados Unidos de America, porque al Congreso Augusto de la nacion pertenence y no al ejecutivo, resolver definitivamente la reparacion que exijan tantas ofensas. Mas la defensa del territorio Mexicano que invadan tropas de los Estados Unidos, es una necesidad urgente, y mi responsabilidad seria inmensa ante la nacion, si no mandara repeler a las fuerzas que obran como enemigas, y lo he mandado. Desde este dia comienza la guerra defensiva y seran defendidos esforzadamente cuantos puntos de nuestro territorio fueren invadidos ó atacados."

The translation of which is as follows:

"I solemnly announce that I do not declare war against the Government of the United States of America, because it is for the August Congress of the Nation, and not for the Excutive to resolve definitely the satisfaction due for so many offences. But the defense of the Mexican territory, invaded by troops of the United States, is an urgent necessity; and my responsibility to the Nation would be immense, did I not order that the forces who operate as enemies should be repelled; and I have so ordered it. From this day commences the defensive war, and all the points of our territory, which may be invaded or attacked, shall be strongly defended."

Q. 737. In the same document you observe, also, the following passage:

"La villa de Laredo fue sorprendida por una partida de sus tropas, y desarmado un piquete de las nuestras que se hallaba alli de descubierta. Las hostilidades, pues, se han roto par los Estados Unidos de America, emprendiendo nuevas conquistas sobre los territorios de la demarcacion de las departamentos de Tamaulipas y de Nuevo Leon, al paso que tropas de los mismos Estados Unidos, amenazan á Monterey en la Alta California."

The translation of which is as follows:

"The town of Laredo has been surprised by a band of their troops, and one of our pickets which was there unprotected has been disarmed. Hostilities thus have been opened by the United States of America, undertaking new conquests of territories, within the limits of the Departments of Tamaulipas and Nuevo Leon, at the same moment that the troops of the same United States threaten Monterey, in Upper California?"

A. I do.

Counsel for the claimant objects to the introduction of the extracts from the newspapers, by the counsel for the United States, upon the ground that they are irrelevant.

Counsel for the United States has offered the said extracts, among other purposes, as pertinent to the question whether the pretended mining concession and grant in colonization, set up by the claimant in this case, were made before or after the beginning of the war between the United States and Mexico.]

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, October 1st, 1859.

Examination of J. M. Castillo y Lanzas, resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 738. Have you any recollection of having transmitted to the Governor of California any communication, other than the dispatch concerning a grant of land to Andres Castillero?

A. Not a distinct recollection of any particular communication, but the circulars which were sent to the other Governors were transmitted to him likewise.

Q. 739. Look at the writings to be found on pages 273, 274, 275, 276 and 277, (in red ink) in volume 18 from the office of the Surveyor General of California, and indorsed "Decrees and Dispatches, 1845 and 1846," and say whether the circular dated January 14, 1846, and the decree, dated March 13th, 1846, and the circular dated March 24th, 1846 (copies of which are herewith filed and marked, respectively, "Exhibits Castillo Lanzas, Nos. 3, 4, 5, W. H. C."), respectively bear your genuine signature.

A. They do bear my genuine official signature.

Q. 730. What is the difference between your official signature and your private signature.

A. In my private signature I write my full name, and in the official signature, as Secretary of State, only one half the name is generally written, as I stated the other day.

Q. 741. On these papers I observe that you write your name "Castillo Lanzas," and that your signature as you write it in signing the direct examination is "Castillo y Lanzas;" what is the reason of the difference,—is it casual, accidental, or is there any reason for it?

A. It is because my half signature has been, invariably, "Castillo Lanzas," in which I always omit the Christian names, the "de" and "y."

[Counsel for the United States offers in evidence, copies of the documents, with translations, referred to in question 739. Counsel for claimant objects to the same, upon the ground that they are irrelevant.]

Examination closed.

W. H. Chevers,
U. S. Commissioner.

J. M. De CASTILLO Y LANZAS.

Sworn to and subscribed October 24, 1859, before me,

W. H. Chevers,
U. S. Commissioner.

Note by the Commissioner.—This deposition was signed at this day, because the Commissioner was engaged in taking other testimony, and had not time to read it over with the witness until within the last few days.

W. H. Chevers,
U. S. Commissioner.

Filed October 24, 1859.
W. H. Chevers, Clerk.

## EXHIBIT CASTILLO LANZAS No. 1, O. H.

SECRETARIA DE ESTADO Y DEL DESPACHO DE RELACIONES EXTERIORES.

He dado cuenta al E. S. Presidente de la República con la exposicion que V.V. le han dirigido en 3 del actual, haciendo una reseña de cuanto ocurrió respecto del descubrimiento que uno de V.V. hizo en fines del año de 1845, de una mina de azogue en la mision de Santa Clara de la Alta California, modo en que fué puesto en posesion de ella por el Juez de primera instancia del pueblo de S^n^. José, y concesion que se le hizo despues por el Supremo Gobierno de dos sitíos de ganado mayor sobre el terreno de aquella posesion minera; manifestando V.V. que apesar de las constancias oficiales que se les han expedido sobre la aútenticidad de todos esos hechos, los Tribunales Americanos de la Alta California los ponen en duda, y pretenden que la Unica manera de que haga fé el testimonio de los titulos que fundan el derecho de V.V. sobre dichas posesiones, es autorizarlo con el gran Sello national de esta República, lo cual solicitan se les conceda por via de gracia, expédiendose á ese fin un decreto especial por el E. S. Presidente, del que se les dará copia para los fines que indican; y por último, que por esta Ministerio se hagan al Gobierno de los Estados Unidos las reclamaciones á que dá lugar la violacion en este negocio del Tratado de Guadalupo, y la infuriosa duda que uno de los Tribunales de la Union ha manifestado sobre la autenticídad de documentas autorizados conforme á los leyes de esta República.

Impuesto S. E. de todo este asunto con la debida detencion, se ha servido resolver se diga á V.V. en respuesta, como lo verifico, que respecto de su pretencion de que se refrenden los documentos que indican con el gran Sello nacional, no puede accederse á ello en razon de que él tiene, por la ley especial de su creacion, un destino tambien especial y absolutamente diverso, á la vez que esos documentos se autentizan en la forma prescrita por los leyes de esta República, conforme á los cuales se han expedido y se expiden todos los de su clase.

Ygualmente me manda S. E. manifestar á V.V., que aunque el Supremo Gobierno se encuentra dispuesto á darles toda la proteccion que les debe, cierto como está de la autenticídad de la concesion y de la de los documentos, de que aquí se trata, no puede otorgarles otra especie de refrenda que la regular autorizada por las leyes y por la práctica internacional, en cuya conformidad este Ministerio hará justicia à todas sus demandas, y expedirá los nuevos documentos que V.V. solicitan en la forma que se piden; y por último, en lo que toca al punto de reclamaciones que V.V. indícan se hagan al Gobierno de los Estados Unidos, el de la República dispondrá oportunamente lo que convenga.

Al comunicar á V.V. todo la expuesto, de órden el E. S. Presidente, como resultado de su exposicion mencionada, les ofrezco las seguridades de mi consideracion.

Dios y Libertad.

México, Diciembre 22 de 1858.

CASTILLO LANZAS.
[Rubric.]

Sres. D. Andres Castillero y D. Eustaquio Barron.

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The undersigned, Her Britannic Majesty's Minister Plenipotentiary, hereby certifies that Castillo Lanzas, whose signature appears at the foot of the foregoing document, was at such date, Secretary of the State for Foreign Affairs of the Mexican Republic.

[SEAL.] In testimony whereof, I hereunto set my hand and seal, at Mexico, this 27th day of December, 1858.

N. OTWAY.

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No. 263. CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 28th, 1858.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Castillo Lanzas, subscribed to the foregoing document, under date of the 22d instant, is the genuine signature of said person, who is well known to me, and was at the date aforesaid, Minister of Foreign Relations of the Mexican Government.

Register J. folio 36.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
*U. S. Consul.*

## EXHIBIT CASTILLO LANZAS No. 2, W. H. C.

Republica Mexicana, Secretaria de Estado y del Despacho de Relaciones Exteriores.

No. 61.
Registrado á fojas 47,
del libro del ramo.

[Mexican Coat of Arms.]

Filiacion.

Edad.....años......
Estatura............
Color...............
Ojos................
Nariz...............
Pelo................
Barba...............
Señas particulares.

Firma del Portador.

Derechos, dos Pesos.

El portador, si fuere mexicano, se presentará dentro de ocho dias al Cónsul ó Vice Cónsul de la República del lugar dónde fije su residencia, ó al mas inmediato si no lo hubiere alli; en el concepto de que de no hacerlo, quedará privado de la proteccion que pudieran darle los agentes mexicanos.

El Secretario de Estado y del Despacho de Relaciones Exteriores de la República Mexicana.

Concede libre y seguro pasaporte al Señor Don Joaquin Maria de Castillo y Lanzas, Yntendente de Marina retirado é hijo, para que pueda salir de la República, y encarga á las autoridades tanto civiles como militares, no le pongan embarazo en su tránsito, hasta su salida, franqueandole los auxilios que pueda necesitar, pagados por sus justos precios.

Dado en el Palacio nacional de México á 23 de Abril de 1859.

BONILLA.
[Rubric.]

Valga por el tiempo necesario.

(Endorsed.)

I have compared this copy with my passport, referred to in the question 667, and find it to be an accurate photographic copy of the original.

San Francisco, 24th October, 1859.

J. M. de Castillo y Lanzas.
[Rubric.]

## EXHIBIT CASTILLO LANZAS No. 3, W. H. C.

"MANIFIESTO del Exmō Sr. Presidente Interino de la República, a la Nacion.

"Cuando en principios del año tomé sobre mí la grave responsibilidad de rigir los destinos de la nacion, por un corto tiempo, me propuse, con ánimo resuelto, sostener y defender sus derechos y prerogativas, cambiando la politica débil y perniciosa de contemporizacion, que se habia observado para con el gobierno de los Estados Unidos de América, á pesar de la perfidia con que preparó la ocupacion de Tejas, del dolo con que violó los tratados existentes que garantizaban los limites de la República, del acto proditorio con que incorporó uno de nuestros departmentos, á los estados de su confederacion. La nacion mexicana no conquistó por medio de los mas cruentos y heróicos sacrificios, su independencia, ni tomó asiento entre las civilizadas del globo, para convertirse en el ludibrio de una potencia vecina, que explotando nuestras querellas, nuestros penosos disturbios y la debilidad exagerada que produjeron, se anunció con el aparato de las conquistas, y comenzó á invadir nuestro territorio, para deleitarse en el sueño de que podria extinguir la raza varonil á que pertenecemos, aplicarnos el hierro que llevan sobre sus frentes los esclavos del Sur, extinguir nuestra nacionalidad, y abandonarnos el humillante infortunio del olvido. Este pueblo magnanimo, que en una lucha de once años de sangre y de exterminio, probó, no menos su denuedo que su constancia, esperaba con impaciencia lanzarse á otra nueva guerra á que la llamaban las agresiones escandalosas de un gobierno, que se decia amigo, y que para envilecernos, descansaba en su poder y descuidaba de apoyarse en los titulos de equidad y de justicia que respetan todas las naciones, que robustecen las esperamzas de la paz, y que mantienen la armonia del universo. Por esto es que la nacion mexicana sancionó el movimiento que inicié en S. Luis Potosí, no para buscar el augustioso ejercicio del poder, sino para que el de mi pátria brillara con el triunfo de una causa, que es la de los principios conservadores de las sociedades humanas.

"Los antiguos agravios, las ofensas que desde el año de 836, ha reproducido incesantemente el gobierno de los Estados Unidos, contra el pueblo de México, se consumaron con el insulto de enviarnos un ministro para acreditarlo cerca de nuestro gobierno con el carácter de residente, como si las relaciones entre las dos repúblicas no hubieran padecido alteracion alguna al consumarse el acto definitivo de la incorporacion de Tejas. Al mismo tiempo que Mr. Slidell se presentó, las tropas de las Estados Unidos ocupaban nuestro territorio, sus escuadras amenazaban á nuestros puertas, y se preparaba la ocupacion de la peninsula de las Californias, de que no es mas que un preliminar, la cuestion del Oregon con la Inglaterra; y no admití á Mr. Slidell, porque la dignidad de la nacion repelia este nuevo insulto.

"Entre tanto, el ejercito de los Estados-Unidos se acantonó en Corpus-Christi y ocupó la isla del Padre Vayin; se dirígió en seguida al Fronton de Santa Isabel, y tremoló el pabellon de las estrellas en la márgen derecha del Rio Bravo del Norte, frente á la ciudad de Metamoras, apoderāndose antes de la navegacion del rio, con sus buques de guerra. La villa de Laredo fué sorprendida por una partida de sus tropas, y desarmado un piquete de las nuestras que se hallaba allí de descubierta. Las hostilidades, pues, se han roto por los Estados-Unidos de América, emprendiendo nuevas conquistas sobre los territorios de la demarcacion de los departamentos de Tamaulipas y de Nuevo-Leon al paso que tropas de los mismos Estados-Unidos, amenazan á Monterey en la Alta California. No se dudará á cuál de las dos Repúblicas pertenece la responsabilidad de una guerra que pudo haber evitado un sentimiento de equidad y de justicia, y el respeto que la civilizacion ha introducido á los derechos y propiedades de todas las naciones. Si México sufriera con indolencia los reiterados avances de una portencia que ya se considera dueña y señora del continente americano, no solamente perderia la importancia que su poblacion y sus recursos y su privilegiada situacion le han dado desde que se erigió en nacion independiente, sino que caeria en un vergonzoso desprecio, porque llamada al combate, dejaba perder, de una en una, las partes integrantas de su territorio. Tantos y tan duros ultrajes, no podian tolerarse mas tiempo, y he mandado al general en gefe de la division de nuestra frontera del Norte, que hostilice al ejercito que nos hostiliza, que corresponda con la guerra al enemigo que nos la hace, y que invocando al Dios de las Batalias, salve el valor de nuestros soldados, el derecho incuestionable á nuestro territorio y el decoro de unas armas que no mas van á emplearse en defensa de la justicia. Modelándose nuestro general por los usos establecidos y con arreglo á terminantes prevenciones de mi gobierno, intimó al general en gefe de las tropas americanas, que retrocediera al otro lado del rio de las Nueces, antiguo limite de Tejas, y la intimacion ha sido desechada.

"Las naciones, á las que interesa que no se turbo el reposo de tantos años, y que podrán ser perjudicadas en sus relaciones de comercio con la República Mexicana, penetran la dura alternativa á que la ha reducido la politica invasora de los Estados-Unidos, y que sucumbiria, si no defendiera enérgicamente su existencia comprometida. Anuncio solemnemete que no decreto la guerra al gobierno de los Estados-Unidos de América, porque al congreso augusto de la nacion pertenece, y no al ejecutivo, resolver definitivamente la reparacion que exijan tantas ofensas. Mas la defensa del territorio mexicano que invadan tropas de los Estados-Unidos, es una necesidad urgente, y mi responsibilidad seria inmensa ante la nacion, si no mandara repeler a las fuerzas que obran como enemigas, y lo he mandado. Desde este dia comienza la guerra defensiva, y serán defendidos esforzadamente cuantos puntos de nuestro territorio fueren invadidos ó atacados.

"Ha llegado, en fin, el caso que los gobiernos de la nacion mexicana procuraron sin fruto alguno alejar debatiendo los claros titulos de su justicia; y hollados como lo han sido estas, entramos en una lid necesaria, que va á ganarnos las simpatias de los pueblos y de los gobiernos, que condenan las usurpaciones de los fuertes. Nosotros lo seremos por la santidad del proposito y porque cuando todo se vé comprometido, los esfuerzos corresponden al tamaño de las exigencias. Entre tanto, la nacion Mexicana resolverá exponerlo todo para salvarlo todo; y dará un ejemplo sublime de consegracion, que sirva para reproducir aquella gloria, que alcanzaron tantas veces los pueblos que sostuvieron en todos los siglos, su independencia y sus libertades.

"Yo me evanezco de que la voluntad de la Providencia hubiera destinarme á ser el órgano por donde se explique la enérgica voluntad de la República mexicana. Probaremos en los combates, que los hijos de los héroes y de los mártires de la independencia, se alientan con los recuerdos de su pura gloria; que el valor no ha degenerado en sus pechos, y que están dispuestos á inmolarse en las aras de sú patria.

"¡Mexicanos! Yo alzo en este memorable dia, el estandarte de la independencia, en que observais inscritos los nombres ilustres de Hidalgo y de Iturbide. Reunios bajo esta sagrada insignia, dejando para tiempos de menor peligro, las cuestiones y las diferencias interiores. Yo es he ofrecido, que la gloria que busco, como prémio de mi azarosa carrera, no es la del ambicioso que considera al poder una presa de rapiña. Yo he jurado mantener á la República todas sus derechos, en la época breve de mi gobierno; y ahora que os excito á la lucha y os advierto que son necesarios grandes sacrificios, tambien os prometo, que no se esquivará el de mi sangre, si fuere necesario.

"¡Mexicanos! Vuestro valiente ejercito va á pelear, y peleará con el valor de los héroes; anticipadle vuestras bendiciones y preparaos á coronar sus nobles frentes, ó sus venerables túmulos si sucumbieren, cuando el destino os convoque á reemplazar sus filas. Mexico vencerá ó no existirá!

"Palacio nacional de México, Abril 23 de 1846.

MARIANO PAREDES Y ARRILLAGA."

*Diario Oficial del Gobierno Mexicano*, 24 *de Abril de* 1846.

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## EXHIBIT CASTILLO LANZAS No. 4, W. H. C.

Ministerio de Relaciones Exteriores Gobernacion y Policia.

Circular.

E. S.—El Supreme Gob°. tiene noticia q. algunas famílias procedentes de los E. Unidos—se han establécído en varios puntos fronterizos dé esta República cuya circunstancia si en cualquier epoca deberia llamar la vigilancia de las autoridades lacales, y de las generales de la Nacion, hoy ecsíje así de estas como de aquellas se dícten todas las providencias q. sean conducentes á la seguridad y conservacion del territorio, estando interrumpidas las relaciones diplomaticas con el Gob°. de dichos estados.

En consecuencia el E. Sōr. Presidente interíno se ha servido disponer que durante la actual interrupcion de dichas relaciones, no se permita establecerse á los ciudadanos de aquella República—en los indicados puntos; y q. á los q. no tengan una radicacion antigüa se les oblígue á internar.

De suprema orden lo digo á V. E. pª. su inteligencia y á fin de q. se sirva mandar líbrar las ordenes correspondientes al objeto. Dios y Libertad Enero 14 de 1846.

CASTILLO LANZAS.

Sōr. Gobernador del Departamento de Californias.

## EXHIBIT CASTILLO LANZAS No. 5, W. H. C.

Pio Pico Gobernador Constitucional del Departam^to^ de California á sus habitantes sabed: Que por el Ministerio de relaciones exteriores Gobernacion y Policia se me ha derigido el decreto que sigue:

"MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

R. y P. el dia 19 y R. á los Juzgados 1° y 2°.

"El Exmo. Sr. Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

'Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana, á los habitantes de ella, sabed. Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el caso de obrar con la mayor actividad y energia para repeler la mas injusta de las agresiones, recuperar el territorio usurpado, y conservar el lustre y decoro de la Nacion; y teniendo presente que para lograr tan grandiosas objetos, es de absoluta necesidad alfianzar el orden y la pas interior; usando de las facultades que me concede la cuarta de la adiciones hechas en esta Capital en 2 de Enero del presente año, al plan proclamado en S. Luis Potosí, he tenido á bien decretar lo siguente.

'Art. 1°. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las asambleas por hallarse la Nacion en las circunstancias extraordinarias de que habla el final de la facultad 17, a del art. 134, de las Bases orgánicas.

'2°. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las asambleas, los Gobernadores respectivos nombraran con aprobacion del Supremo Gobierno las personas que estimen á prepósito para formarlas, por no ser justo ni conviniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

'3°. Con igual objeto se faculta á los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvíeren dísueltos.

'4°. Se recuerda á los Gobernadores de los Departamentos para su puntual observencia la circular de 24 de Diciembre del año próximo pasado, en que se les transmitio la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al art. 198 de las Bases orgánicas.

'5°. Se faculta á los Gobernadores de los Departamentos para que encasos extraordinarios obren espeditamente y con la debida justificacion para salvar los grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el orden publico, sin los cuales no pueden sostenerse aquellos inestimables bienes.

'Por tanto, mando se iniprima, publique, circule y se le dé el debido complimíento. Palacio Nacional de Mexico, 13 de Marzo, de 1846.

MARIANO PAREDES Y ARRILLAGA.

A D. Joaquin Maria Castillo y Lanzas.'

'Y lo comunico á V. para su inteligencia y fines cousiguientes.

'Dios y Libertad, Mexico 13 de Marzo de 1846.

CASTILLO LANZAS.
[Rubric.]

"E. Sr. Gobernador del Dep$^{to}$ de Californias."

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Que llegue á noticia de todas mando se publique por bando en todas los pueblo del Departamento se círcule á quienes corresponda, se fije en los parages publicos acostumbrados, Dado en el Puerto de S$^{ta}$ Barbara á 4 de Julio de 1846.

PIO PICO.
[Rubric.]

JOSE MATIAS MORENO,
Srio.

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## EXHIBIT CASTILLO LANZAS No. 6, W. H. C.

MINISTERIO DE RELACIONES EXTERIORES GOBERNACION Y POLICIA.

Circular.

EXMO. SR.—El manifiesto que el E. Sõr. Presidente interino de la Republica ha creido convenĭente dirigir á sus con ciudadanos y de que acompaño á V. E. ejemplares, comprende la declaracion de la fé politica de en Ex$^{a}$. ye de la conducta que se propone seguir en las presentes circunstancias en que la Nacion demanda urgentemente el esfuerzo unido de todos sus hijos p^a. salvarla. Nada és mas conducente á tan noble obgeto que el obrar con la mayor energia para conservar el orden interior á fin de combertir toda la atencion á repeler la agresion extrangera; y en tal virtud su Ex^a. no duda de que teniendo V. E. pleno conveímiento de los deseos y sentimientos de que se halla animado, travajará infatigable y en comonancia como debe esperarse de su patriotismo y de la coöperacion que ciertamente le prestarán todos los habitantes de ese Departamento para quienes la independencia de la Republica deberá ser el primero de los bienes que á toda costa quieran comervar. Dios y Libertad. Mexico 24 de Marzo de 1846.

CASTILLO LANZAS.

E. S. Gobernador del Departam^to de Californias.

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 1.

I have informed His Excellency the President of the Republic of the exposition which you addressed to him on the 3d instant, reviewing all that had occurred respecting the discovery made by one of you in the latter part of the year 1845, of a quicksilver mine at the Mission of Santa Clara of Upper California, the manner in which he was placed in possession of the same by the Judge of First Instance of the Pueblo of San José, and the grant which was afterwards made to him, by the Supreme Government, of two square leagues upon the land of said mining possession; you showing that notwithstanding the official proofs which have been furnished you as to the authenticity of all those facts, the American Tribunals of Upper California doubt them, and pretend that the only mode by which the certified copy (testimonio) of the titles upon which are based your rights to said possessions can be made worthy of faith, is by authenticating the same with the great national seal of this Republic, which you solicit may be granted to you as an act of grace, by his Excellency the President issuing for that purpose a special decree, a copy of which is to be given to you for the purposes you indicate; and finally, that through this Ministry there be made to the Government of the United States the remonstrances demanded by the violation in this affair of the treaty of Guadalupe, and the offensive doubt shown by one of the Tribunals of the Union as to the authen-

ticity of the documents certified according to the laws of this Republic.

His Excellency having considered all this matter with due attention, has been pleased to determine to have stated to you in reply, as I now state, that as your request that the documents you refer to be authenticated with the great seal of the Nation, it cannot be granted, for the reason that it has, by the special law which created it, been devoted to an absolutely different and also special use, while those documents are authenticated in the form prescribed by the laws of this Republic, according to which they have been, and all others of their class are, issued.

In like manner, His Excellency commands me to state to you that, although the Supreme Government is disposed to give you all due protection, certain as it is of the authenticity of the grant, and of that of the documents here referred to, it cannot affix to them any other kind of authentication than the usual one authorized by the laws, and by international practice, in conformity with which the Ministry will do justice to all your demands, and will issue the new documents you solicit in the form in which they are asked; and finally, as regards the remonstrances which you suggest be made to the Government of the United States, that of the Republic will take the proper measures in due time.

Upon communicating to you the foregoing, by order of his Excellency the President, as the result of your said exposition, I offer you the assurance of my consideration.

God and Liberty. Mexico, Dec. 22d, 1858.

CASTILLO LANZAS.
[Rubric.]

Señores Don Andres Castillero, and
Don Eustachio Barron.

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The undersigned, Her Britannic Majesty's Minister Plenipotentiary, hereby certifies that Castillo Lanzas, whose signature appears at the foot of the foregoing document, was at such date, Secretary of the State for Foreign Affairs of the Mexican Republic.

[SEAL.] In testimony whereof, I hereunto set my hand and seal, at Mexico, this 27th day of December, 1858.

N. OTWAY.

No. 263. CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 28th, 1858.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Castillo Lanzas, subscribed to the foregoing document, under date of the 22d instant, is the genuine signature of said person, who is well known to me, and was at the date aforesaid, Minister of Foreign Relations of the Mexican Government.

Register J. folio 36.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No 2.

[SEAL.]

[MEXICAN COAT OF ARMS.]

Register.

—

Age.....years......
Stature.............
Color...............
Eyes................
Nose................
Hair................
Beard...............

Private marks.

Signature of the bearer

Dues two dollars.

The bearer, if a Mexican, shall present himself in thirty-eight days to the Consul or Vice Consul of the Republic, at the place where he may fix his residence, or if there be none at such place, to the nearest thereto, with the understanding that if he fail to do so, he will be deprived of the protection which might be given him by Mexican agents.

No. 61,
Registered at page 47 of the book of the branch.

The Secretary of State and of the Dispatch of Exterior Relations of the Mexican Republic.

Grants a free and safe passport to Sōr Don Joaquin Maria de Castillo y Lanzas, a retired Intendent Marine, and son, so that he may leave the Republic, and he charges the authorities, civil as well as military, to place no obstacle in his way until his departure, granting him the assistance he may require, to be paid for at its just price.

Given at the National Palace of Mexico on the 23d April, 1859.

BONILLA.
[Rubric.]

To be valid as long as required.

[Endorsed.]

I have compared this copy with my passport, referred to in the question 667, and find it to be an accurate photographic copy of the original.

San Francisco, 24th October, 1859.

J. M. de Castillo y Lanzas.
[Rubric.]

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No 3.

Proclamation of the Most Excellent Señor President, *ad interim*, of the Republic, to the Mexican Nation.

When, in the early part of the year I assumed the grave responsibility of directing the affairs of the nation, for a short time, I firmly resolved to sustain and defend its rights and privileges, changing the weak and pernicious temporizing policy which had been observed with regard to the Government of the United States of America, notwithstanding the perfidy by which it prepared the occupation of Texas, the deceit by which it violated the existing treaties which guarantied the limits of the Republic, the predatory act by which it incorporated one of our departments in the States of its confederation. The Mexican nation did not conquer its independence, by means of the most bloody and heroic sacrifices, nor taken its place among the civilized nations of the globe, to make itself the scorn of a neighboring power, which, taking advantage of our own quarrels, our unhappy disturbances, and the exaggerated weakness which they produced, declared itself prepared for conquest, and began to invade our territory to enjoy the illusion that it could extinguish the manly race to which we belong, stamp us with the brand which is borne on their foreheads by the slaves of the South, extinguish our nationality, and abandon us to the humiliating misfortune of oblivion. This magnanimous people who, in a struggle of eleven years of blood and desolation, proved their constancy and courage, waited with impatience to rush to a new war to which they were called by the scandalous aggressions of a government which called itself a friend, and which, to degrade us, relied upon its power, and neglected to rely upon the grounds of equity and justice which all nations respect, which strengthen the hopes of peace, and which maintain universal harmony. Therefore it is that the Mexican nation sanctioned the movement which I began at San Luis

Potosí, not to obtain the painful exercise of power, but that the power of my country might shine with the triumph of a cause which is that of the conservative principles of human society.

The ancient injuries, the offenses which since the year 1836, have been incessantly re-enacted by the Government of the United States against the people of Mexico, were consummated by the insult of sending us a Minister to accredit him to our Government in the character of resident Minister, as if the relations between the two Republics had not suffered any changes at the consummation of the act of the definitive incorporation of Texas. At the same time that Mr. Slidell presented himself, the troops of the United States occupied our territory, its fleets threatened our ports, and the occupation of the peninsula of the Californias was being prepared, of which the Oregon question with England is but a preliminary; and I did not admit Mr. Slidell, because the dignity of the nation repulsed this new insult.

In the mean time the army of the United States encamped at Corpus-Christi, and occupied the Island of Padre Vayin; it next proceeded to the Fronton de Santa Isabel, and hoisted the flag of the stars on the right bank of the Rio Bravo del Norte, opposite the City of Matamoras, having first taken possession of the navigation of the river with their ships of war. The village of Laredo was surprised by a party of their troops, and a picket guard of ours, which was there reconnoitering, disarmed.

Hostilities have, then, been commenced by the United States undertaking new conquests upon territories within the limits of the Departments of Tamaulipas and Nuevo-Leon, while troops of the same United States threaten Monterey in Upper California. There will be no doubt as to which of the two Republics is responsible for a war which might have been avoided by a sentiment of equity and justice, and the respect for the rights and property of all nations which civilization has introduced. If Mexico should permit, with indifference, the repeated advances of a power which already considers itself the owner and sovereign of the American continent, she would not only lose the importance which her population and resources, and her privileged situation have given her since she became an independent nation, but she would also fall into shameful contempt, because, called upon to fight, she allowed the integral parts of her territory to be lost, one by one. So many and such gross outrages could no longer be tolerated, and I have ordered the General-in-Chief of the division of our northern frontier, to commit hostilities upon the army which is committing them upon us, to make war upon the enemy who is making war upon us, and that, invoking the God of battles, he prove the valor of our soldiers, the unquestionable right to our territory, and the honor of arms, which are going to exert themselves only in defense of justice. Our General, in accordance with established usages and positive instructions from my Government, requested the General-in-Chief of the American troops to return to the other side of the Rio de las Nueces, the ancient boundary of Texas, and the request has been refused.

The nations whose interest it is that the repose of so many years should not be broken, and who may be injured in their commercial relations with the Mexican Republic, will comprehend the cruel alternative to which she has been reduced by the invading policy of the United States, and that she would succumb if she were not to defend energetically her existence, which is in danger. I only announce that I do not declare war against the Government of the United States of America, because it is for the august Congress of the nation, and not the Executive, to determine definitively what reparation is demanded by so many offenses.

But the defense of Mexican territory which may be invaded by United States' troops, is an urgent necessity, and my responsibility to the nation would be immense, if I were not to order the repulsion of the forces which are operating as enemies; and I have ordered it. From this day, defensive war begins, and every part of our territory which may be invaded or attacked, will be resolutely defended.

At last the case has arisen which the Governments of Mexico have endeavored to avoid, by urging the plain justice of its claims; and trampled as these have been, we go into a conflict which shall gain for us the sympathy of governments, and people who condemn the usurpations of the strong. We shall be strong by the sacredness of our purpose, and because, when everything is at stake, the endeavors are equal to the greatness of the exigencies. Meanwhile, the Mexican nation will resolve to risk all for the salvation of all; and will give a sublime example of devotion, which shall serve to reproduce the glory so often obtained by people, in every age, who maintained their liberties and independence.

I am proud that the will of Providence should have destined me to be the organ through which the strong will of the Mexican Republic should be expressed. We shall prove in battle, that the sons of the heroes and martyrs of our independence are inspired by their untarnished glory; that valor has not degenerated in their breasts; and that they are ready to sacrifice themselves on the altar of their country.

MEXICANS! I raise, on this memorable day, the Standard of Independence, upon which you see inscribed the illustrious names of Hidalgo and Iturbide. Unite under this sacred ensign, leaving, for times of less danger, internal differences and disputes. I have promised you that the glory which I seek as a reward for my unhappy career, is not that of the ambitious man who considers power as a prize of rapine. I have sworn to preserve to the Republic all her rights, during the short period of my government; and now that I incite you to the conflict, and inform you that great sacrifices are needed, I also promise you that of my blood, if it should be necessary, will not be avoided.

Mexicans! Your brave army is going to fight, and will fight with the courage of heroes; give them your blessings, in anticipation, and prepare yourselves to crown their noble brows, or venerable tombs, if they should fall, when destiny calls you to fill their places in the ranks. Mexico shall conquer, or shall not exist!

National Palace of Mexico, April 23d, 1846.

MARIANO PAREDES Y ARILLAGA.

(*From the Official Gazette of the Mexican Government, of April 24th*, 1846.)

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 4.

MINISTRY OF EXTERIOR RELATIONS,
GOVERNMENT AND POLICE.

Circular.

MOST EXC'T SIR:—The Supreme Government has information that some families from the United States have established themselves at different points on the frontiers of this Republic, a circumstance which, if at any time, it ought to evoke the vigilance of the local and general authorities of the nation; it now requires of the latter, as well as the former, that all measures should be taken which may be conducive to the security and preservation of the territory, diplomatic relations with the Government of said States being suspended.

Consequently, his Excellency, the Sōr President, *ad interim*, has been pleased to provide that, during the present suspension of said relations, citizens of that Republic be not permitted to establish themselves at the points referred to; and that those who are not old residents there, be compelled to withdraw to the interior.

I make this statement to Your Excellency, by supreme order, for your information, to the end that you may cause the proper orders to issue in the matter.

God and Liberty. January 14, 1846.

CASTILLO LANZAS.

Sõr Governor of the Department of Californias.

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 5.

Pio Pico, Constitutional Governor of the Department of California, to its inhabitants,—Know ye: That the following decree has been addressd to me by the Ministry of Exterior Relations, Government and Police:

" MINISTRY OF EXTERIOR RELATIONS,
GOVERNMENT AND POLICE.

"The Most Excellent, Señor President of the Republic, *ad interim*, has been pleased to address me the following decree:

'Mariano Paredes y Arrillaga, General of Division and President *ad interim* of the Mexican Republic, to the inhabitants thereof,—Know ye: That considering that by the state in which the country finds herself threatened by a foreign war, and invaded in a large and precious part of her territory, the time has arrived for the most active and energetic efforts, to repel the most unjust of aggressions, recover the usurped territory, and preserve the glory and dignity of the nation; and knowing that to attain such noble objects, it is absolutely necessary to secure order and internal peace; using the powers granted to me by the fourth of the additions made in this Capital, on the 2d of January of the present year, to the plan proclaimed at San Luis Potosí, I have thought proper to decree as follows:

'ART. 1. The Government will appoint Governors of Departments without regard to nomination by the Assemblies, because the nation finds herself in the extraordinary circumstances spoken of at the end of the 17th power at the end of the 134th Article of the Organic Bases.

'ART. 2. In the Departments in which, from opposition to the present order of things, the Assemblies are dissolved, the respective Governors will appoint, with the approval of the Supreme Government, such persons as they may deem proper to compose them; it being neither just nor proper that the Departments should be deprived of the important services which those bodies should render them.

'Art. 3. With the same object the Governors are authorized to organize the Ayuntamientos at the places where they may be dissolved.

'Art. 4. The Governors of the Departments are reminded, so that they may observe it punctually, of the circular of the 24th December of last year, in which was transmitted to them the extension of the powers conceded to the Executive by the decree of the Congress, dated 21st of the same month, in accordance with Article 198 of the Organic Bases.

'Art. 5. The Governors of Departments are empowered, in cases of necessity, to act expeditiously, and with a sufficient justification, to save the great interests of the independence and integrity of the national territory, and to secure tranquility and public order, without which those inestimable benefits cannot be maintained.

'Wherefore, I order that this be printed, published, circulated, and that it be duly complied with.

'National Palace of Mexico, 13th March, 1846.

MARIANO PAREDES Y ARRILLAGA.

'To Don Joaquin Maria Castillo y Lanzas.'

"And I communicate it to you for your information and consequent ends.

"God and Liberty. Mexico, 13th March, 1846.

Castillo Lanzas.

"To the Hon. Governor of the Department of Californias."

So that it may reach the notice of all, I order that it be published by proclamation in all the towns of the Department, it be distributed to the proper persons, it be posted in the usual public places.

Given at the Port of Santa Barbara, on the 4th July, 1846.

PIO PICO.

Jose Matias Moreno, Secretary.

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## TRANSLATION OF EXHIBIT CASTILLO LANZAS, No. 6.

Ministry of Exterior Relations,
Government and Police.

Circular:

Most Excellent Sir:—The Proclamation which the Most Excellent Señor President of the Republic has deemed proper to address to his fellow-citizens, and copies of which I inclose you, contains the declaration of the political faith of His Excellency, and of the course of conduct which he proposes to pursue in the present circumstances, in which the Nation urgently demands the united effort of all her sons to save her. Nothing is more conducive to such a noble object, than to labor with the greatest energy to preserve internal order so that all attention may be directed to the repulsion of the foreign aggression; and with that disposition, His Excellency does not doubt that your Excellency, being fully convinced of the desires and sentiments by which he is actuated, will labor indefatigably and harmoniously, as should be expected from your patriotism, and the coöperation which certainly will be given you by the inhabitants of that Department, for whom the greatest of benefits must be the Independence of the Republic, which at any cost they must desire to preserve.

God and Liberty. Mexico, 24th March, 1846.

CASTILLO LANZAS.

Most Excellent Señor Governor of the Department of Californias.

# DEPOSITION OF
# FRANCISCO MARTINEZ NEGRETE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v*
ANDRES CASTILLERO.

SAN FRANCISCO, September 30, 1859.

On this day, before the District Court of the United States for the Northern District of California, came Francisco Martinez Negrete, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: Mr. Peachy, of counsel for the claimant, and Mr. Randolph for the United States.

QUESTION 1st, by claimant's counsel. What is your name, age, residence and occupation.

ANSWER. My name is Francisco Martinez Negrete; I am about 62 years of age; I am a merchant by occupation, and my residence is at Guadalajara, Capital of Jalisco.

Q. 2. When did you arrive in San Francisco—for what purpose and at whose request did you come here.

A. I arrived here on the 14th May last. I left Mexico on the 25th April. I came at the instance of Mr. Barron, with the object of giving my testimony in relation to certain documents (escrituras) executed in Mexico, in 1846.

Q. 3. What Mr. Barron do you allude to?

A. Don Eustachio Barron.

Q. 4. When did he die?

A. He died, I think, in April of this year; about the beginning of that month.

Q. 5. How long had you known him?

A. I had known him since the year 1833.

Q. 6. Did you know Alexander Forbes at Tepic, and since when?

A. I have known him since the same year, 1833.

Q. 7. What is your native country, and how long have you lived in Mexico?

A. I was born in the Province of Biscay, in Spain. I have lived in Mexico since the latter part of the year 1816.

Q. 8. Have you received or are you to receive any compensation for coming to San Francisco, to give your testimony in this case?

A. None whatever.

Q. 9. Are you acquainted with Andres Castillero, and how long have you known him?

A. I knew him first at the end of the year 1846.

Q. 10. What object had you in making his acquaintance?

A. My object was to purchase from him some shares in the quicksilver mine, in Alta California, for Mr. Alexander Forbes, of Tepic, who had written to me requesting me to do so.

Q. 11. Where was Castillero at that time?

A. He was in the city of Mexico.

Q. 12. Whereabouts in that city, and how did you find him out?

A. I inquired for him, and was told that there was a Castillero, who had been a deputy or senator. I inquired at the book store either of Galvan or Andrade, and I was told that a person named Castillero lived in the Calle del Padre Lacunza, or Lacuna. I then went to a house in that street, and found that there was a Castillero living there. He was sick in bed. He told me he was not the man I was looking for; that it must be his brother Andres, who, he said, had a quicksilver mine in California, and that he lived in the "Alcaiceria." I, consequently, went to the Alcaiceria and found him in a house which he rented there.

Q. 13. Did you make the purchase for Mr. Forbes from Castillero; and what other business, if any, did you transact with him?

A. He agreed to come to my house to negotiate for the purchase of the shares, and also about an interest in the contract of Avio which I had information was then being celebrated at Tepic.

He accordingly came to my house, and we agreed to wait to see what arrangement had been made at Tepic between Mr. Alexander Forbes and Padre Eugenio McNamara, who was the agent of the other owners in California. We therefore waited until the arrival of Padre McNamara in Mexico.

He brought with him the "escritura de avio" which he had entered into at Tepic with Don Alexandro Forbes.

As I was not very well versed in such matters, I procured the assistance of a lawyer named Don José Antonio Romero, to attend to the drawing of the escrituras, etc.

When Castillero saw the contract of Avio, which McNamara had made with Forbes at Tepic, he agreed for his part, and as owner of one half of the mine, to all the stipulations which McNamara had made, and moreover he gave for the benefit of this Avio a concession which the Government had made him of two "sitios de ganado mayor"—or square leagues upon the lands of the mine.

He was asked if he had the document for this concession in his hands, and he said he would produce it, so that the escritura might be completed.

He in effect brought it, and having agreed in addition to sell me five "barras" or shares in the mine for Mr. Forbes, the lawyer in view of all these matters that had been agreed between us, the escritura made at Tepic, and escritura previously made by Castillero here at Santa Clara, and the document of which I have spoken, drew up a borrador or draft of the contract, which was submitted to Castillero and myself; we finding it satisfactory, took it to a notary to be extended. The notary was named Nazario Fuentes.

The notary drew up the the escritura and we signed it, and took the testimonio or certified copy of it, which I sent to Alexander Forbes—having, of course, just paid Castillero $4000 in cash for the shares I had purchased. I paid him at the rate of $800 per share (barra.)

Q. 14. Where was the money paid?

A. I don't remember whether I paid him at my own house or at my banker's—named Don Donato Manterola, I think the former.

Q. 15. Look at the document now shown you, and say whether you recognize it.

A. This is my handwriting and signature. It is an order in favor of Andres Castillero, on my banker Manterola, for the sum of $4000, and it states that it is for the account of Mr. Alexander Forbes, in order that the proper charge might be made. It was my custom to mention for whose account the payment was made. As I did not keep my books in Mexico, and as I desired that my house in Guadalajara should be advised of the payment, I therefore wished the banker to advise my house in Guadalajara, that the proper charge should be made in its books.

Q. 16. On what account was this money paid to Castillero?

A. For the purchase of the five barras in the mine of Santa Clara.

Q. 17. Do you know Castillero's signature and firma?

A. I do—I believe the signature to the receipt on this order to be his.

Q. 18. Did you pay the notary his fees for extending that contract?

A. I did, of course.

Q. 19. Look at the document now shown you, and state what it is.

A. It is an order in favor of the notary Fuentes, on the same banker, for the sum of 137 dollars 2 reales, that being the amount of his fees for drawing the contract. The handwriting and signature of the body of it is my own.

The handwriting of the receipt I do not know sufficiently to swear to it, but I suppose it to be that of the notary.

[Counsel for claimants offers the two last mentioned documents in evidence marked Exhibits Negrete Nos. 1 and 2, respectively.

Documents objected to as incompetent, irrelevant and inadmissible.]

Q. 20. Did you ever produce from the office of Fuentes another copy of these documents; and if so, when?

A. I did. I procured a second copy, probably about a month after obtaining the first.

Q. 21. Look at the document now shown you, and say what it is.

A. It is an order in favor of the notary for the amount of his fees for making the second copy. The handwriting, signature and address, are my own. The receipt must be that of the notary.

[Document offered in evidence, marked Exhibit Negrete No. 3, O. H: objected to as before.]

Q. 22. When were these three documents written and signed by you?

A. They were probably signed on the days of their respective dates. I could not have written them on any other day. I wrote and signed them at the same time.

Why should I put a different date from that on which I wrote them?

Q. 23. Look at the documents shown you, and say what they are.

A. They are all letters addressed by me at their respective dates to Don Alexander Forbes, and signed by me.

The first, dated Mexico, Dec. 5, 1846, is wholly in my handwriting. The 2d, dated Mexico, December 9th 1846, is in my own handwriting, to the word "poseen," the remainder is in the handwriting of Don Eustachio Oruña, who sometimes assisted me to write. The signature is mine. The sheet inclosed, is a copy of a letter of Andrés Castillero, which was made by my sister-in-law.

The 3d, dated Mexico, December 12, 1846, is wholly in my handwriting, as also the address.

The 4th, dated December 16, 1846, is in the handwriting of Oruña, down to the words "con los Franceses"; the remainder is in my handwriting, as is also the signature. The paper inclosed is an original letter of Castillero's, dated Dec. 16th, 1846, and addressed to myself. The 5th, dated also December 16, 1846, is all in the handwriting of Oruña; the signature to it is my own.

The 6th, dated Dec. 19th, 1846 is, I believe, in the handwriting of a clerk of Oruña, down to the words "pagar á su barra." The remainder, with the signature, is in my handwriting.

The 7th, also dated December 19, 1846, is also in the handwriting of the same clerk. The signature is my own.

The 8th, dated December 26, 1846, is all in the handwriting of Oruña. The signature is my own.

The 9th, dated January 2d, 1847, is in the handwriting of my sister-in-law. The signature is my own.

The 10th, dated January 6, 1847, is in the handwriting of Oruña, except the postcript. The postcript and signature is in my writing.

The 11th, dated January 9, 1847, is in the handwriting of Oruña. The signature is my own.

The 12th, dated February 6, 1847, is in the writing of Oruña. The signature is my own, and also the address.

The endorsement seems to me to be in Mr. Alexander Forbes' writing.

The 13th, also dated February 6, 1847, is in the handwriting of Oruña. The signature is my own.

The superscriptions of the 1st, 3d, 4th, 5th, 8th, 9th, 10th, 11th, 12th, are in my own handwriting.

The superscription of the 2d, is in the handwriting of my sister-in-law. The rest have none.

[Documents offered in evidence; marked "Exhibits Negrete Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, O. H," respectively.

Objected to as irrelevant and inadmissible.]

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

At a stated term of the District Court of the United States of America for the Northern District of California, held at the Court Room, in the city of San Francisco, on Saturday, the first day of October, A. D. 1859.

Present: The Hon OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
} D. C., 420; L. C. 366.

The Court being unable further to continue the examination of the witness, Francisco Martinez Negrete, it is ordered that it be, and the same is, hereby referred to W. H. Chevers, Esq., United States Commissioner, to proceed with and complete the examination of said witness.

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SAN FRANCISCO, Cal., October 1, 1859.

Direct Examination of Francisco Martinez Negrete resumed before me, W. H. Chevers, United States Commissioner, in compliance with the foregoing order.

Q. 24. When did you last see the documents executed as you have said before the notary Nazario Fuentes?

A. I saw them in February of this year; I also saw a testimonio, or copy.

Q. 25. Where is the original protocol?

A. It is in the office of the notary Don Juan Navarro.

Q. 26. Did you examine the protocol; did you find your name and Castillero's signed therein; and who was present when you made the examination?

[Objected to by counsel for the United States, as leading.]

A. Yes, sir; I found my own signature and that of Castillero's on it. When I examined it, Mr. Castillero and the notary, Don Juan Navarro, were present.

Q. 27. In the book of protocols, which document comes first?

[Objected to by counsel for the United States, as irrelevant.]

A. The contract of Avio. At the end of this, the Castillo Lanzas document is inserted, and then follows the contract (escritura) of sale of the five barras.

Q. 28. On what day did you sign the escritura, or instrument of Avio, and that of sale?

A. We—Castillero and myself—signed them both on the same day; I think it was on the 18th day of December, 1846. They are both dated on the 17th day of that month.

Q. 29. Look at this document, which purports to be a certified copy of the escritura of Avio, and of that of sale, given by Juan Navarro, and state whether you have compared it with the said writings; and, if yea, when, where, and in what manner was that comparison made; and is this a faithful copy of the original?

A. I have examined these copies, and found them accurate copies of the originals in the office of Don Juan Navarro; this examination was made by my having the originals read to me while I read these copies, and then these copies were read to me while I read the originals; I then took the copies and originals myself and compared them at different places, and found these copies correct; that portion of this document which the certificate of the notary states to be copies of these two original escrituras, is so in fact; I observe, by referring to the date, now, that I made this examination on the 14th February last.

Q. 30. Did you compare what in this instrument purports to be copies of certain marginal annotations on the said original documents in the book of protocols?

A. Yes, sir; I compared them also, and they are exact copies of the originals.

[Document offered in evidence, and marked "Exhibit Negrete No. 17, W. H. C."

Counsel for the United States objects to the introduction of the document, upon the ground that it is not duly proved, is irrelevant, incompetent, and inadmissible.]

Q. 31. Look at the document now shown you, purporting to be a certified copy of a certain petition of Castillero and yourself, asking for a copy of the aforesaid documents, and of the proceedings which were had thereon, as the same appears in the book of protocols of Nazario Fuentes; say whether you have compared the said petition and record of the proceedings had thereon, as they are set forth in this certified copy of the same, with the originals; when, where, and in what manner was the comparison made; and is this a faithful copy of the original?

A. I did compare these copies with their originals in the office of the same notary; I made the comparison in the same manner that I compared the other documents which I have heretofore spoken of; it is a faithful copy of the original; I made the comparison on the 18th day of February of this year, as appears from a memorandum, written by myself, attached to the cover.

[Document offered in evidence, and marked "Exhibit Negrete No. 18, W. H. C."

Counsel for the United States objects to the introduction of the document, upon the ground that it is not duly proved, as irrelevant, incompetent and inadmissible.]

Examination adjourned until Monday next, at 11 o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 3, 1859.

Direct Examination of Francisco M. Negrete resumed from Saturday.

Present: Mr. Peachy, of counsel for claimant.

[The witness desires to correct his answer to question 26, by stating that it has since occurred to him that Emilio Pardo was also present at the examination therein referred to.]

Q. 32. In your letter of 19th December, 1846, to Mr. Alexander Forbes, after having stated that the writings had been executed, you add, "I have been promised legalized copies (testimonios) to-day, and shall transmit them with this letter, together with the document which you executed at that place, and the document showing the grant which the supreme government made in favor of Don Andres Castillero for two square leagues of land at the place where the mine is situated;" and again in the latter part of that letter you say, "I have not received the two instruments (escrituras) which I have mentioned, but I remit the other documents;" please to state what were the instruments which you say you had not then received, and what the other documents which you say you remit.

A. The documents which I referred to in that letter as not having been received by me at the time it was written, were the testimonios of the contracts (escrituras) of Avio and of sale of the five barras. The documents which I referred to in that letter as being sent, were the contract (escritura) of Avio, which had been made between Padre McNamara, as agent of the other owners in California, and Don Alexander Forbes at Tepic, and the other document was the grant of two leagues which the supreme government had made to Castillero.

Q. 33. In another letter written by you to Mr. Alexander Forbes, on the 19th December, 1846, you say that immediately after having put into the post-office the package addressed to you (Mr. Forbes) separately, there were delivered to me the two instruments (escrituras) mentioned in it;" and that you remit the same with your letter. What two instruments do you refer to?

A. I refer to a document composed of testimonios of two contracts (escrituras); one for the purchase of five barras, and the other the contract of Avio, executed between Castillero and myself, as the agent of Mr. Forbes; the same document to which I referred in my previous letter of the same date.

Q. 34. In your letter of the 6th February, 1847, "Exhibit Negrete No. 15, O. H." you say, "If the authenticated writings are brought to me before closing this letter I will inclose them, otherwise they shall be sent by the next mail;" and in another letter of the same date,. "Exhibit Negrete No. 16, O. H." you say, "I have written you a separate letter, and with this I have the pleasure to transmit the inclosed writings (escrituras) and also the receipt for their cost, which amounted to the sum of seventy-five dollars, which you will credit to my house in Guadalajara." To what authenticated writings (escrituras) do you refer in these two letters?

A. I refer to other copies of the same escrituras (writings) which had been asked for by Mr. Forbes.

Q. 35. Examine the two documents now shown you, marked respectively "Exhibit Negrete No. 19, W. H. C." and "Exhibit Negrete No. 20, W. H. C.;" and say what they are.

A. "Exhibit Negrete No. 19, W. H. C." is the testimonio (certified copy) of the contract of Avio, made between myself as agent of Mr. Forbes and Castillero, of which I spoke in my letters of the 19th December, 1846, as having been transmitted to him on that day. "Exhibit Negrete No. 20, W. H. C." is the other copy of the same contract (escritura) of Avio, which I sent to Mr. Forbes on the 6th February, 1846, mentioned in my letter of that date.

Q. 36. Examine the document now shown you, purporting to be an original official communication from Castillo Lanzas, Minister of Relations, addressed to the Governor of the department of Californias, dated the 23d May, 1846, whereby the Governor was directed to put Castillero in possession of two square leagues; and say if you remember anything about it.

A. Yes, sir; I remember that I remitted it to Mr. Forbes, in my letter of 19th December, 1846. I remember that there is a copy of it at the end of the contract (escritura) of Avio, made between myself, as agent of Mr. Forbes, and Castillero. I have no doubt that this is the same document.

[The document referred to by the witness in his last answer, is a document brought from the office of the United States Surveyor General for California, by Mr. W. M. Smith.]

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., October 4, 1859.

Direct Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[The last question and answer are objected to by counsel for the United States, as irrelevant and inadmissible.]

Direct examination closed.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 37. How many barras did you buy from Castillero in Mexico, in December, 1846?

A. Five barras.

Q. 38. Did you buy one for the account of these persons you mention in one of your letters of the 19th December, 1846, to Alexander Forbes?

A. I bought the five barras for Mr. Alexander Forbes, by virtue of authority given me by him for that purpose, but one of them was for account of Messrs. Martin LaPiedra and Francisco Maria Ortiz.

The name of Mr. Forbes only was used in the escritura, to avoid confusion.

Q. 39. Do those individuals own that share yet?

A. With regard to Mr. LaPiedra, I do not know; but I know by information from Mr. Ortiz himself, that he is still the owner of his half of the barra.

Q. 49. Where does Mr. Ortiz live, and what is his business?

A. He lives in Guadalajara, in the State of Jalisco, and he is a merchant.

Q. 41. Where did he live, and what was his business, at the time that you made the purchase for him?

A. He lived in Guadalajara, and was book-keeper in my house there.

Q. 42. Is he now engaged in commerce on his own account, or on your account; is he trading on his own capital; if he is doing business on his own account, has he any partner; and if so, are you his partner?

[Question objected to by Mr. Peachy, as irrelevant.]

A. According to my information, he has no partner in his business. He has a partner in a small hacienda in the country; he is trading on his own capital, he has none of mine, and I am not interested with him in anything.

Q. 43. Did you make a present of this half barra to your nephew, Mr. Ortiz?

A. No, sir; he paid for it out of his own pocket.

Q. 44. Have you never had any interest in this mine, or in the avio?

A. No, sir; in neither.

Q. 45. Have you ever been an agent for the sale of any quicksilver produced from this mine?

A. Yes, sir.

Q. 46. Upon a commission, of course?

A. Yes, sir; a commission of three per cent.

Q. 47. At what places have you been the agent for the sale of the quicksilver?

A. In Guadalajara only.

Q. 48. What mining regions are supplied with quicksilver from Guadalajara?

A. I have been in the habit of selling quicksilver to be used in the mining districts of Bolaños, Guachinango, Ameca and Hostotipaquillo. There were a great many other mining regions in the state, but as quicksilver was sold in Tepic cheaper than I sold it, they were nearly all supplied from there, so that the amount of my sales was almost insignificant.

Q. 49. Do you mean that the whole amount of your sales was almost insignificant, or only your sales at the great many other places you have referred to?

A. I mean that the amount of all my sales was insignificant, because I should think, at a rough guess, I did not sell over three hundred flasks a year.

Q. 50. Have you commercial business in any other parts of Mexico besides Guadalajara?

A. No, sir; I have only the one at Guadalajara.

Q. 51. How long have you had the agency for the sale of quicksilver from this mine?

A. From the beginning. I think it must have commenced from the year 1849.

Q. 52. Do you know of any reason why you were the person employed by Mr. Alexander Forbes to make this purchase of Castillero?

A. I suppose it was because I had business relations with him.

Q. 53. Have you not continued to have business relations with the house of Barron, Forbes & Co. down to the present time?

A. Yes, sir.

Q. 54. The house of Barron, Forbes & Co. is a wealthy house, and carries on business on a large scale, does it not?

A. I consider it a rich house; it has heretofore done business on a large scale, but now I believe it is in liquidation, and for some years its business has been, I believe, inconsiderable.

Q. 55. The commissions which you have made through your business connections with that house have been much more considerable on other things, than on quicksilver, have they not?

A. Yes, sir.

Q. 56. Although the house of Barron, Forbes & Co. are in liquidation, there are some members of the house who continue doing business, do they not, and you still transact business with them, do you not?

A. I am not aware that any of the persons interested in that house are carrying on business, except that Mr. John F. Alsop has charge of the house in Tepic, and a factory which is there. The son of the head of the house returned to Mexico from the United States lately, but I am not aware that he has gone into business.

The business done between myself and the house now, is very limited, because it is confined to the consignment and sale of quicksilver, and cotton goods from the factory.

Q. 57. Are you not acquainted with some of the other owners of barras, or some of the partners in the contract of Avio?

A. I have heard here that Mr. John Parrott has an interest in the mine, and also the heirs of a person named Walkinshaw. According to my information, the house of Barron, Forbes & Co. is the principal owner. I know nothing about this, except what I have heard.

Q. 58. Have you never been informed that wealthy capitalists in Mexico, and elsewhere, were interested in the mine?

[Question objected to by Mr. Peachy upon the ground, first, that it is irrelevant; and second, that it is not sufficiently explicit.]

A. No, sir.

Q. 59. I want to know whether you had business or other relations with any of the other persons seeking to establish the title of the claimant to this mine? If you have any such relations, please say what they are, and with whom.

A. I have no relations with anybody interested in the matter, except the house of Barron, Forbes & Co. and Mr. Ortiz. My relations with the latter are friendly, not commercial; my relations with the house of Barron, Forbes & Co. are almost of the same kind, as I have no other business with them than that which I have mentioned.

Q. 60. Was there any connection between you and Mr.

LaPiedra; if not, why were you interested to purchase this share in the barra for him?

A. I had no business relations with Mr. LaPiedra. My relations with him were of a friendly character. I learned from Ortiz that LaPiedra had written to him, requesting him to write to his uncle (myself) and endeavor to get for them (Ortiz and LaPiedra) even a small interest in this mine, and that if it could be done they were fortunate (they having heard of the mine and Don Alexander Forbes' letter to myself about it). Ortiz communicated this to me, and when Castillero offered to make me a present of two barras, I declined to accept them, knowing that he was not a man of much means, and not needing them myself; but I stated to him that I would take one for two friends of mine, upon the same terms that had been already agreed upon for the four which I had purchased for Mr. Forbes. I therefore had the escritura made for five, instead of four barras.

Q. 61. Who was this Mr. LaPiedra, where was he living, and what was his business?

A. He was a clerk in the house of Barron, Forbes & Co., in Tepic, at a salary. The house had requested me to send them a clerk from Mexico, that year (1846), and I sent him.

Q. 62. Had he been in your employment before that?

A. No, sir.

Q. 63. Where does he live now?

A. He died some years ago.

Q. 64. Have you any business which brought you to San Francisco, except to testify in this case?

A. No, sir. My only object was to give my testimony in this case.

Q. 65. Did you come from the City of Mexico with the other witnesses?

A. Yes, sir.

Q. 66. You have taken this voyage from no other motive than that of good will towards some of the persons interested in this claim, as I understand you to say?

A. When Mr. Billings and Mr. Wm. Barron were in Mexico, the latter asked me if I remembered about those escrituras (they met me in San Francisco street); I answered that I did, perfectly. Mr. Barron then said I would have to give my testimony, and I said I had not the least objection. He then said I would have to see his uncle, Don Eustaquio. I consequently did see him, and he asked me if I would have any objection to coming here to give my testimony, and I stated at once that I had none whatever, because I knew that owing to the friendly relations between us, he would have done the same under similar circumstances, and because I remembered well the truth of the matter. He also assured me, at that time, that if he got any better (he being then unwell) he would come with us to California.

Q. 67. How could you afford to take so long a journey, and be absent from home so long, without being paid for it?

A. Because I was a friend of Mr. Barron's, and I had enough to live on without asking or receiving anything from him: if I had been offered anything for coming I would perhaps have refused to come.

Q. 68. From that, I understand that you are a man of wealth, inasmuch as the other witnesses, without reference to their social standing or to their political positions, have all testified that they were all to be paid for their trouble in this matter?

A. I have means enough to maintain a large family decently, according to our customs.

Q. 69. It is of somelittle importance to know what are the circumstances of a witness; and without going into particulars, please say whether I am rightly informed that you are a man of wealth?

A. I cannot say whether I am a man of wealth or not, because everything in this world is relative. I might be considered a man of wealth in Guadalajara and not be considered so in San Francisco; I have a decent fortune.

Q. 70. Nor are you in any way to be benefited in your business by putting yourself to the inconvenience of this voyage?

A. I am not, according to my understanding. It is merely the service that one friend would render to another,—especially as I supposed the time required would not be over two months, in which, however, I have been disappointed.

Q. 71. Have you frequently made journeys from Mexico to foreign countries?

A. Yes, sir.

Q. 72. When was the last time before this?

A. In 1856, with all my family.

Q. 73. Do you remember where you passed your time during all of the year 1846; if so, please say at what place?

A. I was in Guadalajara until May, and in that month (I think on the 29th) in consequence of the revolution there, I went with all my family to the city of Mexico, where I remained until the end of February or the beginning of March, 1847, when I set out for Guadalajara on my return.

Q. 74. What time of the year 1846, more precisely, was it that you made the acquaintance of Andres Castillero?

A. In December, 1846.

Q. 75. What time in December?

A. During the first days of December.

Q. 76. It appears to me from your testimony that you knew nothing at all about Andres Castillero, until you received a letter from Alexander Forbes asking you to find him out?

A. I had no knowledge of him whatever, personally or otherwise, until I received the letter from Mr. Forbes.

Q. 77. What date was that letter from Mr. Forbes?

A. According to my recollection, it must bear date, if I am not mistaken, the 24th or 28th November, 1843. This is what I recollect of the date of this letter, as given in these letters of mine to Mr. Forbes, which I see here.

Q. 78. The first of your letters, to wit, that of the 5th December, 1846, to Mr. Forbes, is in reply to that letter of the 24th November from him, in which he told you to find out Andres Castillero?

A. That is what I see by these letters.

Q. 79. Where is that letter of the 24th November from Alexander Forbes to yourself?

A. It must be in my house in Guadalajara, in the archives of my correspondence,—the place in which my correspondence, is preserved.

Q. 80. You kept copies of these letters which you wrote to Alexander Forbes, did you not?

A. I don't remember whether I kept copies or not, but my recollection is, that I did not. I may, perhaps, have kept a note of the substance of one or more of them.

Q. 81. As you were a business man, and these were business letters, how did it happen that you did not keep copies?

A. Because it was unnecessary for me to keep copies. This was not a commercial affair, and it was not necessary to advise my house in Guadalajara with regard to it, except for the purpose of stating the amount of money which had been paid for account of Mr. Forbes, so that proper entries might be made. I did communicate this to my house there, and advices were also sent by my banker, Mr. Manterola.

Q. 82. I had supposed that a man of business kept copies of all of his letters in anywise pertaining to business subjects; and such, it is my impression from the evidence in this case, was peculiarly the habit of your correspondent, Mr. Alexander Forbes. I understand you distinctly to say that your habit was otherwise?

A. There was a difference between my custom in Mexico and that of my house in Guadalajara. I was in Mexico at that time on a visit, and not for the purpose of attending to business, and kept no books; I was there with my family. My house in Guadalajara, of course, keeps copies of its correspondences.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, October 5, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[Witness desires to observe this morning that, after having refreshed his memory on the subject, he finds that Mr. La Piedra went to Tepic in 1844, and not in 1846, as he said yesterday.]

Q. 83. Did you tell Mr. Barron that your testimony would be just what you have given?

A. No, sir; we did not speak about that.

Q. 84. With whom did you speak about what it was that you remembered and could prove?

A. I did not state what my testimony would be. When I met Mr. William Barron (with Mr. Billings) he asked me if I remembered having entered into the escrituras of Avio and sale, on behalf of Mr. Forbes. I answered, that I did perfectly; he asked me if I would have any objection to giving my testimony, and I replied, that I had none whatever. This is all that passed.

Q. 85. About what time was that?

A. It was about the beginning of February of this year, a few days after the arrival of those gentlemen in Mexico.

Q. 86. Did you see them frequently from that time until the 25th April, when you left Mexico?

A. Not very frequently, but I did see them.

Q. 87. During that time, did you not mention these matters just as you have stated them here: that Mr. Forbes wrote to you, that you found Andres Castillero, then waited for Father McNamara, and after his arrival concluded the negotiation, etc., etc.?

A. I remember having told them that Forbes wrote to me, and that in consequence of his letter to me, I found Castillero and made the escrituras with him about the year 1846. I don't remember having stated anything further to them about it.

Q. 88. Did not some of them say to you that they had your letters to Mr. Forbes, and that they would like to have Mr. Forbes' letters to you, in order that the correspondence might be complete, and that they might put the whole story in evidence, and not merely one half of it?

A. No, sir, not one word of that; but some three months after my arrival here, Mr. William Barron told me that he had the letters which I had written to Mr. Forbes, touching the matters of the escrituras with Castillero.

Q. 89. I think you passed through Guadalajara on your route hither; perhaps you stopped there some little time?

A. We did pass through there, but did not remain long; we arrived there on a Saturday, and remained until Monday; the diligence did not travel on Sunday; if it had, perhaps we should not have stopped there at all.

Q. 90. You of course visited your own house; perhaps had the opportunity of receiving Messrs. Barron and Billings there?

A. I did visit my own house and staid there, but I did not receive Messrs. Barron and Billings there. They remained with their fellow-travelers at the inn where the diligence stopped, called "La Diligencia."

Q. 91. At this time, did you not think to mention to those gentlemen that you had at the house, in the archives of your correspondence, the letters of Mr. Alexander Forbes relating to the business of the escrituras, and which might throw some light upon the circumstances of the transaction?

A. No, sir; I did not say a word to them about it, nor they to me.

Q. 92. Which party was in possession of Guadalajara, at the time that you passed through?

A. It was in possession of the Miramon, or Government party. General Tapia was in command there.

We passed through Salamanca, Guanajuato, Leon, and other places which were in possession of the Constitutional forces.

Q. 93. At those places were you interrogated by the authorities of the Constitutionalist party, as to who you were; or did you make yourself known to the authorities?

A. We were not interrogated; we traveled in the most public manner in the diligence. Several of the persons in authority, of the Constitutional party, knew me; and at Guanajuato Colonel Echegaray, and Colonel, or Lieutenant-Colonel, Cruzaedo dined at the table with us; they sat opposite to me. They both knew me well, but whether they knew any of the gentlemen with me, or not, I cannot say. I was told by the administrador, or innkeeper, at Guanajuato, that there was an acquaintance of Castillo Lanzas there, named Bravo; that Bravo had mentioned that he saw Castillo Lanzas pass. I don't know who Bravo was.

Q. 94. Were you not afraid that some of your party would be arrested, and perhaps shot?

A. No, sir; I did not suppose anything of that kind would occur. If we had supposed there was any danger of that, we would not have started; on the contrary, we were confident that nothing of that sort would happen to us, unless we fell in with some of the predatory bands that infest the roads, and under the name of Constitutionalists do nothing but rob.

Q. 95. Did you have a safe conduct to pass through the lines of the Constitutionalists?

A. I am not aware that there was any brought by us.

Q. 96. Could President Miramon, or any of the high officers of his cabinet, have passed through places occupied by the Constitutionalists at that time, and openly, without almost a certainty of being arrested and shot?

A. I suppose that if President Miramon had been taken by the Constitutionalists, he would have been shot. If any of the Ministers or leaders of his party had been taken, I don't suppose they would shoot them.

Q. 97. Don't you think that the Constitutionalists would, at least, have detained Miramon's Ministers as prisoners?

A. I cannot state with regard to that—probably it would depend upon the character of the General or Commander into whose hands they might fall.

Q. 98. As you have had very excellent opportunities of knowing how the opposing parties in Mexico conduct the present war, do you think it at all possible that Ocampo, Lerido Tejata, or other of the chief advisers of President Juarez, could pass unmolested in a stage coach through the City of Mexico, or other place occupied by the forces of Miramon?

[Question objected to by Mr. Peachy, as irrelevant.]

A. I am unable to say what would be done in a case of that kind.

Q. 99. It is very true that I am asking you for an opinion, but there are some opinions upon which a man may hazard an assertion, with almost the same confidence and certainty that he could as to a matter of fact, which had fallen under his own observation:

Do you not think that you could in that view of the matter venture to be very positive, that the persons to whom I referred in the last question, could not with impunity make such a journey?

[Question objected to by Mr. Peachy, because, although the supposed impossibility of procuring the attendance of witnesses from Mexico, owing to the disturbed state of that country at present, would account very satisfactorily for the opposition which the Executive Department of the United States Government made to all attempts on the part of the claimant to take the depositions of witnesses in the City of Mexico, yet it is irrelevant to the matters now in issue.]

A. I cannot venture to give an opinion as to what would happen in any such case.

Q. 100. To me, the case I have supposed appears entirely impossible, nor can I see any better why a Cabinet Minister of President Zuloaga could pass with safety through the hands of the Constitutionalists. And this more especially, as the party of Miramon, which is the same as that of Zuloaga, had gone so far, a few days before you left Mexico, as to shoot even surgeons, who had been connected with the forces of the Constitutionalists.

Why is it, that in such a state of affairs, and for a stronger reason, that Castillo Lanzas was not treated with severity by the Constitutionalists when they found him in their hands?

[Counsel for the claimant is willing to admit, that to the executive officers of the government who have had charge of, or the control over, the defense of this case, it seemed to be an utter impossibility for the claimant, in the present disturbed condition of Mexico, to procure the attendance of witnesses from that country, to testify in this case, here in San Francisco; and he is willing further to admit, that it was owing to that belief, ascertained by the executive officers in Washington, that they have steadily opposed all the efforts of the claimant, to take the testimony of witnesses in the City of Mexico, and even urged upon Congress to refuse to pass a law by which the claimant could have the means of taking testimony in the City of Mexico, when the claimant asked Congress for that relief.]

A. I will answer that he (Castillo Lanzas) came in our company without any disguise whatever, in the same dress in which you have seen him here, and that nothing whatever happened to him.

Q. 101. How long have you been acquainted with him, and under what circumstances?

A. I had known him by sight, but never spoken to him, except on one occasion (when I called upon him in his Ministry, in relation to certain injuries which I had suffered in Guadalajara) until the day of our departure. I knew him first by sight in 1846.

It was in the latter part of last, or the early part of this year that I had the interview with him of which I have spoken.

Q. 102. As you seem to have quite an accurate memory, I must ask you to state, more precisely, when it was you called upon him?

A. I don't remember, precisely, when it was; and as the matter was a very unpleasant one to me, I have endeavored to forget it. It was an outrage which had been committed upon me in Guadalajara, by entering my house, and arresting the person who had charge of it there.

Q. 103. When was this outrage committed upon you?

A. It was about the same time that I called upon Mr. Castillo Lanzas. I cannot remember the date at this moment; but by thinking the matter over, I will be able to recollect it.

I called on Castillo Lanzas, in company with the Spanish Consul General, to make a reclamation for nine thousand dollars, which had been taken from me on different occasions, in a short time. Mr. Castillo Lanzas (who was then Minister of Relations) said he would consult with the President about it, and would send an answer to the Spanish Consul General. The Consul General afterwards sent me a copy of the dispatch which he received in reply from Mr. Castillo Lanzas, in which it was stated, that orders had been given to prevent the commission of such excesses in future, and that an order had been given to the Minister of Hacienda to pay the amount I claimed, but I have not yet been paid.

Q. 104. How long had you been in Mexico, before starting on this journey?

A. I left Guadalajara on the 14th of June, of last year, to go to Mexico, where I arrived on the 20th. I remember this, because on the preceding day, the 19th, there was a severe earthquake in Mexico, which did considerable damage. I remained there until the 25th of April, of this year, when I started to come here.

Q. 105. Did you know President Zuloaga?

A. No, sir.

Q. 106. Did you know any of his cabinet?

A. I knew Mr. Parra, who was Minister of War, very slightly; and I knew Don Pedro Jorrin, who was his Minister of Hacienda, by sight.

Q. 107. Did you know no other of the Ministers of Zuloaga?

A. No, sir.

Q. 108. Not one?

A. None except those two and Mr. Castillo Lanzas, whom I had spoken to on that occasion.

Q. 109. How many more were there?

A. According to my understanding there were three more, but I cannot be positive about that: Minister of Justice, Minister of Gobernacion and Minister of Fomento.

Q. 110. Did you know President Paredes?

A. Yes, sir.

Q. 111. Did you know his Ministers?

A. I knew his Minister of Hacienda, Don Luis Parres; his Minister of War, Tornel (by having dined with him a few times); Mr. Almonte, who was also his Minister of War, I knew by sight (in the same way that I knew Mr. Castillo Lanzas, by having seen them both in the street); and I knew Mr. Francisco Yturbe, who was also his Minister of Hacienda.

Q. 112. At what time do you mean that you knew Castillo Lanzas?

A. I refer to about the middle of the year 1846—in June it must have been.

Q. 113. When you went to make the reclamation of the Minister for the damages you have spoken of, why did you apply to the Minister of Relations?

A. Because the Ministry of Relations is the one that attends to everything which concerns foreigners.

Q. 114. Do you still preserve in Mexico the character of a foreigner?

A. Yes, sir; I am a Spaniard.

Q. 115. When you went to the Ministry, do you know that the person you spoke to was the Minister, and not some other person employed in the Ministry?

A. I know he was Minister of Relations.

Q. 116. When and where did you see him next?

A. I did not see him again until I was entering the "Diligence," on the morning of the 25th April last.

Q. 117. Is the person whom you saw then the same as the Minister of Relations whom you saw when you made your reclamation; the same who traveled with you, who is here now, who testified in this case, and the same whom you remember to have seen on the street, as one of the Ministers of President Paredes?

A. Yes, sir; he is the same person.

Q. 118. Do you recollect seeing him at all after June, 1846; if yea, when, where, and under what circumstances?

A. I don't remember having seen him after that, in that year. I was acquainted with Mr. Zurutuza, who kept the inn where the Diligence stopped, called "Casa de Diligencias," where Mr. Castillo Lanzas was then staying. I one day said to Mr. Zurutuza, that I would like to see Mr. Castillo Lanzas, and he replied, "there he goes," pointing him out. I don't remember having seen him again in that year.

Q. 119. Then you remember to have seen him but that once in that year, and it was to that single occasion that you referred when you said you knew him by sight in the street, as you knew Almonte?

A. Yes, sir.

Q. 120. After the year 1846, when did you see him again, that you remember?

A. When I called upon him, as I stated before, with the Spanish Consul to make the reclamation.

Q. 121. As this interview may be said (in my estimate of your statement) to be the first and only time you ever saw Castillo Lanzas, until you met him in the diligence on your late departure from Mexico, I must ask you again, with the time for reflection which this examination has afforded you, to say when this interview about the reclamation took place, just as, since I asked you before, you have given other dates?

A. As I have been occupied with these other questions, I do not yet remember the precise date of that interview, but I think I will remember it yet. It was after the battle which was fought near Colima between the forces of Miramon and Degollado, called the battle of "San Joaquin."

Q. 122. How long before, or after, you saw Messrs. Barron and Billings?

A. I am unable to say whether it was before or after they arrived.

Q. 123. I am the more pressing upon this question of the date, because, as I said before, I discover that you have an accurate and well ordered memory, and because the circumstance of having your commercial house entered, your clerk imprisoned, and your money forcibly abstracted, is, as you have properly said, of a very disagreeable nature, and for that very reason the more likely to be implanted in the memory with its date, &c.:

Can you now tell me anything else connected with that interview with the Minister of Relations?

[Question objected to by counsel for claimant, for the reason that all questions relative to that interview are evidently intended by the counsel for the government to bear upon the identity of Mr. Castillo y Lanzas, a former witness in this case; a point upon which the witness now under examination was not interrogated upon his direct examination; this, therefore, is new matter, and the counsel for the United States is bound by the rules which govern the examination in chief. As Mr. Negrete has fully established the identity of Mr. Lanzas, this last question is irrelevant.]

A. The battle of San Joaquin took place in December, if I am not mistaken, so that the occurrences which I have related concerning my house in Guadalajara, must have taken place in January, and from this I infer that the interview referred to took place in February, of this year.

I have not a clear recollection of the date, but this is my best recollection about it.

Q. 124. As you have spent so much of your time in the Capital, I suppose you have a very extensive acquaintance, at least by sight, with the public men of Mexico, and have had for some years past?

[Question objected to by counsel for claimant, upon the ground that it has not been proven that the witness was in Mexico more than twice, and these two visits thirteen years apart.]

A. As I am a merchant by occupation, I have had but little to do with public men in Mexico.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Oct. 6, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

[Witness states that he desires permission to say this morning, that after the close of the examination yesterday, he read a letter which he had received from his house in Guadalajara, by the bark Inkerman, in which he is informed that the nine thousand dollars which had been taken from him, as stated yesterday, has been paid.

And he also desires to state, that after reflecting upon the matter, he has concluded that the taking of those nine thousand dollars, as stated by him yesterday, occurred in July or August, 1858, and that, therefore, his interview with Mr. Castillo Lanzas upon that subject, must have occurred long before the arrival of Messrs. Billings and Barron in Mexico.]

Q. 125. When?

A. It was very soon after the occurrences in Guadalajara. As soon as I was notified of what had happened, I went to the Spanish Consul, and we went together to Mr. Castillo Lanzas. It must have been in July or August.

Q. 126. Where is that letter?

A. I have it here.

Q. 127. Give me the passage which relates to that matter of the reclamation.

A. This is the passage as translated by the Interpreter:

"I have to communicate to you good news, which is, that by means of an arrangement which, after a good deal of trouble I have effected with this Señor Governor and Commander-in-Chief, *ad interim*, Tapia, paying him in advance three thousand dollars on account of duties, I have received all that was due for forced and voluntary loans, without any discount whatever, that unpleasant business being terminated, and myself freed from the annoyance."

Q. 128. I don't see anything in that to enable you to fix the time of your interview with Castillo Lanzas?

A. Certainly it does not contain anything which would remind one of the date of that interview.

Q. 129. For what purpose, then, did you refer to that letter this morning, and why do you now fix the date of that interview back in July or August?

A. I referred to the letter because I stated yesterday that I had not been paid the nine thousand dollars; and after the examination of yesterday had concluded, I read this letter and found that it had been paid, and justice required that I should say so to the Court now.

I make this last statement with regard to the interview, because I have been thinking the matter over again, and recurring to the date of my departure from Guadalajara, I believe that that occurrence took place there, shortly after my departure. I cannot state the date precisely, but my best recollection is, that the occurrence alluded to, took place either in July or August.

Q. 130. Through whom did you receive that letter?

A. I received it at the counter of the house of Mr. William Barron, there, and I was told there was one for me. I opened the envelope and threw it away, as I always do according to my custom. It contained several letters (which are here now) from my wife and children. I read my wife's letter, and did not read the others until the examination closed yesterday.

Q. 131. How long have you been acquainted with Señor Don José Maria Bassoco, one of the witnesses who came with you from Mexico?

A. I have known him by name for many years. I have known him by sight about thirteen years, but I have never spoken to him until last year.

Q. 132. Are you acquainted with Vicente Segura; if so, how long have you known him?

A. I don't know him personally, but I have seen his name in newspapers.

Q. 133. In your postcript to your letter of December 5th, 1846, to Alexander Forbes, I find this passage, referring to the island of Santa Cruz, which Castillero said was his property, viz:

"He is disposed to sell it rather than have it taken from him by the Yankees. It is distant four leagues from the port of Santa Barbara, and he considers that it would be of much importance to England, should the United States take possession of the Californias. If you are inclined to purchase, you can inform yourself of all this leisurely."

Whom did you suppose to be in possession of California at that time?

A. That statement of mine was made merely to convey Castillero's idea; it was not an idea of my own.

The Government of Mexico was then, of course, in possession of California.

Q. 134. Surely both you and Andres Castillero knew that the United States had taken possession of California, long before that time?

A. I have not a clear recollection, but my understanding of the matter is, that the United States had not yet taken California. I have an indistinct recollection of having heard something about a person named Sutter, and that a ship of war had touched at some point, and raised the American flag, and that it had afterwards been taken down.

Q. 135. Did not you and Andres Castillero know that there were no longer any Mexican authorities in California?

A. I don't know what Castillero knew about it; for my part, I did not know that.

Q. 136. I see you state that the island is four leagues distant from Santa Barbara; that was because you supposed that the possession of the shore would only extend into the sea three leagues, was it?

A. I communicated to Mr. Forbes Castillero's idea about the distance, that it was four leagues distant from the port of Santa Barbara. This is what I understand from seeing my letter now. I did not know then, and do not know now, how far the dominion of the possessor of the land would extend into the sea.

Q. 137. Did you not understand at the time that the idea was to get a British subject to purchase the island, so as to induce the British Government to take it and keep it away from the Yankees, or at least to give it protection as British property, just as in the next letter you say:

"Señor Castillero appears to be a sedate person, and he manifests a great interest that this negotiation may be placed under the protection of the British flag, as being the only means of securing that property in which he owns twelve shares (barras)."

That is to say, the only means of securing this mine to Andres Castillero?

A. I understand that that was the object, and the letter speaks for itself.

Q. 138. In the letter of Andres Castillero to you, of date December 9th, 1846, copy of which is inclosed in your letter of December 9th, 1846, to Alexander Forbes, as the same has been translated and printed, I find the words, viz.:

"The Board of Encouragement (Junta de Fomento) has offered me one distilling apparatus for quicksilver, of the two which it has ordered from England, and two thousand of flasks, which it has in Tasco, which is important news for our business."

Look at the Exhibit of this letter, as filed in this case, and say whether the Spanish is not *me ofrece*, and whether the proper translation of that is not, that the Board of Encouragement *offers me*, that is to say, *now*, the apparatus, etc.?

[The counsel for claimant desires to state that the translation of this Exhibit referred to in the question, was made by a person who is a competent translator; that the translations were not compared by counsel for claimant, he taking it for granted that they were correct; that the said translations have not been filed in this cause, but were printed along with the testimony in the newspapers of the day, for the sake of convenience.

Counsel for claimant admits that he has discovered one or two inaccuracies in the translation, in unimportant particulars, the most of which are as unimportant as that to which the counsel for the Government has so formally drawn the attention of the witness.

Counsel for claimant objects to the question, because it requires of the witness, who does not understand a word of English, to translate the Spanish into that language.

Counsel for the United States desires to state that he has not intimated that the counsel for claimant would willingly cause to be printed translations that were not correct, and does not see any very good reason for his explanations on that point. He is willing to accept the admissions of counsel that the translation is incorrect in the particular referred to in the question, but by no means to accept his opinion as to the *unimportance* of the error, leaving that to the Court hereafter.

As to the objection to the question requiring a translation by this witness, the counsel for the United States regards the interpreter, Mr. Tobin, as entirely competent to convey the question to the witness in such a manner that he will fully understand it, and to convey the answer of the witness to the Commissioner.

Counsel for claimant did not for one moment presume that it was the intention of the counsel for the Government to charge him with having knowingly caused to be printed an incorrect translation. The explanation that was given, was intended to show that this translation is not a part of the record, and is not intended to be made a part of the record. As is well known to the counsel of the Government, the Court has appointed Mr. Richard Tobin, and with the recommendation of counsel for the Government, to translate all the documents in the Spanish language which have been filed by the claimant in this case.

Counsel for the United States states that he had not observed that the translations in this case were not filed; supposed that Mr. Tobin, if he had looked at them at all, had not yet noticed the error, but thinks it well enough to correct the error even in the newspapers, regarding the difference to be that the Junta de Fomento, etc. made the offer in question in the month of December, 1846, and not at a much earlier time, as alleged by the claimant in this case.

Counsel for the claimant states that, on reading the printed translation of the letter referred to, he construed it to mean (and he thinks that the natural and obvious construction of the translation) that the Junta de Fomento, at or about the date of that letter, to wit, 9th December, 1846, offered to Castillero the distilling apparatus, and the flasks mentioned in the letter, and that he did not infer from the letter, as translated, that the offer of the distilling apparatus and the flasks, referred to the contract between Castillero and the Junta, made in May, 1846; he did not suppose it possible for such a construction to have been placed upon the translation of that letter, as the counsel for the Government appears to have given it; he must therefore repeat, that the inaccuracy in the translation is absolutely unimportant, and does not change the meaning of the letter.

Counsel for the Government states that he leaves the difference upon the words "offers," and "has offered," and calls for the answer of the witness.]

A. If the word is translated in the "present tense" it is right; if not, then it is wrong.

Q. 139. Did you understand from Castillero at that time, when this offer was made to him?

A. I probably learned nothing more from him than what is stated in his letter.

Q. 140. Had you no impression at the time as to whether this offer had been merely made, or whether it had been made some time before?

A. I recollect nothing further than what is stated in the letter.

Q. 141. At what time was the Fair of San Juan held; and was it held in 1846?

A. In strictness, the Fair should be held from the 8th to the 12th December; but it generally begins on the 2d, 3d, and continues until the 14th; it was held in 1846.

Q. 142. Where was it held?

A. At the town of that name, in the State of Jalisco, between forty and forty-four leagues from Guadalajara.

Q. 143. Was it a fact, to the best of your information and present belief, that the Yankee wagons from Santa Fé were permitted to drive down into the State of Jalisco and sell goods there, in the month of December, 1846?

A. Yes, sir; they were allowed to do so.

Q. 144. Who was the Oruña whom you have said sometimes assisted you to write?

A. He was a friend, and distant relation of mine.

Q. 145. In how many of these letters does his handwriting occur?

A. A part of the letter of the 9th December, 1846, (the part following the word "poseen") is in his handwriting. The letter of the 16th December, 1846, is also in his handwriting, down to the words "con los Franceses." The other letter of the 16th December, 1846, is in his handwriting; the letter of the 26th December, 1846, is in his handwriting; the letter of the 6th January, 1847, down to the postscript, is in his handwriting; the letter of the 9th January, 1847, is also in his handwriting; the letter of the 6th February, 1847, marked "Exhibit Negrete No. 15, O. H." is in his handwriting; and the other letter of the 6th February, 1846, is also in his handwriting.

Q. 146. Was this Oruña, who you say assisted you to write and who wrote so large a portion of this series of letters, your clerk, or otherwise in your employment?

A. No, sir; he had a commercial house of his own.

Q. 147. How came he to take so much trouble in writing letters for you?

A. Because he was a friend of mine; lived near my house; and was under some obligations to me since his arrival in the Republic.

Q. 148. He was also a friend of Mr. Forbes, was he not?

A. No, sir; he did not know him at all.

Q. 149. Why then did you intrust him with Mr. Forbes' confidential communications?

A. For the same reason that I have already stated, that he was an intimate friend of mine; he used to come to assist me to write those and other letters.

Q. 150. Is Oruña now living; if so, where?

A. He is alive, and lives at his Hacienda, called "De la Magdalena," in the State of Morelia.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 7th, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 151. In whose handwriting is the letter of the 19th December, 1846, ("Exhibit Negrete No. 9, O. H.")?

A. The first part of the letter, down to the words "pagar á su barra" (pay for their share) is as I said before in the handwriting of a clerk of Oruña; the balance of the letter is in my own handwriting.

Q. 152. Did Oruña write at your dictation, or copy what you had given him?

A. I dictated all my letters, and if they are examined my style will be recognized.

Q. 153. The first mention I find of the concession of two leagues of land to Andres Castillero, is in the letter of the 16th December, "Exhibit Negrete No. 8, O. H.;" and the next, of your letter of 19th December, "Exhibit Negrete No. 9, O. H.;" and I see no other mention of it.

How did it happen that the only reference to that subject are to be found in letters, one of which is in the handwriting of Oruña, and the other of Oruña's clerk?

A. The only reason I can give is, that Oruña may have been occupied, and he sent me his clerk to write my letters.

Q. 154. As there is no question raised in this case as to the truth of the allegation that Andres Castillero sold some barras to Alexander Forbes, but only as to the genuineness of that grant of two leagues of land as it now appears incorporated in the copy of the act of sale; my question is, how does it happen that the only references to that disputed subject to be found in this correspondence, are contained in letters which are not in your handwriting, but one in the handwriting of Oruña, and the other of his clerk?

[Question objected to by counsel for claimant, because the grant referred to is not incorporated in the act of sale, but it is incorporated in the act of ratification, by Castillero, of the contract of Avio, made in Tepic, in November, 1846, between Mr. Alexander Forbes on the one part, and Padre MacNamara, as the agent of the owners of the mine, on the other.

The question is further objected to, because one of the letters referred to is not wholly in the handwriting of Oruña's clerk, but the last part of it is in the handwriting of Mr. Negrete himself, and they are both signed by Mr. Negrete; one of them is addressed by Mr. Negrete.

The question is further objected to, because it has been answered; and again, because it is irrelevant.

Counsel for the United States corrects his question so as to read as follows: As before, down to the word "appears," and then "annexed to, accompanying, or made part of the copy of the contract of Avio, incorporated with a copy of the said act of sale, and to be found therewith in Exhibits Negrete Nos. 19 and 20, W. H. C., how does it happen, etc."?]

A. Those two letters were dictated by me, as were all the others. I am as certain of the genuineness of the Escritura de Avio, as I am of the one of sale; and the grant of two leagues, made by the Supreme Government to Andres Castillero, was copied at the end of the contract of Avio, which fact is also mentioned in the body of said escritura. It seems to me that I have answered the question; if not, I will do all I can to answer it.

Q. 155. Some of these letters are in your own handwriting: what I wish to know is, whether you can give any reason why all those portions of the correspondence which relate to the disputed subject, are in the handwriting of other persons, and not in your own?

[Question objected to by counsel for claimant: first, as irrelevant; and second, as having been twice answered.]

A. When I had a great deal to do, Oruña would come to assist me, otherwise, I attended to my own business.

Q. 156. Do you mean that there was no reason for it, other than the accident that you happened, at the time when these letters were to be written, to be particularly busy?

A. Not exactly; Oruña resided near by, and would come and see me nearly every day. We used to walk out together every evening, regularly. When he would find me engaged, or fatigued with work, he would say "compadre, allow me to assist you." I would say either "yes" or "no," as circumstances occurred.

Q. 157. The only reference which I find in this correspondence to any concessions which the Junta de Fomento, etc. had made to Andres Castillero, is in the same letter of 19th December, which, as before said, is in the handwriting of Oruña's clerk.

Do you make the same answer in reference to that as you have just made in regard to the grant of two leagues of land?

A. The document described in the letter of the 19th December, "Exhibit, Negrete No. 9, O. H." "una copia certificada del tribunal de mineria de todas las concesiones," etc., was never brought to me by Andres Castillero.

It appears to me that I have already answered the question in regard to this letter.

Q. 158. Do I understand you to say that all you know about this transaction, is contained in this correspondence?

A. Yes, sir. And besides, I have a personal recollection of the transaction, in which I personally took part in Mexico.

Q. 159. You have no personal recollection which differs from these letters?

A. No, sir.

Q. 160. In your letter of 5th December, 1846, which, with the postscript, is all in your handwriting, you say; first, that Castillero has promised to bring you a document of the ownership of the mine, and afterwards, that he had come in and brought you the contract of partnership in the mine, which appears to be the only title paper to the mine which was then spoken of between you; and on the 16th, eleven days afterwards, appears the first intimation that there was any concession of two leagues of land, or anything else in the nature of a title to the mine.

Was that the fact, that you had been in treaty with him eleven days before you learned anything of this title, emanating directly from the Supreme Government?

A. The matter under consideration between us then, was a purchase; and after having agreed for the sale of four barras, we suspended our negotiations until the arrival of Padre McNamara, because we had learned in the meantime that he had entered into a contract with Mr. Forbes. When he arrived, Castillero saw the contract of Avio, which he had made with Mr. Forbes, and said that he approved it, and moreover, that he would concede in favor of the Avio a grant of two leagues of land around the mine which the Supreme Government had made him. This was the first I heard of this grant, and up to that time I knew of no other title papers than those which had been made here at Santa Clara, in California. If I had known of this grant when I wrote my letter of 5th December, 1846, I would have inclosed a copy of it, for it has always been my habit to communicate the most reliable information I can obtain, touching any business which I am transacting.

Q. 161. When you speak of the papers which had been made here in California, you mean the paper, and refer exclusively to the contract of partnership in the mine, mentioned in your letter of the 5th December, 1846, in the postscript?

A. The only document which I had seen before the arrival of Padre McNamara was the escritura, or contract of partnership, which had been made at Santa Clara, in which I saw that twelve barras, one-half of the mine, belonged to Andres Castillero. This is the escritura to which I referred in my last answer. After Padre McNamara arrived, I saw the contract of Avio which he had made with Mr. Forbes, and the power of attorney from the owners in California.

Q. 162. These were the only papers then you had seen before the 16th December, when Castillero, on the ratification of the contract of Avio, said that he would throw into the bargain the grant of two leagues of land?

[Question objected to by counsel for claimant, upon the ground that Castillero did not ratify the contract of Avio on the 16th December.

Counsel for the United States refers to the following words in the letter of the 16th December: "Señor Castillero then conforms to the contract executed in Tepic, by his associates, and takes part in it," &c. (meaning the contract of Avio); and these other words in the same letter, "He has in his possession the title paper of the Government," &c., &c., "which he has ceded for the benefit of the negotiation, for the sixteen years of your contract," meaning the Avio.

Counsel for the claimant states, that he supposed when the counsel for the Government referred to the ratification of the contract of Avio, he intended the signing of the instrument by which that contract was ratified, and not to agreements made while the matters were in treaty.

Counsel for the United States.—The difference is immaterial.

A. I think I have answered with regard to that already; but, nevertheless, I will repeat what I have said.

The documents which were present on that day, at the settlement of the affair, were the contract of Avio made by Padre McNamara with Mr. Forbes at Tepic, which might be called the basis of the arrangement; the contract or escritura of partnership, made by Castillero, at Santa Clara in California; and the dispatch, or title by which the Supreme Government had granted to Castillero two leagues of land upon the lands of the mine. That was the first time I saw this latter document.

Q. 163. From the 5th December, down to the 16th of the same month, of what extension did you understand the mine to be, for the purchase of a portion of which you were negotiating—of how many pertenencias?

A. I had no knowledge of mining matters, except that I had heard it said that the mines were divided into twenty-four barras; that was all I knew of the matter.

I also knew that there were what are called "Aviadores refacionarios," persons who make contracts of Avio to work one or more barras on shares.

Q. 164. As a careful man of business, you undoubtedly read the papers concerning the title to this mine. Did you not observe from those which you had under consideration from the 5th to 16th December, that the mine consisted of three pertenencias?

A. I did observe that three pertenencias were spoken of, but I did not know then, and do not know now, what "three pertenencias" mean.

Q. 165. And after Andres Castillero produced his concession, in the shape of a dispatch from the Supreme Government to the Governor of California, you read that also, of course:

Did you not observe in that, that the President Paredes had fully approved of a transaction which had taken place between Andres Castillero and the Mining Junta;

Did you not immediately, thereupon, take measures to inform yourself of what it was that the President was approving in favor of Andres Castillero;

Did you not discover that the thing approved was certain propositions which Castillero had made to the Mining Junta, and that the seventh of these asked for the ratification of the mining concession which the local authority of California had granted to Andres Castillero;

Did you not, upon further inquiry, find that this ratified mining concession, consisted of an extent of three thousand varas in all directions from the mine, and amounted, if calculated in a circle, to a little more than seven hundred and six pertenencias, and if calculated in a square, to just nine hundred pertenencias?

A. I knew nothing about it, and made no effort to inform myself on the subject; I did nothing more than carry out the instructions of Mr. Alexander Forbes.

It will be seen by my letters, that I asked Mr. Forbes to indicate anything that he thought was not correct, and that Mr. Castillero was disposed to make everything satisfactory. He replied that he had no objection to anything, except that there was no provision made for paying the aviador, the person who had charge of the mine. I stated that this of course was understood.

Q. 166. If you had made all those inquiries, and had discovered that you had been bargaining for barras in this mine with Andres Castillero, upon the representation that you were purchasing an interest in the whole mine—that is to say, five barras in three pertenencias, which comprised the whole—whilst at the same time Andres Castillero was really the owner of two or three hundred times more pertenencias than he had represented to you, so that instead of buying five twenty-fourths (5-24) you were only buying five seven-hundredths (5-700), or five nine-hundredths (5-900), of the whole mine, would you not have thrown up the whole business and refused both to complete the purchase and to accept of his ratification of the contract of avio, based upon the same misrepresentation—that the mine consisted of three pertenencias?

[Counsel for claimant objects to the question as irrelevant, and asking the opinion of witness as to a hypothetical state of facts.]

A. I have already stated that I did not, and do not, know the meaning of "pertenencias;" I concluded the business to my own satisfaction, and learned afterwards that it was also satisfactory to Mr. Forbes.

This is all I can say upon the subject.

Q. 167. Did you never learn from Mr. Barron, or others interested in and about this mine, that the mining possession given by the Alcalde of San José, in California, to Andres Castillero, and the only title which he had to this mine from the authorities of California, consisted of an extension of three thousand varas in all directions from the mouth of the mine, and that the approval and ratification of this vast concession was contained in that very title paper which Andres Castillero put into your hands, for the first time, on or about the 16th of December, 1846, and which you afterwards sent to Alexander Forbes at Tepic, as you have testified?

A. No, sir; I have not been told so, but I know of my own knowledge what two sitios de ganado mayor are; I know that that was a grant for two sitios de ganado mayor.

Q. 168. Is that your only recollection of what that dispatch contained; have you not a recollection that it contained something else besides the grant of two leagues?

A. That is my only recollection of its contents; I don't remember that it contains anything but the grant of two leagues.

Q. 169. Have you any recollection about it, one way or the other, and might not the notary, if so disposed, have taken out of his book the dispatch which you saw containing the grant for two leagues of land, and have inserted in its place another dispatch, containing, with the grant of two leagues of land, all the rest that I have suggested to you as to the approval and ratification of the three thousand varas concession made by the Alcalde in California, and you be now unable to say whether it was the same document which you had seen in 1846?

[Counsel for claimant objected to the question on the ground that it is unintelligible.

Counsel for the U. S.—It may be unintelligible to the opposite counsel, but it will appear from the answer of witness whether it is intelligible to him or not.]

A. The notary could not have done that, because I would not have allowed it; Castillero is not a man capable of presenting a false document, and my lawyer, who was a man of integrity, would have seen and prevented it.

Q. 170. In your answer to question 27th, you say that in the notary's book of Protocols, after the contract of avio, there is inserted a copy of this dispatch called the Castillo Lanzas document. Now I ask you, inasmuch as you do not recollect that the dispatch which you saw copied in that book in 1846, contained anything more than the grant of two leagues of land, and now a copy of the same document is here produced which contains by reference (as it is said on the part of the claimant) not only the concession of two leagues of land, but also the ratification and approval of the concession of three thousand varas in all directions from the mouth of the mine, as made by the authorities of California; I ask you, I say, whether it is not possible that the copy which you saw of this dispatch in 1846, might since have been taken out of the notary's record, and another and a false copy of that dispatch been inserted in its place, without your being able at this moment, from memory, to detect the imposture?

[Counsel for the claimant objects to the question upon the ground that the dispatch referred to is solely a grant of two leagues of land, with directions to the Governor to put Castillero into possession of it.

It is true, that this dispatch from the Minister of Relations to the Governor of California contains a copy of an official communication from the Minister of Justice to the Minister of Relations, which last contains a copy of an official communication from the Minister of Relations to the Junta de Fomento, in which it is stated that the President of Mexico had approved of Castillero's propositions; but the only part of the dispatch which the witness has referred to, which could have been understood by him or by any one else without reference to other papers, is that part of it in which the Minister of Justice tells the Minister of Relations that the President had acceded to Castillero's petition for a grant of two leagues of land, and that part of it in which the Minister of Relations directs the Governor to put Castillero in possession of the land.

The dispatch in question does not contain, besides the grant, a ratification of anything by reference, but it does refer to a ratification of something by other documents.

Counsel for the United States is satisfied either way, viz., to consider it a ratification by reference, or a reference to a ratification.]

A. That could not be done without my discovering it; I don't think it possible that it could be done, because I have seen the protocol, Castillero's signature, and my own signature, which confirms my recollection of it.

The document speaks of a certain agreement having been ratified (as I see by reading it now) which I know nothing about, but according to my understanding of it, it is a grant for two leagues, nothing more.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner

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San Francisco, Cal., October 8, 1859.

Cross-Examination of Francisco M. Negrete resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 171. Do you find your own signature and that of Castillero attached to the copy of the "Castillo Lanzas document," so called, following the ratification of the Avio, in the notarial copy of which you have been speaking?

A. I do not find either my signature or his there; nor do I think it is necessary, because my signature and his are to the contract of Avio, which mentions that grant to Castillero.

Q. 172. Why then did you say, in your answer to question 170, that Castillero's signature and your own signature furnished evidence which confirmed your own recollection that no change had been made in the "Castillo Lanzas document," since you saw it in 1846?

A. I said that, because a short time before coming here, in February of this year, I saw the protocol in Mexico which contains the contract of Avio, signed by myself and Castillero, and immediately after which there is inserted the contract of sale, also signed by myself, Castillero and the notary, Nazario Fuentes,—these are all inserted in immediate succession, without any blank space between them.

In "Exhibit Negrete, No. 19, W. H. C." I find a copy of the contract of Avio with the dispatch copied at the end of it, just as it exists in the protocol drawn to the signature of the notary.

This is the evidence which convinces me that the document is the same that I saw in 1846.

Q. 173. What is there to prevent the notary from taking out all the leaves between your signatures to the ratification of the Avio and your signature to the act of sale, and inserting other leaves in their places, just as he might, if he pleased, take out this leaf in the exhibit to which you have referred, which contains the body of the Castillo Lanzas document, and put in the place another leaf containing anything else,—for example, one of your own letters to Alexander Forbes?

A. I don't know what acts of that sort it might be possible for a notary to commit, but in the present business I am very certain that nothing of the kind has been done, because I saw the protocol, and that portion of it which contains the escrituras is all in the same handwriting, and has evidently been written a long time.

I see now before me the testimonio which was taken at my request, and which I sent to Mr. Forbes, as stated in my letter of 19th December, 1846, which testimonio is also duly certified to by the other notaries; I have seen here the order which I gave for the payment of the fees due for this testimonio, so that even if he were disposed to do so, it would have been impossible for the notary to have taken out that document and inserted another in its place, without my discovering it.

Q. 174. Among those notarial certificates, you find one of Jesus Vejar, do you not?

A. When I spoke of the other notaries, I meant the notaries whose signatures appear to the certificate, written immediately under the signature of Nazario Fuentes. I know nothing about the other certificate, and have not seen them before, to my knowledge; they must have been added subsequently.

I have heard that Mr. Vejar was a notary at Tepic, but I don't know that I ever saw his signature before.

In addition to the other proofs which I have, for what I have mentioned, I remember that I also saw in the protocol a petition signed by Castillero and myself, addressed to a Judge, asking for the other testimonio of those documents, which I had taken in February, 1847, at the request of Mr. Forbes. It is necessary to have the order of the Judge to obtain the second testimonio. The first was given without such order.

Q. 175. Jesus Vejar was in good standing as a Mexican notary, was he not?

A. I don't know anything about him, and cannot say what his reputation is, but I have never heard anything said against him.

Q. 176. Then you have never heard that he had attached a false certificate to this same Castillo Lanzas document, which you say that you forwarded to Mr. Forbes at Tepic, 19th December, 1846, wherein he certifies that the orders of the Government expressed in that dispatch had been respected and obeyed by the Mexican authorities in California, as appeared from sundry authentic documents which had come under his observation, and that he gave the said certificate at the request of the Señores Barron, Forbes & Co.,—now shown you on page 89 of Transcript from Land Commission.

A. I know nothing whatever about that. I never heard of it before.

Q. 177. In the beginning of the act of ratification of the Avio, I find that Andres Castillero states before the notary, or to speak more exactly, presents a paper to the notary, which shows that his mine consisted of three pertenencias; produces a certain power of attorney, given by the parties in California to Padre McNamara, which also states that the mine consists of three pertenencias; also produces the contract of Avio, which states that the mine consists of three pertenencias; and at the same time causes to be included in his ratification (by reference thereto) the aforesaid Castillo Lanzas document, in which is found the approval and ratification, by reference,—or, as the counsel for the claimant considers more correct, a reference to a ratification of a mining possession,—of three thousand varas in all directions from the mouth of the mine, to wit, estimating in a square, a mining concession equal to nine hundred pertenencias of the largest class.

The first of these quantities, viz., the three pertenencias, would represent a small tract, two hundred varas wide by six hundred varas long; the second, viz., the three thousand varas in all directions from the mouth of the mine, would represent an immense tract, three hundred times greater than and including the smaller tract.

I understand you to say distinctly that, in executing the writings you have referred to, you were not aware of this prodigious difference between the two descriptions of the subject matter of your negotiations, set out in the same instrument?

A. I stated yesterday, and I repeat, that I did not then and do not now know anything about pertenencias. That was a matter which, perhaps, it might have been proper for Mr. Forbes to have considered at Tepic when he made the contract of Avio. All I know about it is, that when we received that contract of Avio, Castillero said that he not only adopted and approved it on his part, but that he would also cede to the Avio a grant for two leagues of land upon the lands of the mine, which had been made to him by the Supreme Government.

Q. 178. Of course then, you did not observe, further, that these repugnant descriptions both purported to emanate from the same place, that is, California; nor did you therefore conclude, from so violent a contradiction, that Andres Castillero had no title at all?

A. As I stated before, I only followed the instructions of Mr. Forbes, requiring me to see Castillero and make the purchase for him, and attend to the execution of the papers. At first, Castillero only showed me the contract of partnership which he had made here with Castro and others, and he afterwards showed me the grant of two leagues of land which he had received from the government.

Q. 179. He did not at any time show you any petition or petitions which he had addressed to Antonio Maria Pico, Alcalde of San José, or any copies of the same, nor any act of possession, by which the said Alcalde pretended to grant him as a mining concession, three thousand varas in all directions from the mouth of the mine, or any copy of such an act of possession?

A. I don't remember having seen anything but the contract of partnership between Castillero, Castro and others. I don't mean the original contract, but a copy of it, certified by Antonio Maria Pico.

Q. 180. Do you not regard Andres Castillero as a man of intelligence?

A. I consider him an honest man, and a man of fair intelligence.

Q. 181. Can you suggest to me any reason why a man of fair intelligence, negotiating to sell five barras in the mine, should, when asked for his title, produce a writing of partnership between him and certain individuals, and say nothing about the concession, or grant of title to the mine from the government, whilst at that very time he had such a paper in his possession?

A. I suppose the reason was, that we did not then know what the terms of the contract of Avio were, and the matter in treaty then was merely the sale of the five barras.

Q. 182. Barras are shares in a mine. The title to a mine must come from the government. In this case, claimant contends that the Alcalde of San José was the proper officer of the government to grant a title. What I ask you now is, to give any reason that you can, why Andres Castillero, a man of ordinary intelligence, about to sell five barras, and having in his possession a title to the same, derived from the said Alcalde, and approved by the Supreme Government, should, when the purchaser asked him to produce his title, say nothing about this one, but show only a writing of partnership with private individuals?

A. I don't know what his reason was for that.

Q. 183. This purchase you made with the assistance of a lawyer, whom you represent to have been a capable man in his profession:

Did he say nothing to you about the propriety of requiring from Andres Castillero the exhibition of a sufficient title derived from the government?

A. I don't remember that he said anything to me about that.

Q. 184. This lawyer also, of course, read the Castillo Lanzas dispatch. Did he not inform you that it referred to certain other proceedings and documents, with which it was proper for you to be acquainted, in order that you might fully understand what you were about?

A. No, sir. We received it as a grant of two leagues to Andres Castillero, and I believe it is that, and nothing more.

Q. 185. I understand you distinctly to say, that neither you nor your lawyer discovered that behind this dispatch there lay all these proceedings between Andres Castillero, the Junta de Fomento, and the Supreme Government, although you had the paper in your hands, upon the face of which there was a reference to those things?

A. We saw that the document referred to some business between Castillero and the Junta de Fomento, but that did not concern us, and therefore we did not inquire into it; nor was it necessary for us to pay any attention to that, as it was altogether foreign to our business.

Q. 186. If, at the time that Andres Castillero contracted with Alexander Forbes, and gave him the right to work his shares in three pertenencias of the mine, Castillero in fact had an extent of mining surface equal to nine hundred pertenencias, by what means would you be able to say which of the pertenencias Alexander Forbes had the right to work:

What would prevent Andres Castillero from making precisely a similar contract of Avio with two hundred and ninety-nine other persons; and hence, was it not of the last importance that Alexander Forbes should know all that lay behind that Castillo Lanzas dispatch?

A. I discover by the questions put by the counsel for the United States, that he looks upon this business in the light in which it appears now, and not as it appeared to us then.

The mine has turned out to be rich, but at that time, though the indications were favorable, we did not know but that it might be worthless, as so many other mines had proven.

I never knew anything about pertenencias, and I suppose Mr. Forbes knew only of barras. If the business was to be done now, probably those other matters would be considered.

Q. 187. I have no doubt of that; you are mistaken, however, if you suppose that Mr. Forbes did not know anything about pertenencias. I asked you the last question merely to point out your error, when you suppose you had no interest in knowing what lay behind the Castillo Lanzas dispatch.

You have said that you regarded Andres Castillero as an honorable man, why then did not he explain that his mining possession consisted of three thousand varas in all directions from the mouth of the mine; why did he allow Mr. Forbes to contract to work three pertenencias for sixteen years, upon the understanding that the three pertenencias were the whole mine—all the mining property in that place that Castillero owned—when, in reality, it was only the three-hundredth (1-300) part of the same?

A. Castillero himself is the only one who can explain that; I cannot. He is still alive.

Q. 188. When Castillero ceded the two leagues of land for the use of the avio, did he explain to you and your lawyer that they lay around about the mouth of the mine, and that the mine was situated on the private property of one José Reyes Berreyesa?

A. I heard nothing more than what appears in the writing, one of which I believe mentions the lands of that Berreyesa.

Q. 189. That, I think, is in the contract of sale, and thus you did know that the two leagues covered a mine which was situated on private property. Did it not occur to you to ask how it was that President Paredes, there at the city of Mexico, could grant away any portion of the land belonging to a citizen of California?

A. No sir, nothing of that kind occurred to me. It was, perhaps, the duty of Mr. Forbes to look into that matter, and it will be seen by my letters that I suggested to him to see if there were any defects, so that they might be remedied. At that time, we considered California the end of the world, and nothing in California was of any importance to us. I considered that grant of two leagues of mining land in California a very small matter, for even in Mexico now, land of that kind can be bought at four hundred dollars a league, it being generally mountainous land; whereas, valley land, well watered, is worth from twenty to sixty thousand dollars a league—the former is the price of land in the State of Jalisco, near Guadalajara, and the latter the price of land near the city of Mexico.

Q. 190. Did you ever know or hear of any other instance of a grant or conveyance of land, the only description of which showed that, in whole or in part, it had belonged to some third person?

A. According to my idea, Castillero made that statement merely to designate the place where the mine was, not because the mine or the land immediately adjoining it belonged to Berreyesa.

Q. 191. What land did you understand was intended, and of what extent, by these words, which I find in the Castillo Lanzas dispatch: "The land of his mining possession."

[Question objected to by counsel for claimant, because the construction of the grant is for the Court and not for the witness.]

A. The grant speaks for itself. What I then understood, and have always understood since, was, that it was a grant of two leagues of the land in which the mine was situated.

Q. 192. What instructions, if any, did Alexander Forbes give you with reference to the title to the mine which you were to require of Andres Castillero before purchasing?

A. He gave me none. He only told me to see Castillero, and purchase from him as many varas as I could, in the mine of which he was half owner; so that if he had been willing to sell twelve, I would have been willing to buy them all.

Q. 193. For what purpose did you obtain from Castillero this Castillo Lanzas dispatch, addressed to the Governor of California; and why did you send that document to Alexander Forbes?

A. It required possession to be given to Castillero of the two leagues, and nothing could be more natural than that I should send it to Mr. Forbes, so that possession might be taken.

Q. 194. Who was to receive the possession, and who was to give the possession, as you understood it?

[Counsel for claimant objects to the question, because it is for the Court to construe the grant, and not the witness.]

A. According to my understanding of it, the Judges in California were to give the possession, and the parties interested in the negotiation were to receive it. Of course it is understood that it was the duty of the Governor to have it done, as the dispatch required that he should.

Q. 195. You mean, of course, the Mexican Governor and the Mexican Judges in California, do you not?

[Counsel for claimant objects to the question, upon the same grounds as the last.]

A. Undoubtedly, because the Mexican Government could give no orders to others.

Q. 196. That being the case, did it occur to you to ask Andres Castillero, why he had not attended to it long before, and had put off forwarding this order to the Mexican Governor of California till so late in December?

A. Nothing more occurred to me than to receive it, have a copy of it incorporated in the escritura, and send the document itself to Mr. Forbes.

Q. 197. You did not know at that time, that there was no longer in California, any Mexican Judges, or Mexican Governor, or any other authorities subject to the Government at the Capital of Mexico?

A. For my part I did not so understand it.

Q. 198. Nor did it occur to you, of course, that parties interested might wish to get up false papers, date them back at a time when there were Mexican authorities in California, and pretend that this order to the Governor had been received and obeyed, and that Andres Castillero, or some one for him, had been put in the possession of the two leagues of land, just as is intimated in the false certificate of Jesus Vejar, to which I called your attention this morning, and to which, also, there is an allusion in a certain letter in evidence in this case?

A. I know nothing about Vejar's certificate; I don't even know its contents, but it has never occurred to me, at any time, that the parties interested in this business would forge or falsify any paper or signature.

Q. 198. Do you think that such a supposition would be unjust towards those who procured, and caused to be filed in this case, the false certificate of Jesus Vejar, to be found in the record in this case, and to which I have this morning called your attention?

[Counsel for claimant objects to the question as irrelevant.]

A. I have read the certificate now for the first time.

With regard to Messrs. Barron, Forbes & Co., I repeat that I believe them incapable of forging or falsifying dates or signatures or anything else.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., October 10, 1859.

Cross-Examination of Francisco M. Negrete resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 199. In your letter of December 16th, 1846, to Alexander Forbes, you say, "He has assured us that the Board for Encouragement of Mining has entreated him to sell it some shares, but that he declined," etc.

Do you remember more particularly what he said about that, when it happened?

A. My understanding was, at the time, that the Junta wanted to buy some barras from him at that same time. He said to me, "now that they have ascertained about this matter, they are anxious to buy; but I, of course, have declined to sell."

Q. 200. "Now that they have ascertained" what?

A. As I understood, he meant that they had ascertained that he had entered into that arrangement with me.

Q. 201. In your letter of the 19th December, 1846, to Alexander Forbs, you say, "Señor Castillero has promised to give me a certified copy, from the Mining Tribunal, of all the mining concessions which were made to him," etc.

Did he tell you what those concessions were?

A. No, sir; he never told me what those concessions were, nor did I ever receive those documents; if I had, I would have sent them to Forbes.

Q. 202. As they were in favor of the mine, and must, therefore, of course have been interesting to Mr. Forbes, who was buying into it, why did not you ask Castillero to explain all about these concessions, and remind him to give you the papers, that you might send them to Mr. Forbes?

A. Because, as I stated several times before, my instructions were only to purchase barras.

The making of those escrituras followed the purchase. My duty did not extend beyond that. I told Mr. Forbes (as I see by my letter) that Castillero made that statement to me, and that if he brought me those documents, I would send them to Mr. Forbes—as he did not bring them, of course I did not send them.

Q. 203. And so it was, that you sent off the documents to Mr. Forbes, without knowing what it was that you had bought, or what it was that he had leased, and contracted to work?

A. I knew that I had purchased five barras, and that Mr. Castillero agreed to put in the twelve barras which he owned, to be worked upon the same conditions that were contained in the escritura of Avio made between Mr. Forbes and Padre McNamara, at Tepic, with regard to the barras owned by the persons who were represented by Padre McNamara.

Q. 204. Still, how can you say that you knew what those writings referred to, when you knew nothing about the concessions of the mining tribunal, or of what the government had done for Castillero upon the intercession of that tribunal.

Barras are shares, as I have said before; but how could you say that you knew what it was of which you had purchased barras or shares?

A. I am sorry that I have to repeat, but it seems necessary to do so.

Mr. Forbes requested me to buy as many barras as I could, and I did so; he requested me to have the escrituras made, which I also had done; Mr. Castillero delivered me the grant of two leagues, which I transmitted to Mr. Forbes; I received the escrituras brought by Padre McNamara from Tepic, which I also sent to Mr. Forbes; Mr. Castillero made certain statements to me with regard to some documents concerning concessions which he had received from the mining tribunals, which statements I also communicate to Mr. Forbes; what those documents were or what they contained I never knew, my only knowledge of them was from this statement of Castillero. I told Mr. Forbes in my letter, if there was any defect in what had been done to point it out, so that it might be cured. This was the extent of my connection with the business; I had nothing more to do with it.

Q. 205. Then it is just as I have said; you purchased the barras, received Castillero's assent to the contract of Avio, sent off your documents to Alexander Forbes, but yet knew nothing about those great papers, more important than all the rest, which alone could inform you what it was you had bought, viz.: five shares in a mine of the magnificent extent of three thousand varas in all directions from the mouth of the same, and which said papers were the only ones in which the late Board of United States Land Commissioners could find anything of a title to confirm?

[Counsel for claimant objects to the question, on the ground that all that is interrogative has been already answered precisely and explicitly. To so much of the question as states the relative importance of the papers objection is made, because it is impossible to state to the witness a legal opinion whose correctness might well be disputed. So much of the question as informs the witness of the action of the late Board of United States Land Commissioners is objected to, because it is irrelevant, has nothing to do with the answer to the question, is no part of the question, and is not admitted to be a correct construction of the decision of the said Board.

Counsel for the United States:—The United States Board of Land Commissioners rejected the grant of two leagues of land, and confirmed only the mining possession of three thousand varas in all directions from the mouth of the mine.

Counsel for claimant, objects to the Commissioner writing down the statements of counsel for the United States, as this is neither the time nor the place for discussing objections to questions.]

A. I can only repeat what I have already said.

The only documents which I considered important were those which I sent to Mr. Forbes. I presume that he was of the same opinion, for he made no objection to them, but, on the contrary, expressed to me his satisfaction with what I had done, and thanked me for my trouble in the matter. If those documents had not been sufficient, my lawyer would not have failed to make the objection.

Q. 206. I need hardly ask you if Castillero, at the time when he told you the Junta de Fomento, etc., had been entreating him to sell it some shares, he also told you that the very same Junta had, so far as it was able, conferred upon him the title to the mine, and had used its best influence with the President to have that title made good, and so might, he said, to be then trying to buy back a part of what it had a little while before voluntarily conferred upon him.

A. He stated nothing of that kind to me whatever. All he said was what is stated in my letter.

Q. 207. When Alexander Forbes wrote to you to hunt up Andres Castillero to make this purchase, was not that the first time you had ever heard of Andres Castillero?

A. Yes, sir; I had never seen him or heard his name before.

Q. 208. Then of course, you had never heard before of his mine of quicksilver here in California.

A. No, sir, I had not.

Q. 209. You had remained in the Capital since your arrival in the preceding June?

A. Yes, sir, I remained there from my arrival in June until my departure for Guadalajara in February, or the early part of March, 1847.

Q. 210. In the commercial and financial circle in which you moved, it was not a subject of remark, that in the year before, viz., 1845, a mine of cinnabar had been discovered in California, which was being worked according to the rules of art, and producing an abundance of liquid quicksilver, so that it was likely to exclude from the market the quicksilver from foreign countries, and to revolutionize the trade of Mexico?

[Counsel for the claimant objects to the question, because it has not been proved that the witness did move either in commercial or financial circles.]

A. I had nothing to do with miners nor financiers except as a merchant, nor do I remember having heard, nor do I believe I heard, anything said about that; and besides, I know that communications with California were very tardy, occurred very seldom, and for this reason and the other (that I had nothing to do with miners) I dont think it strange that I never heard about it.

Q. 211. In the letter of Andres Castillero to you of December 16th, 1846, I find these words:

"I will thank you much if you would recommend to Señor Don Alexander Forbes, that on taking possession of the quicksilver mine, my island of Santa Cruz, situated in front of Santa Barbara, may also appear as an English possession."

What did you understand by the words "taking possession," and what is the force of the word "appear," in that connection?

A. I am not versed in law matters, but I understand by the words "taking possession," taking possession, that is given by a Judge.

I am unable to say what the force of the word "appear" would be.

Examination closed. W. H. Chevers,
U. S. Commissioner.

FRAN$^{co}$ MARTINEZ NEGRETE.

Sworn to, and subscribed this 24th October, 1859, before me.

W. H. Chevers,
U. S. Commissioner.

Note by the Commissioner.—This deposition was signed at this day, because the interpreter had not time to read it over with the witness until the last few days.

W. H. Chevers,
U. S. Commissioner.

Filed Oct. 24th, 1859.
W. H. Chevers, Clerk.

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## EXHIBIT NEGRETE No. 1, O. H.

P$^{do}$.

S$^{or}$. D$^{n}$. Donato Manterola,

Mexico, Dic$^{e}$. 18, de 1846.

Mi estimado amigo:—Ruego á V. mande entregar al Señor D. Andres Castillero la suma de cuatro mil pesos por cuenta de D. Alexandro Forbes, cargando en cuenta de su afmō amigo, S. S.

FRAN$^{co}$. MARTINEZ NEGRETE.
[Rubric.]

Recivì,
Andres Castillero.
[Rubric.]

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## EXHIBIT NEGRETE No. 2, O. H.

P$^{do}$.

S$^{or}$. D$^{n}$. Donato Manterola,

S. C. Mexico, Dic$^{e}$. 22, 1846.

Mi estimado amigo:—Ruego á V. mande entregar al S. D$^{n}$. Nasario Fuentes la suma de ciento treinta y siete pesos dos reales, por cuenta de los Señores Barron, Forbes y C$^{a}$., cargando en cuenta de su mui afmō amigo, S.S.

FRAN$^{co}$. MARTINEZ NEGRETE.
[Rubric.]

Recíbi fhā. la de arriba.

Nazario Fuentes.
[Rubric.]

[Endorsed.]
B. L. M.—Al S$^{r}$. D$^{n}$. Donato Manterola—SSS—F. M. N.

## EXHIBIT NEGRETE No. 3, O. H.

C$^{da}$.

S$^{or}$. D$^{n}$. Donato Manterola.

S. C. MEXICO, Feb$^{o}$. 6, de 1847.

Mi estimado amigo:—Ruego á V. se sirva mandar entregar al S$^{r}$. D. Nasario Fuentes la cantidad de setenta y cinco pesos cargando $^{e}_{e}$ á su afmō amigo, S.S.

FRAN$^{CO}$. MARTINEZ NEGRETE.
[Rubric.]

Recíbi,
NAZARIO FUENTES.
[Rubric.]

[Endorsed.]
B. L. M.—Al S$^{r}$. D$^{n}$. Donato Manterola—S. A.—F. M. N.

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## EXHIBIT NEGRETE NO. 4, O. H.

S$^{or.}$ D$^{n.}$ Alexandro Forbes:

MEXICO, Dic$^{e}$. 5 de 1846.

Mi estimado amigo:—Consiguiente al contenido de sus gratas fhā 24 del proximo anterior he hablado al Sr. Castillero en los terminos que V. se espresa en una de ellas y á quedado en meditar el negocio y traerme sus propuestas hoy mismo y ademas la escritura que tiene en su poder de la propiedad de su mina. Son las ocho de la noche y todavia no trae sus propuestas, por lo que entiendo que no las habrá podido concluir, y si asi fuere las enviará por el siguiente correo su afmo. amigo S. S.

FRAN$^{CO.}$ MARTINEZ NEGRETE.
[Rubric.]

Aumento.

Despues de firmada la presente ha venido de Sr. Castillero á traerme la escritura de compañia de la mina con una copia de la original, que es la que adjunto, no teniendo lugar de sacar un tanto de esa misma copia; observará V. la sencillez de ese documento y falta de esplicacion: por el art$^{o}$. 2$^{o}$. ninguno de los socíos puede enagenar su accíon: este articulo dice el Sr. Castillero que lo redactó asi para evitar que sus compañeros enagenaren alguna barra á los Norte-Americanos. Tambien me ha pasado la carta, que original acompaño, afin. de que impuesto V. de ellas me comunique sus orns. en los terminos que mejor le parezca. Segun el Sr. Castillero el aviador de una mina le corresponde la mitad de los productos: V. con presencia del contenido de la escritura y de las propuestas que hace en la carta que me dírige, podrá decidir lo mas conveniente, cierto que yo por mì parte obsequiare sus deseos lo mejor posible. El citado Sr. Castillero hace mucho meritó de la isla de $S^{ta}$. Cruz, que posée en propiedad, dice que tiene 32 leguas de circunferencia, con un puerto, mucha pesca, maderas y agua dulce. Esta dispuesto á venderla á trueque de que no sela quíten los Yankees: dista 4 leguas del $P^{to}$. de $S^{ta}$. Barbara y la considera de muchisima importancia $p^{a}$. la Ynglaterra si los E. U. se apoderan de las Californias. Si V. se inclina á la compra informese de todo eso con detencion.

Va á salir el correo y sin tiempo para mas soy del afmo. amigo S. S.

FRAN$^{co}$. MARTINEZ NEGRETE.

[Rubric.]

[Endorsed.]

$S^{or}$. $D^{n}$. Alexandro Forbes, Tepic.

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## EXHIBIT NEGRETE NO. 5, O. H.

$S^{or}$. $D^{n}$. Alexander Forbes.

MEXICO, $Dic^{e}$. 9 de 1846.

Mi estimado amigo:—El $S^{r}$. $D^{n}$. Andres Castillero puso en mis manos á última hora de la salida del correo anterior un tanto de la escritura del mineral consavido en la Alta California, y una carta dirigida á mi srē los terminos en que le combendria entrar en trata con V. El negocio para llebarlo al cabo por V. requiere asegurarlo de un modo á no dejar disputas para despues, y ministrando alguna luz esos documentos citados que acompañé á V. en mi carta del 5, conducente seria que lo sometiera al juicio y dictamen de un buen abogado que estendiera las condiciones arregladas á las ordenanzas de mineria y leyes vigentes. Con eso y las instrucciones que V. me dé yo practicaria aqui todo lo demas que se me ordenara. El Sr. Castillero parece hombre formal y manifiesta grande empeño en que esa negociacion se ponga bajo la proteccion del pavellon ingles unico medio de asegurar esa propiedad en que representa doce barras, habiendo cedido las otras doce por consideracion á las personas que ahora las poseen.

Hasta aqui hira cuando recivo con atraso $p^{r}$. conducto del Ministro Yngles la apreciable de V. fhā. 28, del $p^{o}$. anterior y con presencia de su contenido hé hablado con el Sr. Castillero $nuebam^{te}$ sobre el asunto de la $negociac^{n}$ de minas de azogue y lo veo $enteram^{te}$ dispuesto aque se refaccione ó habilite la mitad de la mina que á él corresponde ó avender cuatro varras como parezca mejor, por el interes que tiene en defender esa negociac$^{n}$ bajo la proteccion del pabellon Britanico. Vista su inmejorable disposic$^{n}$, y queriendo yo instruirme del valor que pueda darse acada varra, no me he determinado á entrar en completo ajuste hasta no hablar primero con el V. Macnamara, pero ni tampoco me aparecido combeniente darme p$^{r}$ entendido de la trata q$^{e}$ a verificado V. y hasta tanto no llegue dho. padre, conferencie con el y se vea si será mejor q$^{e}$ el mismo le haga entender ese contrato que le hé leido con detenc$^{n}$ y no lo hallo con todas las formalidades q$^{e}$ previene el dro. p$^{r}$ q$^{e}$ en él poder q$^{e}$ confirió el S$^{or}$ Castro deviera haberse insertado las facultades q$^{e}$ le concediéran los otros dos interesados, el Padre R$^{l}$. y Robles. Yo me hubiera alegrado q$^{e}$ V. me hubiera fixado alg$^{n}$ punto p$^{a}$ poder partir de él, vajo el supuesto de encontrarme a ciegas p$^{a}$ formar concepto del valor q$^{e}$ puedan tener cada varra, pero sea lo q$^{e}$ fuere y cualquiera la opinion del Padre Macnamara yo no pasaré adar p$^{r}$ cada varra cuando mas á mil y quinientos p$^{s}$ y en ultimo resultado me largaré adar siete mil p$^{s}$ p$^{r}$ las cuatro varras q$^{e}$ está anuente en vender el Sr. Castillero conforme lo manifiesta la carta q$^{e}$ há dirigido esta noche q$^{e}$ acompaño á V. en copia. Yo preguntaré al citado Padre la cantidad q$^{e}$ haya dado D$^{n}$ Diego Forbes p$^{r}$ las dos varras q$^{e}$ V. me cita p$^{a}$ q$^{e}$ me sirva de Norte, teniendo V. pres$^{te}$ q$^{e}$ si pasa su valor de dos mil pesos cada una, yo suspendo la compra ht$^{a}$ no recivir nuebas ordenes de V., pues la verdad como no soy minero ni afecto á esa clase de jiro me tiemblan las carnes al solo considerar lo precarias q$^{e}$ son esas negociaciones en sus resultadas &c.

Soy de V. afmo amigo, S. S. Q. S. M. B.

FRAN$^{CO}$ MARTINEZ NEGRETE.

[Rubric.]

[Enclosed.]

S$^{or}$. D$^{n}$. Fran$^{co}$. Martinez Negrete.—Casa de V. Diciembre 9, de 1846.—Estimado Sòr de mi respeto.—A las propuestas que en la mañana de hoy se digño comunicarme respecto á la mina de azogue, diré á V. brevemente, que al Sòr D$^{n}$. Alejandro Forbes puede V. asegurale la venta de cuatro barras; y que para fijar el contrato solo aguardo la llegada del P. Macnamara para que en vista del poder se le de mas validez á la escritura, y nos arreglemos en todo lo demas de la compañia.—La junta de fomento, de dos aparatos q. ha mandado traer de Ynglaterra para la destilacion del azogue me ofrece uno, y dos mil francos que tiene en Tasco, cuya noticia parece ser importante á nuestro negocio.—Soy de V. &$^{a}$.

ANDRES CASTILLERO.

[Endorsed.]

S$^{or}$. D$^{n}$. Alejandro Forbes—Tepic.

## EXHIBIT NEGRETE No. 6, O. H.

S^or^. D^n^. Alexandro Forbes:

MEXICO, Dic^e^. 12 de 1846.

Mí mui estimado amigo:—Tengo prebenido en el despacho de la diligencia me avisen la llegada del P^e^ Macnamara en el momento que lo verifique. No creo haya venido por la diligencia de hoy por que ya me hubieran dado parte. Siendo el negocio que V. trae entre manos de mucha magnitud segun lo concivo y estribando el lleno de él precisamente en el Sr. Castillero, pienso someter su arreglo conforme corresponde á ley á un abogado de toda mí confianza, pues en estos casos mas vale gastar en un principio media talega que no dejar para despues un pleito cuando este la negociacion en todo giro y productos. De cualquiera modo que sea este asunto se manejará todo lo mejor posible.

Yo no soy minero ní me gusta ese giro. Desde un principio me ofreció dos barras el Sr. Castillero, q^e^ no admití: para unos amigos tal vez tomaria una contando con la anuencia de V. pero esta entraria como todas las demas en el abio refaccionario. De ese modo sí bien los interesados no alcanzarian grandes ventajas, ya sabian que cuando mas perderian lo que les costara la barra.

Desea á V. la mejor salud su afmō amigo.

S. S. L. B. S. M.

FRAN^CO^. MARTINEZ NEGRETE.

[Rubric.]

[Endorsed.]

S^or^. D^n^. Alejandro Forbes, Consul de S. M. B.—Tepic.

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## EXHIBIT NEGRETE No. 7, O. H.

Sor D^n^. Alex^do^. Forbes.

MEJICO, Dbre 16 de 1846.

Mi estimado amigo:—El Presvitero Macnamara llegó á esta el 12 p^r^. la dilig^a^. y ayer 15, á las doce del dia estubo en esta su casa un par de oras en q^e^. hablamos menudam^te^. sobre el negocio de la mina de California, y lo que deveria de hacerse con relac^n^. al Sōr Castillero; hoy alas once del dia nos volveremo á reunir en junta con el Sōr Castillero y un Abagado de toda mi confianza p^a^ q^e^ esté al tanto de la q^e^ se trate, y estienda las puntas de utro combenio arreglado á ley, o lo mejor posible; á este lo hé enterado de todo el negocio en la parte combeniente p$^{r}$ medio de un extracto q$^{e}$ le hé presentado de las cartas de V. esdecir, de todo aquello q$^{e}$ favorece ntrō. posicion para tratar vajo las condiciones q$^{e}$ puedan sea mas favorable á los intereses de V. vajo el pie en q$^{e}$ se halla el negocio y del resultado de tado daré a V. habiso á continuac$^{n}$ de esta ó por separado, pero anticipo estas renglones p$^{r}$ si acaso no me quedase tpō.

Me parecen muy acertados y hasta indispensables las medidas q$^{e}$ V. adoctado acerca de vuque q$^{e}$ conduce el algadon.

Por el correo de mañana aguardo razon de Madrazo y Palacio del resultado de la feria, pues aunque todos se quejan amargumente yo estoy seguro q$^{e}$ han de haber bendido todas las existencias de esa fabrica apesar de los carros Yankees benidos de Santa Fé, q$^{e}$. han sido admitidos en S$^{n}$. Juan sin tropiezo alguno. El govierno supremo esta p$^{r}$. continua$^{n}$. de la guerra y se creé q$^{e}$. existe el mismo modo de pensar en la representac$^{n}$ nacional y siendo así naturalmente será una declarac$^{n}$. formal, impidiendo todo comunicac$^{n}$. con los Norte Americanos y aun estranando las residentes en él pais como lo hicieron con los Franceses. Ha llegada el est$^{o}$. ingles: hasta ahora no recibo carta de mi compadre sin embargo de que he recibido otras. Tengo la esperanza de recogerla mañana.

Soy de V. afmō. amigo, S. S.

FRAN$^{CO}$. MARTINEZ NEGRETE.

[Rubric.]

P. D.—El Sr. Castillero desea que V. ampare su isla, y para el efecto me ha pasado la carta adjunta que recomiendo á su atencion

vale.

[Rubric.]

[Enclosed.]

S$^{r}$. D$^{n}$ Fran$^{co}$ Negrete.

C. DE V. D$^{RE}$ 16 DE 1846.

Estimado S$^{r}$. de mi respeto:—Le agradecere à V. mucho recomiende al S$^{r}$. D$^{n}$. Alexandro Forves, que al tomar posesion de la mina de Azogue, aparesca tambien como posesion Ynglesa me Ysla de Santa Cruz, que esta al frente de Santa Barbara, distando solo cuatro leguas de la costa, es una posesion muy importante por la abundancia de agua, mucha madera y su buen puesto. A los buques ingleses, y aun á la compañia puede servirle por la absoluta independencia en que esta de todo el pais. Dispense el que le reitere mi solicitud, quedando como siempre su af$^{mo}$. serv$^{r}$. que atento B. L. M.

ANDRES CASTILLERO.

[Rubric.]

[Endorsed.]

S$^{or}$. D$^{n}$. Alexandro Forbes, Consul de S. M. B., Tepic.

## EXHIBIT NEGRETE No. 8, O. H.

S$^{or}$. D$^{n}$. Alex$^{do}$ Forbes.

MEXICO, D$^{bre}$ 16 de 1846.

Mi estimado amigo:—Por fin, hoy á las once y minutos del dia nos hemos reunido el Prev$^{ro}$ D$^{n}$ Eugenio Macnamara, D$^{n}$ Andres Castillero, yo y el S$^{or}$ D$^{n}$ José Antonio Romero para arreglar el ultimo resultado el negocio de la mina, y por que se tratava de asunto de drō me pareció muy combeniente la asistenc$^{a}$ del S$^{or}$ Romero, y por cierto q$^{e}$ no me hequiboque por q$^{e}$ nos fue de grande utilitad en la conferencia y aclarac$^{n}$ de algunos puntos y ademas esforzó y esplanó mis coceptos con el tino, saber y practica q$^{e}$ le asisten por su costumbre en el manejo de negocios, de forma que á no haber estado tan orientados del asunto sobre el que habiamos tenido diferentes sesiones y acordado las puntos de partida y flancos por donde se nos pudiera benir tal vez no se hubiera conseguido el resultado que se deseava.

El S$^{or}$ Castillero pues, se conforma con el contrato otorgado en tepic por sus socios y sé infiere en él por las doce varras que tiene en la mina, y despues de varios devate decidio á enajenarle á V. cuartro varras. Combenido en esto yo le supleque me cediera una mas para dos amigos (que lo son tambien de V.) accedió á ello manifestandome que vastava mi interbencion y la consideracion que me profesava por que accediese ami solicitud. Así es que las cinco varras las hé contratado á 800 p$^{s}$ cada una que hacen 4000 pesos que le entregare tan luego como se estiende la escritura entendido que la una varra p$^{a}$ los indicados amigos si bien pagaran los 800 pesos de su valor, esta entrará en la refaccion con arreglo al contrato que V. tiene hecho en tepic. Ademas de esta escritura se estenderá la otra de habio por lo que toca al S$^{or}$ Castillero. El S$^{or}$ Romero atomado todos los puntos p$^{a}$ mandar tirar las escrituras de una manera que no le que den á V. cuestiones p$^{a}$ despues. El S$^{or}$ Castillero se compromete a que su consocios pasen por la venta de esas varras y que de nó se pagará v. su importe con el producto de las doce varras que á él corresponden.

Tiene en su poder el titulo del govierno por el cual se le concede en el mineral dos leguas de terreno en circumferencia que acedido en veneficio de la negociacion por los 16 años de la contrata de v. Nos ha asegurado que la Junta de Fomento de Mineria le arrogado p$^{a}$ que le venda alguna varra aque se á escusado y yo le he dicho que por ning$^{no}$ motivo ni consideracion enajene ning$^{a}$ otra pues en ese caso v. és el preferente. Yo creo haber obrado y trabajodo por lo mejor de los intereses y de v., y si despues de esto logra v. las ventajas que se propone en ese proyecto mi satisfaccion será doblemente compensada. Por el correo sig$^{te}$ podra mandar á v. las escrituras y alg$^{n}$ de tall mas que haya podido escapara ami memoria.

Soy de v. su afmō amigo S. S. G. S. M. B.

FRAN$^{CO}$ MARTINEZ NEGRETE.
[Rubric.]

[Endorsed.]

S$^{or}$ D$^{n}$ Alexandro Forbes,—Tepic.

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## EXHIBIT NEGRETE No. 9, O. H.

Sōr. D$^{n}$. Alejandro Forbes:

Mej$^{co}$, Dbrē 19 de 1846.

Mi muy estimado am$^{o}$:—Conforme á lo manifestado á V. por mi Carta ultima se han estendido las escrituras de Compromiso por D$^{n}$. Andres Castillero como dueño de la mitad de la mina de Azogue consabida, y yo en representacion de V., cuyas originales se firmarón ayer por ambos despues de habernos impuesto de su contenido mi minuciosamt$^{e}$ y a presencia del Padre Macnamara que le parecieron estar concebidas por lo mejor de los intereses de V., pues para el efecto dados los puntos nuestro abogado intervinó en su redaccion y demas anexidades, por que yo como lego quise la intervencion de un hombre instruido en el drō. de truéque de no incurrir en un defecto sustancial aunq$^{e}$ fuera costasa la intervencion del letrado, por q$^{e}$ esto ahorraso para despues disgustos y pleitos. Se me ha ofrecido entregar hoy mismo los testimonios de las escritura que acompañarán á esta, así como tambien la escritura q$^{e}$ V. otorgo en esa, y el documt$^{o}$ por el cual consta la cesion que el governo supremo hizo en favor de D$^{n}$ Andres Castillero de dos sitios de ganado mayor en el parage donde esta lá mina, y que cede en beneficio de V. por el termino de los diez y seis años.

Concluido el contrato con el citado Castillero no ha biendo podido obtener de el mas que cuatro barras en favor de V. le suplique me cediera una p$^{a}$ dos amigos mios, y en efecto accedio á ello inmediatam$^{te}$ como consta de la carta adjunta que dirige á V. el mencionado Castillero. Esa barra la quiero p$^{a}$ mi sobrino D$^{n}$ Fran$^{co}$ M$^{a}$ Ortiz y D$^{n}$ Maritin Lapiedra en atencion á que el priméro ne hiso alguno indicacion de que una pequena parte en esa negocio los constituiria felices y yo he deseado por mi parte obsequiarlos entendido que por la de V. sucedera otro tanto por que me consta el aprecio y demas consideraciones que

V. les dispénsa. Por decontado que esa barra entrá en el Avio de la comp$^{ia}$ conforme el contrata que se ha hecho. Si se atiende á las razones q$^{e}$ da el mencionado Castillero, ese mineral es el mas rico que contiene el orbe, y lo dice ciertam$^{te}$ de buena fée pues me merece el concepto de ser un hombre de todo moral y probidad. Le espresa en terminos de ser el contrato muy faborable á V., y que mi intervencion lo ha allanado de la manera que no lo hubiera hecho con ninguna otro persona. Sea de esto lo que fuera yo des pues de haber cumplido con mis deberas, la satisfaccion sera mucho mas cumplido cuando sepe que V. ha aumentado por ese medio su caudal y el de esa respetable casa. El Sōr Castillero ha quedado de entregarme una copia certificada del tribunal de mineria de todas las concesiones q$^{e}$ le hizo cuando por calificacion de la junta facultatíva se comprometió proteger el mineral que no se verifico por que el govierno se echo sobre los fondos.

Al calce de esta consta el p$^{ral}$ y gastos por todo costa sin mas que los S. S. Ortiz y Lapiedra satisfarán á V. los ocho cientos y mas pesos que corresponden pagar á su barras.

No me han traido las dos escrituras que tengo mencionadas, pero van los atros documentos.

He entregado al Sr Castillero

$4000. el dia de ayer que he cargado á esa su casa

$0120. cambio al 2$^{o}_{o}$

$4120. que dara aviso oficial mi casa de Guadalaxara.

De los demas gastos pasará nota el inmediato correo su afmō. amigo que at$^{o}$ B. S. M.

FRAN$^{CO}$ MARTINEZ NEGRETE.

[Rubric.]

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## EXHIBIT NEGRETE No. 10, O. H.

Sōr D$^{n}$ Alejandro Forbes:

MEJ$^{CO}$, Dbrē 19 de 1846.

Mi estimado am$^{o}$:—En seguida de haber puesto en la estafeta el pliego que dirijo á V. por separado, se me han entregado las dos escrituras que en el se mencionan, y que tiene al gusto de adjuntar á esta su afmō am$^{o}$ S. S. Q. B. S. M.

FRAN$^{CO}$ MARTINEZ NEGRETE.

[Rubric.]

## EXHIBIT NEGRETE No. 11, O. H.

S$^{or}$. D$^{n}$. Alexandro Forbes,
Tepic.

ME$^{JCO}$. Dbre. 26 de 1846.

Mi estimado amigo:—Correspondo á la estimado de V. fhã. 15 del corriente mes diciendo q$^{e}$. por las escrituras q$^{e}$. tengo á V. remitidos vera V. q$^{e}$. se no omitió ning$^{a}$. circunstancia de las q$^{e}$. creimos deverle combenía, y entre ellas se notó la de la quieta y pacifica posesion, pues á eso equibale la espresion de evicion y senam$^{to}$; pero toda via y á mayor abundam$^{to}$. se hizo una anotacion sobre este asunto. Me parece q$^{e}$. en drõ no se podia hacer mas de lo hecho, sin embargo V. me dira á francam$^{te}$. si sentir, p$^{r}$q$^{e}$. si falta algo estoy creido q$^{e}$. se podra encanar p$^{r}$q$^{e}$. el Sr. Castillero le advierto gran deferencia ami persona, y esta puede facilitar cualquiera cosa.

En efecto el Sr. Castillero se esprecio en las mismos terminos q$^{e}$. V. nota esto és, q$^{e}$. sus consocios no podian vender, y él si. Apesar de q$^{e}$. él insistiá en q$^{e}$. se valuaran las barras p$^{r}$. peritos seg$^{n}$. lo habia propuesta, ami me pareció mejor no dejar pendiente este ancon, y del mismo parecen fué Ntrõ Abogado, maxime cuando el valor de cada barra nos pareció modico, atendido de q$^{e}$. teniamos noticias q$^{e}$. en otros minas cuyas ensayas no han pasado del 5 p$^{o}_{o}$. pretenden dos mil p$^{s}$. p$^{r}$. cada barra. Por conclusion ya sobre este particular no se deve hablar esté bien ó mal hecho.

Me anima el mayor empeño de tener en mi Huerta de S$^{n}$. Pedro un par de mangos prendidos, y confio en q$^{e}$. V. me los á de proporcionar y q$^{e}$. en ese caso se los remita á mi Sobrino Ortiz ahora q$^{e}$. va entrar el tpõ propio p$^{a}$. la plantac$^{n}$.

Habra V. savido p$^{r}$. Ortiz q$^{e}$. se vendieron en S$^{n}$. Juan todos productos de la fabrica de V.

Con D$^{n}$. Ricardo Teovvard remitá á V. dos cuadernos q$^{e}$. tratan de minas de Azogue.

Soy de V. afmõ amigo S. S. Q. B. S. M.

FRAN$^{CO}$. MARTINEZ NEGRETE.
[Rubric.]

[Endorsed.]
S$^{or}$. D$^{n}$. Alexandro Forbes, Tepic.

## EXHIBIT NEGRETE NO. 12, O. H.

S$^{or}$. D$^{n}$. Alejandro Forbes

MEXICO, Enero 2, de 1847.

Mi estimado amigo:—Correspondo al contenido de su apreciable fh$^{a}$ 22 del proximo anterior confirmando el contenido des mis comunicasiones ultimas por las q. se habra impuesto de todo lo concerniente á su negocio de minas.

Preguntare al S$^{or}$. Castilleros q. precio piden por los frascos de azogue bacios aunque opino desde ahora lo ventajoso de comprarlos por ese rumbo, pues remitidos desde aqui los fletes los haran subir mucho.

El efecto no soy afecto á minas y por eso no me animo á entrar en ese negocio si bien los informes son sumamente lisonjeros.

Paselo V. bien y ordene lo q. guste á su afectismo amigo S. S.

FRAN$^{co}$ MARTINEZ NEGRETE.

[Endorsed.]

S$^{or}$. D$^{n}$. Alexandro Forbes,
Consul de S. M. B.—Tepic.

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## EXHIBIT NEGRETE No. 13, O. H.

S$^{or}$. D$^{n}$. Alexandro Forbes,
Tepic.

MEJICO, Enero 6 de 1847.

Mi querido amigo:—Tengo á la vista el contenido de su ofi$^{o}$. fhā. 26 del pp$^{o}$. anterior, congratulandome de q$^{e}$. hayan merecido su aprovac$^{n}$. mi trata con el Sr. Castillero cuyas escrituras recivina V. al sig$^{te}$. correo, y aunque estoy persuadido de q$^{e}$. ellos estan en regla con todas las formalidades requiridas sin embargo si V. halla alg$^{n}$. gueco havisarme V. q$^{e}$. será facil llenarlo por la deferencia q$^{e}$. me manifiesta el Sr. Castillero y por q$^{e}$. percivo en él un fondo de noblesa y probidad. Por las mismas escrituras estará enterado de q$^{e}$. importe de las barras compradas á Castillero responden las otras pertenencias q$^{e}$. él tiene en la mina. Hablaré con el mismo sobre las demas particulares que enciera las citadas dos cartas.

Doy á V. la mas cumplida enhorabuena p$^{r}$. la llegada tan oportuna de su buque q$^{e}$. lo hé celebrado tanto como V. mismo; pues ya save q$^{e}$. me intereso p$^{r}$. las cosas de Vmds. á la par de las mias. Demos, pues gracias á Dios qe. tantos nos proteje, y ahora lo qe. interesa sobre todos es aprovechar las circunstancias procurando la enajenacn. de los productos de Janja sin perder momento pa. lo cual escrivo tambien á Ortiz.

Yo entiendo qe. las fuersas nabales de los E. Unidos se apoderaran de Mazatlan por lo qe. digo con esta fhā. á estro Dn. Guillermo prqe. pa. mi voy creyendo qe. esos hombres aspiran á la conquesto de Mejico, ó por lo menos á la mayor parte de su territorio, ó la mas bien parado é importante.

Le deseo á V. las mejor salud. Su mas apasionado amigo—Q. B. S. M.

FRANco. MARTINEZ NEGRETE.

[Rubric.]

P. D:—Sirva á V. de Gobierno que en Setiembre salio una Fragata carada de algodon y unos abarrotes de Lastre de Nueva Orleans para S. Blas, y que siendo buque valero creen llegará en todo este mes no debe bajar su carga de 4 á 5 mil quintales.

[Rubric.]

[Endorsed.]

Sor. Dn. Alexandro Forbes, Tepic.

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## EXHIBIT NEGRETE No. 14, O. H.

Sor Dn Alexdo Forbes,
Tepic.

MEJco, Enero 7 de 1847.

Mi muy estimado amigo:—Por su favorecida, fhā. 29 del proximo anterior veo con gusto se hallavan en poder de V. las escrituras consabidas y no dudo de examinadas con atencn las encontrará en regla.

Haré presente á Castillero las indicacs de V. segun la opinion de este la prāl liabilitacn de la mina deverá de consistir en efectos del pais prālmte en manta y panocha, cuyos renglones notó en la relacn que dirijí a V. en una de mis anteriores.

En fines de Septembre salio de Nueva Orleans pa Sn Blas una Fragata Cargada de Algodon qe ignoro si será de la pertencia de Ruvio ó Drusina.

Sin otro. particular Soy de V. afmo. amigo.—S. S. Q. B. S. M.

FRANco MARTINEZ NEGRETE.

[Endorsed]

Sor Dn Alexandro Forbes,—Tepic.

## EXHIBIT NEGRETE NO. 15, O. H.

S^or^. D^n^. Alex^dro^. Forbes
Tepic. Mejico, 6th Febro. de 1847.

Mi estimado amigo:—Luego que recevi la apreciable de V. fha. 26 del prox^mo^ anterior le mande entregar á D^n^ Andres Castillaro la carta q^e^. me acompañó p^r^. la misma, y no tube lugar de verlo p^r^. hallarse en el momento de emprender un viaje p^a^. Celaya—Quando contraté con él la consavida mina de azogue no se me pasó el advertirle q^e^. V. habia de correr con su habilitacion, recivir sus productos y espenderlas cargando una comision de 3 ó 5 p%. en lo q^e^. quedó enterem^te^ conforme. y aunque esa circunstancia no se espusere en la escritura, es p^r^, q^e^. se sobre entiende como cosa natural de q^e^. no se devia hacer mencion, y ademas muy util a la comp^a^. pues de otro modo y subdivididos los productos se perjudicaran notablem^to^ los interesados en su venta. Si estubiera aqui Castillero le exejeria una carta que certificara esto mismo p^r^. escrito, pero siendo persona tan formal en cualquiera tpo. la franqueará. El mismo Castillero me dijo q^e^. no seria estraño q^e^. v. p^r^. un precio muy moderado consiguiría las cuatro varras q^e^ pertenecen al Sor Castro, pues este sï bien es un hombre despijado y fino, a la vez es muy gastador y botador de dinero, por la cual he considerado atrasado.

Si me traen las escrituras autenticadas p^a^. antes de cerrar esta las accompañaré y sino iran por el proximo correo.

Sin otro particular soy de V. fmo. amigo—
S. S. Q. B. S. M.
FRAN^CO^ MARTINEZ NEGRETE.

[Endorsed.]
S^or^. D^n^. Alexandro Forbes, Tepic.

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## EXHIBIT NEGRETE No. 16, O. H.

S^or^ D^n^ Alex^dro^ Forbes,
Tepic. Mej^co^ F^bro^ 6 de 1847.

Mi Quiendo amigo:—Por separado escrivo a V. y á esta tengo el gusto de adjuntarse las escrituras adjuntas, acompañando el recivo de su costo q^e^ consiste en setenta y cinco p^s^ q^e^ habonará á mi Caja de Guadalajara.

Soy de V. afmo. amigo,—S .S. Q. S. M. B.
FRAN^CO^ MARTINEZ NEGRETE.
[Rubric.]

# EXHIBIT NEGRETE No. 17—W. H. C.

[MEXICAN COAT OF ARMS]

## ESCRIBANÍA PÚBLICA DE JUAN NAVARRO.

*Certificacion expedida con copia literal de dos Ynstrumentos publicos otorgados en el año de* 1846, *ante el Escribano Público Don Nazario Fuentes, segun adentro se expresa.—Mexico,* 1859.

[SELLO.]

Yo, Juan Navarro Escribano público de la Nacion—matriculado en su nacional Colegio y del numero de esta Capital.

Certifico y doy fé por la presente: que por fallecimiento del Escribano Nazario Fuentes, quedaron en mi poder y bajo mi custodia y responsabilidad los libros de protocolos de Ynstrumentos públicos que pasaron ante él, los que conservo legalmente en mi oficina. Certifico igualmente que entre ellos hay un libro Protocolo encuadernado y cosido de papel sellado del que se usa para las escrituras y demas instrumentos públicos para los años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete, compuesto de ciento veinte y una fojas y en el que constan los orijinales de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y testigos instrumentales de constumbre cuyo libro se titula, " Año de 1846, Protocolo de instrumentos públicos del Escribano Nazario Fuentes."

Certifico asi mismo que á la foja primera frente de dicho libro y antes de comensar el primer instrumento público que fue un poder otorgado por Doña Merced Yardi en ocho de Enero de mil ochocientos cuarenta y seis á favor de Don Francisco Cortes para la venta de una finca en la Ciudad de Guadalajara, se haya la nota siguiente autorizado y signada por el mencionado Nazario Fuentes que dice—" Protocolo de instrumentos pùblicos para el año de 1846, pertenecientes al Escribano público que signa y firma, doy fe que comienza hoy dia de la fecha—Aqui un signo—Nazario Fuentes."

Ygualmente certifico que en el citado libro existe un instrumento público hecho ante el dicho Escribano Nazario Fuentes el que está en las palabras y forma siguientes.—" En la Ciudad de Mexico á diez y siete de Diciembre des mil ochocientos cuarenta y seis, ante mi el Escribano Publico y testigos presente el Señor Don Andres Castillero Capitan de Caballeria permanente de esta vecindad cuya persona mayor de edad doy fé conozco y dijo: que por el documento que presenta consta, que como dueño de una mina de plata con ley de oro y Azogue ubicado en el rancho de Don José Reyes Berreyesa en la jurisdiccion del pueblo de San José de Guadalupe del territorio de la Alta California en el segundo Distrito de Monterey y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores Comandante General Don José Castro, Don Secundino Robles y Don Teodoro Robles, asi como con el R. P. Fr. José Maria del Refujio Suares del Real como cesionario perpetuo de sus consocios por cuatro barras de la mencionada mina, cuyo documento otorgado en la mision de Santa Clara á dos de Noviembre de mil ochocientos cuarenta y cinco en copia sacada del original que existe en el Archivo del partido, autorizado por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos fojas útiles en papel común. Que el relacionado Don José Castro su consocio por si y á nombre de los socios de la mencionada mina otorgó en el puerto de Monterey á los doce diaz del mes de Junio del corriente año de mil ochocientos cuarenta y seis un poder especial pero amplio á favor del Presvitero Don Eugenio Macnamara para que contrase con una Compañia Ynglesa que se hiciese cargo del laborio de las tres pertenencias que á Castro y socios les corresponden en la espresada mina con el objeto de proporcionarle los avios y gastos necesarios para el aumento de la negociacion todo con entera sugecion á lo que para casos como el presente disponen las ordenanzas de Mineria. Que con tal autorizacion el prenotado Señor Presvitero Don Eugenio Macnamara, en la Ciudad de Tepic á veinte y ocho de Noviembre del corriente año de mil ochoientos cuarenta y seis realizo el contrato para que fue autorizado con el Señor Don Alejandro Forbes por sí, y á nombre de la Compañia Ynglesa que representa, reduciendolo á Escritura pública otorgada ante el Escribano público Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue=Corregido (al margen)=Una rubrica=Sigue la Escritura=Al margen=Escritura de Tepic=Sigue la Escritura=En la Ciudad de Tepic á veinte y ocho de Noviembre de mil ochocientos cuarenta y seis ante mi el Escribano y testigos el Presvitero Don Eugenio Macnamara actual residente en este lugar dijo: que Don José Castro vecino del puerto de Monterey como socio en la mina de Azogue que se halla en la comprension de Santa Clara y á nombre de sus consocios que le cedieron sus derechos para que contratase con una Compañia Ynglesia lá elaboracion de dicha mina, le confirio poder con este objeto, el cual otorgado ante cuatro testigos en dicho puerto á doce de Junio del corriente año doy fe tener á la vista orijinal en dos fojas y su tenor á la letra dice—Al margen—Poder—En el puerto de Monterey á los doce diaz del mes de Junio de mil ochocientos cuarenta y seis: Yo José Castro con presencia de los testigos que al fin se nombrarán, usando del derecho que me han otorgado mis socios para celebrar cualesquiera contrato que se pudiera ofrecer con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de Azogue situada en la comprension de Santa Clara, y favoreciendola las ordenanzas de Mineria y leyes concernientes, especialmente el Soberano Decreto de siete de Octubre de mil ochocientos veinte y tres, para que se proporcion el grande provecho y utilidad al laborio de esta clase de minas, y siendo la que poseen en la actualidad la primera, única y principal por su ley que se ha descubierto en la Nacion Mexicana y que no pudiendo el Gobierno Supremo darles los ausilioz que les corresponden por hallarse en una distancia inmensa y ultramarina sin esperanza que este pais, por si mismo fomente este interesante ramo por no tener ningunos fondos de que disponer sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brazos para el laborio continuo que se requiere para el adelanto de esta industria desconocida en este departamento, ha convenido y conviene dar poder especial amplio, bastante y por cuanto por derecho se requiera mas pueda y deba valer al Presvitero Don Eugenio Macnamara para que representando su persona y la de sus socios contrate con una Compañia Ynglesa, con esclusion de cualquiera otra Nacion, para que se haga cargo del laborió de las tres pertenencias de dicha mina por el tiempo de nueve años, con el fin de proporcionar los avios, hacer los gastos necesarios y mantenerla en buen giro y con arreglo á las mencionados ordenanzas de mineria: siendo los productos de las tres pertenencias de la mina, para los dueños una mitad, y la otra mitad para la Compañia Ynglesa; y cuando no se pudiere, convenir á ello se ofrecerá á la Compañia Ynglesa las dos terceros partes para que los dueños reciban la otra tercera parte, entendiendose que la parte que corresponde á los dueños sera libre de gastos y si aun en esto no hubiere convenio se harán otras estipulaciones de acuerdo con Don Andres Castillero para facilitar la realizacion de un contrato y concluido el tiempo mencionado de nueve años, se prorogarán otros siete años mas en los mismos terminos que se celebre la primera contrata, quedando la negociacion despues de todo este tiempo á disposicion absoluta de los dueños de la mina como tambien todos los materiales, fabricas y demás pertenencias que á ella le corresponden como maquinas y demas utiles adherentes á este beneficio, sin que por causa alguno tengo la Compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos que para su beneficio y propia utilidad llegare á originar=Y á la firmera y validacion de lo que en virtud de este poder se efectuarese obliga el otorgante en toda forma de derecho á sus cumplimiento y para lo cual se somete á los Senores Jueces que del caso deban conocer, en cuyo testimenio lo firmó con los cuatro testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Dias y Don Antonio Maria Rio en el dia mes y año ya mencionados=José Castro=David Spence=Manuel Diaz=Juan Malarin=Antonio Maria Rio=Almargen=Sigue la Escritura=Que el incerto poder no le está rebocado ni limitado en mañera alguna y que despues de haber solicitado con el mayor empeño el negocio para que fue facultado, ha celebrado con el Señor Don Alejandro Forbes, subdito y Consul Britanico por si y por sus socios en esta empresa el contrato que espresan las siguientes condiciones=Al margen de guarismo.= 1ª. Primera El Señor Don Alejandro Forbes y sus socios se hacen cargo del laborio de las tres pertenencias que comprende dicha mina de azogue por el termino de diez y seis años según esta facultado por el incerto poder y sin que sea necesario el acuerdo de Don Andres Castillero en razon de que este contrato esta fuera de los limites para que fue autorizado el relacionante=Al margen de guarismo=2ª. Segunda. Que el Señor Forbes y socios están en la obligacion de proporcionar los avios necesarios, erogar los gastos precisos y mantener la mina en buen giro y con arreglo à las ordenanzas de Mineria=Al margen=De guarismo=3ª. Tercera. Que de los productos de las tres pertenencias que comprende las mina, persivirán de terceras partes el Señor Forbes y sus socios, quedando la otra parte á favor de los duenos sin que de ella se deduzca gasto alguno=Al margen=De guarismo= 4ª. Cuarta. Que concluidos los diez y seis años de esta compañia queda la negociacion á la disposicion absoluta de los dueños, asi como todos los materiales fabricas y demas pertenencias que á ella le correspondan, como máquinas y otros utiles anexos á la negociacion y por ningun motivo tendrán derecho á reclamar el Señor Forbes y sus socios cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á orijinarse=Presente el Señor Don Alejandro Forbes cuya persona doy fe conozco, por si, y como represetante de los demas, accionistas en este asunto, é impuesto de las anteriores condiciones del poder incerto dijo: que aquellas estan arregladas en un todo á los terminos con que ha celebrado este negocio=Ambos otorgantes manifestaron que este contrato queda celebrado bajo las condiciones estipuladas que se obligan á observar y cumplir religiosamente sin interpretacion y á no reclamar esta escritura en todo ni en parte, y el que faltare sera estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen, cuyo monto defieran en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmera de todo lo referido, obligan los otorgantes sus bienes y los de los socios de la mina y del Señor Forbes, y los someten a la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen como por sentencia definitíva consentida y pasada en autoridad de cosa juzgada. Así lo otorgaron y firmaron siendo testigos los Ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villaloazo presentes y vecinos: doy fé=Eugenio Macnamara= Alejandro Forbes=Panfilo Solis=Sacose de su registro hoy dia de su otorgamiento, en estas cuatro fojas del papel coresondente: doy fe=Un signo=Panfilo Solis Escribano Público= Concuerda la anterior escritura con la copia orijinal que en cuatro fojas utiles de los sellos primero y cuarto doy fe tener á la vista=El prenotado Señor Don Andres Castillero continuó diciendo que en la mas solemné forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte esacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene la escritura incerta que aprueba y ratifica en todas sus partes, queriendo se le tenga desde este momento por uno de los obligados al cumplimiento de sus literal tenor.

Desde hoy hasta cumplidos los diez y seis años del contrato se obliga y á sus herederos y succesores á no reclamar cosa alguna consta la Escritura incerta; pero si lo hiciere quiere no ser oido en juicio ni fuera de el. Cede en favor del avio y por los diez y seis años de la contrata los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia según consta por el documento oficial que presenta para que quede copiado al finál de la presente Escritura y salga incerto en las copias que de ella se espidan. Y por cuanto á la falta de solemnidad que pueda notarses en el poder incerto en la escritura que va copiada en la presente, se obliga a recavar el esplicito consentimiento de sus consocios que ratificarán la presente escritura para quitar las dudas que puedan ocurrir acerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la Compania Ynglesa se halle en quieta y pacifica posecion de la mina á que se refiere.—Con cuyas calidades y condiciones el prenominado Señor Castillero se obliga por su parte al cumplimiento de cuanto queda dicho, y asegura que para el otorgamiento de la presente escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las espresadas, ni el convenio envuelve lecion ni usura de ninguna especie como lo jura por Dios y la señal de la Cruz; pero si alguna resultare, del esceso le hace gracia y donacion á la compañia Ynglesa jura perfecta é irrevocable con incinuacion y renunciacion de la ley 2ª titº 1º lib. 10 de la Nov. Recop. Desde hoy hasta cumplidos los diez y seis años del contrato y reservándose unicamente los derechos que por el dominio y propíedad le pertenecen, del de posecion y demás que tenga se desapodera quita y aparta así como á sus herederos y todo lo cede renuncia y traspasa en el relaciona Señor Forbes como representante de la Compañia Ynglesa á quien por la presente le confiere amplio poder y facultad bastante constituyendo le procurador en su propia causa para que con sugecion á las ordenanzas de mineria y con total arreglo á la presente escritura se aproveche la Compañia de los productos que con arreglo a la misma le pertenecen, practicando todo lo demás para que está facultada. Se obliga á la eviccion seguridad y saneamiento de este contrato que por su parte asegura le sera cierto y seguro y que por él no se les moverá pleito; pero si alguno resultare, de su cuenta lo seguirá hasta dejar á la Compania en quieta y pacifica posecion; lo que si no lograre le pagará todos los daños perjuicios con las costas procesales y personales que se causen. Se sujeta al tenor literal de la ley 1ª titº 1º lib. 10 de la Nov. Recop. cuyo contenido save y quiere se le tenga por obligado al cumplimiento de la presente escritura. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fe conozco é impuesto del contenido de esta escritura dijo: que teniendo orden espresa y facultad bastante por el Señor Don Alejandro Forbes, á su nombre y el de la Compañla Ynglesa acepta este instrumente dando por contentos y satisfechos a los interesados en ella. El varias veces dicho Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto obliga en persona y bienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi así lo otorgo y firmó con el Señor Negrete siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa y Don Manuel Barron presentes y vecinos doy fe.—Andres Castillero—Francisco Martinez Negrete—Nazario Fuentes. E. P.—Certifico y doy fe: que el documento oficial de que se habla en la anterior escritura es del tenor siguiente═Al margen. Ministerio de Relaciones Exteriores Gobernacion y Policia═Excelentisimo Señor═El Exmō. é Y. S. Ministro de Justicia en oficio de veinte del corriente me dice lo que copio═„ Exmō. Sr.═Hoy digo al Exmō. Sōr. Don Vicente Segura, Presidente de la Junta de Fomento de Mineria lo siguiente.═Exmō. Sōr.═Habiendo dado cuenta al Exmō. Sōr. Presidente Ynterino con la nota de V. E. de catorce del presente á que se sirvio acompañarme con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California; se ha servido S.E. aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion, relativa á la concesion de terrenos en aquel Departamento.═Y tengo el honor de incertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero á que ha tenido á bien acceder el Excelentisimo Señor Presidente Ynterino sobre que como Colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las órdenes de que se trata═Reitero á Vuese Elencia Eccetera„═Y lo participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, pongo al Señor Castillero en posecion de los sitios que se mencionan═Dios y Libertad Mexico Mayo veinte y tres de mil ochocientos cuarenta y seis═Castillo Lanzas═Excelentisimo Señor Gobernador del Departamento de Californias═Aquí un signo═Nazario Fuentes.═"Al margen se hayan puestas las anotaciones siguientes, rubricadas por el citado Nazario Fuentes"═'Se dio copia para la parte de la Compañia remitiendosele á Tepic á Don Alejandro Forbes al segundo dia de su otorgamiento═Una rubrica═En 8 de Agosto de 1848 se dio copia certificada al S. D. Andres Castillero en 10 f$^{s}$. utiles, en lugar del testimonio que no habia pedido═Una rubrica."

Además certifico y doy fe que en dicho libro inmediatamente despues del precedente instrumente hay otro instrumento que está en las palabras y forma siguiente═"En la Ciudad de Mexico á diez y siete de Diciembre de mil ochocientos cuarenta y seis, ante mi el Escribano Publico y testigos presente el Señor Don Andres Castillero Capitan de Caballería permanente de este vecindad cuya persona mayor de edad doy fé conozco y dijo: que es dueño en propiedad de doce barras en la mina de plata con ley de oro y azogue situada en el rancho de Don José Reyes Berreyesa en jurisdiccion del pueblo de San Jose de

Guadalupe del territorio de la Alta California en el segundo Distrito de Monterey: que con tal caracter por la presente y en la mas solemne forma que haya lugar en derecho otorga por se y á nombre de sus herederos y succesores y los que sus derechos representen, que vende en venta real y enagenacion perpetua al Señor Don Alejandro Forbes, para el sus herederos y los que sus decrechos representen, á saber: cinco barras de las doce que posee en propiedad en la referida mina de Santa Clara que hubo el Señor otorgante como descubridor y con tal caracter transfiere en el Señor comprador las esplicadas cinco barras con todos sus usos, aprovechamientos, servidumbres, con cuanto mas de hecho y de derecho le toca y pertenece; pues todo lo cede renuncia y traspasa en el mentionado Señor Forbes ó quien su derecho represente. Declara que las repetidas cinco barras se hallan libres de todo gravamen censo é hipotica especial ni general y asi se lo asegura por el precio y cuantia de cuatro mil pesos que confiesa tener recibidos en moneda de plata comun y corriente del cuño Mexicano, á toda su satisfaccion sobre lo cual renuncia la ecepcion de la nom numerata pecunia, la ley 9,, tit° 1° part^a^ 5^a^ con los cuatro años que concede para la prueba, los que da por pasados otorgando por la presente el mas firme y eficar resguardo que á la seguridad del comprador conduzca. Asegura que el justo y lejítimo precio de las esplicadas cinco barras son los cuatro mil pesos que confiesa tener recibidos; pues no valen mas ni ha habido quien tanto le ofrezca; pero si mas fuere su valor ó con el tiempo fuese exesiva la bonanza, de todo le hace gracia y donacion pura, mera perfecta é irrevocable con insinuacion y renunciacion de la ley 2^a^ tit.° 1° lib. 10,, de la Nov. Recop. que tratra de los contratos en que hay lesion en mas ó menos de la mitad del justo precio fijando cuatro años para pedir su resicion ó suplemento al justo valor, los que da por pasados y renuncia con la ley citada. Desde hoy para siempres se desapodera quita y aparta de toda accion, propiedad, dominio y cuasi posecion que pueda tener á las esplicadas cinco barras y todo lo cede, renuncia y traspasa en el Señor comprador ó quien lo represente, para que como dueño de ellas disponga à su arbitrio como de cosa suya adquirida con justo y lejitimo titulo habil y traslatorio de dominio cual es la presente Escritura tomando por si ó judicialmente su posecion y tenencia, constituyendose en el interin por su inquilino y precario posedor en legal forma. Se obliga á la eviccion seguridad y saneamiento de esta venta, así como á que jamás sirva de obstaculo el articulo segundo de la Escritura de compañia otorgada en la mision de Santa Clara á dos de Noviembre, de mil ochocientos cuarenta y cinco, pues se obliga á hacer pasar y consentir en ella á sus consocios así como ha consentido y pasado el Señor otorgante por las que han hecho sus compañeros; en la inteligencia que si esto no pudiere conseguir ó se le moviere al comprador algun pleito de que á su costa no lo pudiere dejar en quieta y pasifica posecion, le devolverá los cuatro mil pesos que confiesa tener recibidos con los frutos de las doce barras de que es dueño, pagándole todos los daños perjuicios y menoscabos que se le orijinen sin mas prueba que el simple juramento de la parte. Y para el cumplimiento de esta obligacion hipoteca espresa especial y señaladamente las espresadas doce barras que no podrá vender gravar ni de otra manera enagenar sin espreso consentimiento del Señor comprador que podrá en cáso contrario reclamar las hasta de tercero ó mas posedores para cubrirse de cuanto con arreglo á la presente escritura se les adeude.

Los costos de esta escritura serán de cuenta de ambos contrayentes por mitad. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad y comercio cuya persona mayor de edad doy fé conozco, é impuesto del contenido de esta escritura dijo: que hallandose competentemente autorizado con ordenes del Señor Don Alejandro Forbes, á su nombre y en legal forma acepta la presente, prestando para el efecto voz y caucion de grato et rato por su representado y á su nombre se da por contento y satisfecho con el presente instrumento obligandose á cumplir lo que en el le pertenece al Señor Forbes. Y al cumplimiento de todo lo espuesto el Señor vendedor obliga su persona y bienes presentes y futeros, y con ellos se somete ál fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer pura que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi asì lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Ferrara, Don Octaviano de la Roza y Don Manuel Barron presentes y veclnos doy fé.=Y de que al firmar añadieron los Señores contrayentes que esta venta y todo cuanto consta en la presente escritura, no tendrá su verificativo hasta que el Señor Don Alejandro Forbes esté en quieta y pacifica posecion de las cinco barras vendidas, y si por cualquiera persona ó por cualquiera motivo fuere perturbado, entonces tendrá todo su efecto la hipoteca que hace para ese caso de las doce barras de que se habla en la claúsula de eviccion de la presente escritura: reproduciendo ante los mismos testigos la guarentijia para el cumplimiento de esto último y firmaron doy fe=Andres Castillero =Francisco Martinez Negrete=Nazario Fuentes.=Certifico y doy fe que á pesar de la clausula respectiva que consta en la anterior escritura, los contrayentes exijieron que presenciara la entrega de los cuatro mil pesos, la que se verifico por ante mi y los testigos que se dirá, en la casa de Don Francisco Martinez Negrete de todo lo que doy fe; y para constancia siento la presente siendo testigos el E. S. Licenciado Don Jose Antonio Romero y Don Manuel Terraras presentes y vecinos, doy fe"═Aquí un signo═Nazario Fuentes."═Al margen de dicho instrumento se hallan, puestas las siguientes notas rubricada por el mencionado Nazario Fuentes que dicen═"Se dio copia de esta Escritura al segundo dia de su otorgamento á la parte de Don Alejandro Forbes═Una rubrica═Mexico Agosto 9 de 1848. En esta fecha se dio al Señor Castillero copia certificada en lugar del testimonio que debio darsele doy fe═Una rubrica."

Certifico ademas: que las precedentes copias son verdaderas, esactas y completas copias de dichos dos instrumentos en dicho libro que existe en los archivos de mi oficina. Y por ultimo certifico: que á la conclusion de dicho libro hay una certificacion puesta signada y firmada por el citado finado.

Nazario Fuentes en las siguientes palabras.═"Certifico y doy fé que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento viente y uno fojas que anteceden en este protócolo y para constancia lo signo y firmo. ═Un signo.═Nazario Fuentes, E. P."

Y en cumplimiento de lo mandado por el Señor Juez segundo suplente en ejercicio del primer juzgado de letras de lo civil de esta Capital, Don Mariano Ycaza en auto del dia ocho del corriente, expido la presenta hoy diez de Febrero de mil ochocientos cincuenta y nueve la que va en diez y seis fojas utiles del sello tercero, bienio corriente: habiendo sido testigos de su saca y correccion Don Antonio Lopez, Don Roman Orta y Don Pedro Navarro de esta vecindad. Doy fé. E. R.═Señor Castillero═ó por cualquiera motivo═vale═enmendado puerto ═vale═test°═de═no vale.

†

JUAN NAVARRO,
Es^no^ Pub^co^ de la Nac^n^.
[Rubric.]

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El que suscribe, Oficial 1° del Ministerio de Justicia, Negocios eclesiasticos ó Ynstruccion pública, y Mayor honorario del mismo, con ejercicio de decretos.

Certifico: que D^n^ Juan Navarro, que autoriza el anterior documento, es Escribano público de la Nacion, y la firma y signo q. de él aparece, la misma que usa en todos los actos que autoriza á los cuales se les dá entera fé y credito. Mexico, Febrero veinte y seis de mil ochocientos cincuenta y nueve.

[SELLO.] MAR^o^. ALEGRIA.
[Rubric.]

Drōs. cuatro p^s^.

[SELLO.] José Miguel Arroyo, Yntendente honorario de Ejercito y oficial mayor 1° del Ministerio de relaciones esteriores de la República Mexicana.

[SELLO.] 46. Certifico: que Dⁿ. Mariano Alegria es oficial mayor honorario del Ministerio de Justicia de la República, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Marzo 11 de 1859.

Drós. 4 pˢ. J. MIGUEL ARROYO.

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No. 101. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 50. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

Fees, $2.

[SEAL.] ☞ ☜ JOHN BLACK, ☞ ☜
*U. S. Consul.*

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[The foregoing Exhibit is secured with a green ribbon, and is attested as follows:

Mexico, Febrero 14, de 1859. FRANᶜᵒ. MARTINEZ NEGRETE.
Rubric.

ANDRES CASTILLERO.
Rubric.

April 24, 1859. FRANᶜᵒ. VILLALON.
Rubric. ]

# EXHIBIT NEGRETE No. 18, W. H. C.

[MEXICAN COAT OF ARMS.]

## ESCRIBANA PUBLICO DE JUAN NAVARRO.

*Certificacion expedida con copia literal de un Escrito y diligencias practicadas á continuacion q^e^. se halla protocolizado en el protocolo del finado Escribano D^n^. Nazario Fuentes pertenec^te^. al año* 1846. *Mexico,* 1859.

[SELLO.]

Yo, Juan Navarro Escribano público de la Nacion matriculado en su nacional Colegio y del número de esta Capital.

Certifico y doy fé por la presente: que por fallécimiento del Escribano Nazario Fuentes quedaron en mi poder y bajo mi custodia y responsabilidad los libros de protocolo de Ynstrumentos públicos que pasaron ante él. los que conservo legalmente en mi oficina. Certifico igualmente, que entre ellos hay un libro Protocolo eucuadernado y cosido de papel sellado del que se usa para las escrituras y demás instrumentos públicos, para los años mil ochocientos cuarenta y seis y mil ochocientos cuarenta y seite, compuesto de ciento veinte y una fojas y en el que constan los orijináles de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y testigos instrumentales de constumbre cuyo libro se titulá.=“Año de 1846.=Protocolo de Ynstrumentos Públicos del Escribano Nazario Fuentes.”

Certifico asimismo que á la foja primera frenté de dicho libro y antes de comenzar el primer instrumento público que fue un poder otorgado por Doña Merced Sardi en ocho de Enero de mil ochocientos cuarenta y seis á favor de Don Francisco Cortes para la venta de una finca en la Ciudad de Guadalajara, se halla la nota siguiente autorizada y signada por el mencionada Nazario Fuentes que dice.=“Protocolo de instrumentos públicos para el año de 1846, pertenecientes al Escribano público que signa y firma, doy fé que comienza hoy dia de la fecha.= Aquí un signo.”=Nazario Fuentes.=Ygualmente certifico: que en el citado libro Protocolo se halla agregado, marcada la foja con el número ceinto doce, un Escrito firmado por Don Andres Castillero y Don Francisco Martinez Negrete, cuyo contenido, auto á él proveydo, notificacion y razon que se halla á su calce es como sigue.=“Don Andres Castillero y Don Francisco Martinez Negrete como corresponzal del Señor Don Alejandro

Forbes, Consul de S. M. B. residente en Tepic, ante V. con el debido respeto decimos: que el diez y siete de Diciembre del año procsimo pasado otorgamos ante el Escribano Don Nazario Fuentes dos Escrituras, una de venta de una accion en la mina de San José de Guadalupe en el Distrito de Monterey en la alta Calfornia conocida con el nombre de Santa Clara, y otra de compañia en dicha mina. Y teniendo orden del Señor Forbes para pedir otra copia autentica de dichos instrumentos como que en elles intervine (yo Negrete) por el Señor Forbes. =A. V. suplico se sirva mandar que el citado Escribano en cuyo protocolo existen tales documentos, de las copias que se piden en manera que haga fé: pedimos justicia juramos lo necesario Etcetera.=Francisco Martinez Negrete.=Andres Castillero.=Mexico Febrero 3 de 1847.=Por presentado como lo pidendandose por el Escribano las copias para que obren los efectos que haya lugar: lo proveyó el S. Juez suplente del Jusgado 1° de lo civil Lic. Don Juan Hierro y lo firmo doy fé.= Hierro.=Nazario Fuentes.=En la misma fecha presente en su casa el Señor Don Andres Castillero le hice saber el anterior auto de que impuesto dijo lo oye y firmó do fé.=Andres Castillero.=Nazario Fuentes.=En igual fecha presente en la casa de su morada el Señor Don Francisco Martinez Negrete le hice saber el anterior auto é impuesto dojo lo oye y firmó por ante mi de que doy fé.=Martinez Negrete.=Nazario Fuentes.=En la misma fecha se expidieron las copias mandadas, en el papel que corresponde, lo anoto para constancia doy fé.=Fuentes."

Certifico además que la precedente copia es verdadera, esacta y completa de dicho Escrito y dilegencias de su calce que se halla en el mencionado libro Protocolo que existe en los archivos de mi oficina.

Ygualmente certifico que la fecha del instrumento que precede inmediatamente á la peticion y auto que se ha certificado arriba, es lá de veinte y uno de Deciembre de mil ochocientos cuarenta y seis, y que despues de dicha solicitud y auto, existen nada mas cuatro instrumentos en ocho fojas, dos de los cuales pasaron en veinte y cuatro otro en treinta y el último en treinta y uno de Deciembre del mencionado año de mil ochocientos cuarenta y seis, y que la solicitud referida de Castillero y Negrete, no tiene fecha, y el auto del Juez la tiene, de tres de Febrero de mil ochocientos cuarenta y siete y está escrita sobre la misma solicitud.

Y por último certifico: que á la conclusion de dicho libro hay una certificacion puesta signada y firmada por el citado finado Nazario Fuentes en las siguientes palabras.=" Certifico y doy fé que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento veinte y una fojas que anteceden en este protocolo y para constancia lo signo y firmo.—Un signo.—Nazario Fuentes. E. P."

Y en cumplimiento de lo mandado por el Señor Juez segundo suplente en ejercicio del primer juzgado de letras de lo civil de esta Capital Don Mariano Ycaza en los autos de los dias, ocho, y diez y seis del corriente, expido la presente hoy diez y seis de Febrero de mil ochocientos cincuenta y nueve, la que va en cuatro fojas útiles del sello tercero bienio corriente: habiendo sido testigos de su saca y correccion Don Antonio Lopez, Don Roman Orta y Don Pedro Navarro de esta vecindad. Doy fé. †

JUAN NAVARRO,
Escnō. Púb$^{co}$. de la Nac$^{n}$.
[Rubric.]

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El que suscribe, Oficial primero del Ministerio de Justicia, Negocios Eclesiasticos é Ynstruccion pùblica y Mayor honorario del mismo, con ejercicio de decretos.

[SELLO] Certifico: que D. Juan Navarro, que autoriza el anterior documento, es Escribano público de la Nacion y la firma y signo que de él aparece la misma que usa en todos los actos que autoriza á los cuales se les da entera fé y crédito. Mexico Febrero veintiseis de mil ochocientos cincuenta y nueve.

[SELLO.] MAR$^{O}$. ALEGRIA.
[Rubric.]

Dros. cuatro p$^{s}$.

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47

[SELLO.] José Miguel Arroyo, Yntendente honorario de Ejército y Oficial Mayor 1$^{o}$ del Ministerio de Relaciones Esteriores de la República Mexicana.

[SELLO.] Certifico que Don Mariano Alegria es oficial mayor honorario del Ministerio de Justicia de la propia Repúblic, y la anterior firma es la suya que usa en los documentos que autoriza. Mexico 11 de Mzō. de 1859.

Dros. 4 p$^{s}$. J. MIGUEL ARROYO.
[Rubric.]

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No. 102. CONSULATE OF THE U. S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the

proper handwriting of said person, the same as used by him in his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[Sello.] ☞ ☜ JOHN BLACK, ☞
*U. S. Consul.* ☜

[The foregoing Exhibit is secured with a green ribbon, and is attested as follows:

Mexico Feb$^{o}$ 18 de 1859. Fran$^{co}$ Martinez Negrete.
Rubric.

Mexico Feb$^{o}$ 23 de 1859. Andres Castillero.
Rubric.

Abril 24 de 1859. Fran$^{o}$ Villalon.
Rubric. ]

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## EXHIBIT NEGRETE No. 19, W. H. C.

SELLO PRIMERO [SELLO] OCHO PESOS.

*Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.*

Corregido.
[Rubric.]

En la Ciudad de Mexico á diez y siete de Diciembre de mil ochosientos cuarenta y seis, ante mi el Escribano Publico y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conosco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con Ley de oro y Azogue, ubicada en el rancho de Don José Reyes Berreyeza, en la jurisdiccion del Pueblo de San José de

Guadalupe, del Territorio de la Alta California, en el segundo Distrito de Monterrey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores comandante general Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real, como cesionario perpetuo de sus consocios por cuatro Barras de la mencionada mina, cuyo documento otorgado en la Mision de Santa Clara á dos de Noviembre de mil ochosientos cuarenta y cinco en copia sacada sacada del original que exciste en el Archibo del Partido, autorizada por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos foxas utiles en papel comun. Que el relacionado Don José Castro su consocio, por sí y á nombre de los socios de la mencionada mina otorgó en el Puerto de Monterrey á los doce dias del mes de Junio del corriente año de mil ochosientos cuarenta y seis, un poder especial pero amplio, á favor del Presbitero Don Eugenio Macnamara para que contrate con una compañia Ynglesa que se hisiese cargo del laborio de las tres pertenencias que á Castro y Socois les corresponden en la espresada mina con el objeto de proporcionarle los avios y gastos necesarios para el aumento de la negociacion: todo con entera sugecion á lo que para casos el presente disponen las ordenanzas de mineria. Que con tal autorizacion, el prenotado Señor Presbitero Don Eugenio Macnamara, en la Ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochosientos cuarenta y seis, realizò el contrato para que fué autorizado con el Señor Don Alejandro Forbes por si y á nombre de la compañia Ynglesa que representa; reduciendolo á Escritura publica otorgada ante el Escribano Publico Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue.

Escritura de Tepic. } Corregido.—(Al margen). Una rubrica.—En la ciudad de Tepic á veinte y ocho de Noviembre de mil ochosientos cuarenta y seis, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara, actual residente en este lugar dijo: que Don José Castro, vecino del Puerto de Monterrey, como socio en la mina de azogue que se halla en la comprehencion de Santa Clara, y á nombre de sus conscios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elaboracion de dicha mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho Puerto, á doce de Junio del corriente año doy fé tener á la vista original, y su tenor á la Letra dice.

Poder } En El Puerto de Monterrey á los doce dias del mes de Junio de mil ochosientos cuarenta y seis. Yo José Castro pago de los perjuicios y gastos que se originen cuyo monto de fieren en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmeza de todo lo referido obligan los otorgantas sus bienes y los de los socios de la mina y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villalbazo presentes y vecinos: doy fé.—Eugenio Macnamara.—Alejandro Forbes.—Panfilo Solis.

Sacose de su registro hoy dia de su otorgamiento en estas cuatro foxas del papel correspondiente: doy fé.=Un signo. Panfilo Solis, Escribano Publico.

Concluye la escritura de Tepic y sigue la presente:

Concuerda la anterior Escritura con la copia original que en cuatro foxas utiles doy fé tener á la vista.

El pretonado Señor Don Andres Castillero continuo diciendo que en la mas solemne forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte esacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene la Escritura inserta, que aprueba y ratifica en todas sus partes, queriendo se le tenga desde este momento por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta cumplidos los diez y seis años del contrato, se obliga y á sus herederos y succesores á no reclamar cosa alguna contra la Escritura inserta; pero si lo hiciere, quiere no ser oido en juicio ni fuera de él.

Cede en favor del avio y por los diez y seis años de la contrata, los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia, segun consta por el documento oficial que presenta para que quede copiado al final de la presente Escritura y salga inserto en la copias que de ellas se pidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto en la Escritura que va copiada en la presente, se obliga á recavar el esplicito consentimiento de sus consocios, que ractificaran la presente Escritura para quitar las dudas que puedan ocurrir á cerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la compañia Ynglesa se halle en quieta y pasifica posecion de la mina á que se refiere.

Con cuyas Calidades y condiciones el prenotado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda dicho; y asegura que para el otorgamiento de la presente Escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las esprezadas, ni el convenio envuelve lesion ni usura de ninguna especie, como lo jura por Dios y la señal de la Cruz; pero si alguna resultare del exceso le hase gracia y donacion á la compañia Ynglesa pura, perfecta, é irrevocable, con insinuacion y renunciacion de la *Ley segunda, titulo primero, libro diez de la Novisima Recopilacion.*

Desde hoy hasta cumplidos los diez y seis años del contrato y reservandose unicamente los derechos que por el dominio y propiedad le pertenecen del de posecion y demas que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa á quien por la presente le confiere amplio poder y facultad bastante constituyendolo procurador en su propia causa para que con sugeccion á las ordenanzas de mineria, y con total arreglo á la presente escritura, se aproveche la compañia de los productos que con arreglo á la misma le pertenecen, practicando todo lo demas para que está facultada.

Se obliga á la eviccion seguridad y saneamiento de este contrato que por su parte asegura le será cierto y seguro, y que por el no se le movera pleito; pero si alguno resultare de su cuenta lo seguirá hasta dejan á la compañia en quieta y pacifica posecion; lo que si no lograre, le pagará todos los daños y perjuicios con las costas procesales y personales que se causen. Se sugeta al tenor literal de la *ley primera, titulo primero libro diez de la Novisima Recopilacion*, cuyo contenido sabe y quiere se le tenga por obligado al cumplimiento de la presente Escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fé conosco, é impuesto del contenido de esta escritura dijo: que teniendo orden espresa y facultad bastante por el Señor Don Alejandro Forbes, á su nombre y el de la compañia Ynglesa, acepta este instrumento dando por contentos y satisfechos á los interezados en ella. El varias veces dicho el Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto obliga su persona y bienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad con la general del derecho y la que prohive su general renunciacion. Y por ante mi asi lo otorgó y firmó con el Señor Negrete siendo testigos Don Manuel Terraras, Don Octaviano de la Rosa y Don Manuel Barron presentes y vecinos doy fé.═Andres Castillero.═Francisco Martinez Negrete.═Nazario Fuentes, Escribano Nacional y Publico.

Documento oficial. } Certifico y doy fé que el documento oficial de que se habla en la anterior Escritura, es del tenor siguiente.═Al Margen. Ministerio de Relaciones esteriores Gobernacion y Policia═Excelentisimo Señor.═El Excelentisimo é Y. S. Ministro de Justicia en oficio de veinte del corriente me dise lo que copio.—Excelentisimo Señor═Hoy digo al Excelentisimo Señor Don Vicente Segura, Presidente de la junta de fomento de Mineria lo siguiente.═Excelentisimo Senor.═Habiendo dado cuenta al Excelentisimo Señor Presidente interino con la Nota de V. E. de catorce del presente á que se sirvió acompañar me con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California; se ha servido su Excelencia aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la octava proposicion, relativa á la consecion de terrenos en aquel Departamento.═Y tengo el honor de insertar lo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero, á que ha tenido á bien acceder el Excelentisimo Señor Presidente interino sobre que como colono se le conceda dos citios de ganado mayor sobre el terreno de su posecion minera, se sirva V. E. librar las ordenes de que se trata.═Reitero á V. E. ecsetera.═Y lo Participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al Señor Castillero en posecion de los dos sitios que se mencionan.═Dios y libertad Mexico y Mayo veinte y tres de mil ochosientos cuarenta y seis.═Castillo Lanzas.═Excelentisimo Señor Gobernador del Departamento de Californias.═

Sacose de su registro dos dias despues de su otorgamiento para el representante de la compañia en estas dies foxas utiles de los sellos primero y cuarto que segun la ley corresponden siendo testigos á la saca y correccion de ella y de los documentos insertos los mismos instrumentales de que doy fé.

†

[Sello.] NAZARIO FUENTES.

E. N. P. [Rubric.

Los Escribanos publicos que signamos y firmamos certificamos y damos fé que Don Nazario Fuentes es tambien Escribano Publico de esta Capital y el signo y firma que anteceden son suljos los mismos que usa y aconstumbra para autorizar los documentos que ante el pasan como tal Escribano fiel y legal á los que se han dado y dan entera fé y exedito. En fé de lo cual sentamos la presente que bá autorizada con el sello de Nuestro Nacional Colegio de Escribanos. Mexico á dies y nueve de Diciembre de mil ochosientos cuarenta y seis.

† ROMULO DE ZEVALLOS. [Rubric.]

† ANDRES VELLIO MEJIA. [Rubric.]

† FRAN$^{co}$. VILLALON. [Rubric.]

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Jesus Vejar Escribano Publico en esta Ciudad.

Certifico y doy fé que á las cuatro firmas y signos con que se halla autorizado el presidente testimonio, de los Escribanos Don Nazario Fuentes, Don Romualdo de Zeballos, Don Francisco Villalon y Don Andres Vellio Mejia del Colegio Nacional de Mejico es de darseles todo fé y credito por que realmente cuando autorizaron y sellaron dicho testimonio han sido reconocidos y lo son como tales Escribanos en la Capital de esta Republica, como que en este oficio se ha hecho un uso legal de dichas firmas en actos que por ellas otras personas han otorgado.

Yá pedimento de los Señores Barron, Forbes y Compañia, doy el presente en Tepic á diez y ocho de Marzo de mil ochocientos cincuenta que dando por mi rubricada la foja en que constan las firmas.

† JESUS VEJAR. [Rubric.[

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El Alcalde 1°. Constitucional y Escribano Publico que firmamos Certificamos y damos fé que el Signo y firma que antecede autorizando el el presedente Certificado es, del Escribano Publico en esta Ciudad Don Jesus Vejar, quien se halla en el ejercicio de su profecion. Asi lo comprovamos en Tepic á diez y ocho de Marzo de mil ochocientos cincuenta.

LORETO CORONA. [Rubric.]

† EUSEBIO FERNANDEZ. [Rubric.]

CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America, for this district, hereby certify that the signatures attached to the foregoing Document, are in the true handwriting of the subscribers who legally hold the situations therein represented, and are worthy of all faith and credit.

In testimony whereof, I have hereunto set my hand and seal [SEAL] of office in the City of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

G. W. P. BISSELL,
U. S. Consul.

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## EXHIBIT NEGRETE No. 20, W. H. C.

SELLO PRIMERO [SELLO] OCHO PESOS.

*Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.*

CORREGIDO.
[Rubric.]

En la Ciudad de Mexico á diez y siete de Diciembre de mil ochosientos cuarenta y seis, ante mi el Escribano Publico y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conosco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con ley de oro y Azogue, ubicada en el rancho de Don José Reyes Berreyeza, en la jurisdiccion del Pueblo de San José de Guadalupe, del territorio de la Alta California, en el segundo Distrito de Monterrey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contráto de compañia de dicha mina con los Señores Comandante general Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real, como cesionario perpetuo de sus consocios por cuatro barras de la mencionada mina, cuyo documento otorgado en la mision de Santa Clara á dos de Noviembre de mil ochosientos cuarenta y cinco, en copia sacada sacada del original que exciste en el Archibo del partido, autorizada por el Señor Don Manuel Castro y Don Antonio Maria Pico, doy fé tener á la vista en las citadas dos foxas utiles en papel comun. Que el relacionado Don José Castro su consocio, por sí y á nombre de los socios de la mencionada mina, otorgó en el puerto de Monterrey á los

doce dias del mes de Junio del corriente año de mil ochosientos cuarenta y seis un poder especial pero amplio, á fabor del Presbitero Don Eugenio Macnamara, para que contrate con una compañia Ynglesa, que se hiciese cargo del laborio de las tres pertenencias, que á Castro y socois les corresponden en la espresada mina, con el objeto, de proporcionarle los avios y gastos necesarios para el aumento de la negociacion: todo con entera sugeccion á lo que para casos el presente disponen las ordenanzas de mineria. Que con tal autorizacion, el prenotado Señor Presbitero Don Eugenio Macnamara, en la Ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochosientos cuarenta y seis, realizò el contrato para que fué autorizado con el Señor Don Alejandro Forbes, por si, y á nombre de la compañia Ynglesa que representa; reduciendolo á escritura publica, otorgada ante el Escribano Publico Don Panfilo Solis, cuyo tenor con el poder que justifica la representacion del Señor Macnamara es como sigue.=Corregido.=(Al margen).=Una rubrica.=Sigue la Escritura.

Escritura de Tepic. } En la ciudad de Tepic á veinte y ocho de Noviembre de mil ochosientos cuarenta y seis, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara, actual residente en este lugar dijo: que Don José Castro, vecino del Puerto de Monterrey, como socio en la mina de azogue que se halla en la comprehencion de Santa Clara, y á nombre de sus consocios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elavoracion de dicha mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho puerto, á doce de Junio del corriente año doy fé tener á la vista original en dos foxas y su tenor á la letra dice.

Poder } En El Puerto de Monterrey á los doce dias del mes de Junio de mil ochosientos cuarenta y seis. Yo José Castro con presencia de los testigos que al fin se nombraran: usando del derecho que me han otorgado mis socios, para celebrar cualequiera contrato que se pudiera ofrecer, con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue, cituada en la comprehencion de Santa Clara, y favoreciendoles las ordenanzas de mineria y leyes concernientes, especialmente el Soberano decreto de siete de Octubre de mil ochosientos veinte y tres, para que se proporcione el grande provecho y utilidad, al lavorio de esta clase de minas, y siendo que poceen en la actualidad, la primera, unica, y principal por su ley que se ha descubierto en la Nacion Mexicana; y que no pudiendo el Gobierno, Supremo, darles los auxilios que les corresponden, por hallarse en una distancia inmenza y ultramarina, sin esperanza que este paiz por si mismo fomente este interesante ramo, por no tener ningunos fondos de que disponer, y sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brazos para el lavorio continuo que se requiere, para el adelanto en esta industria desconocida en este Departamento: ha convenido y conviene dar poder especial amplio, bastante, y por cuanto por derecho se requiera, mas pueda y deba valer, al Presbitero Don Eugenio Macnamara, para que representando su persona y la de sus socios, contrate con una compañia Ynglesa, con esclucion de cualquiera otra nacion, para que se haga cargo del laborio de las tres pertenencias de dicha mina por el tiempo de nueve años, con el fin de proporcionar los avios, hacer los gastos necesarios, y mantenerla en buen giro y con arreglo á las mencionadas ordenanzas de mineria, siendo los productos de las tres pertenencias de la mina, para los dueños una mitad, y la otra mitad para la compañia Ynglesa; y cuando no se pudiere convenir á ello, se ofrecerá á la compañia Ynglesa las dos terceras partes, para que los dueños reciban la otra tercera parte; entendiendose que la parte que corresponde á los dueños será libre de gastos, y sin aun en esto no hubiere convenio, se haran otras estipulaciones de acuerdo con Don Andres Castilleros para facilitar la realizacion de un contrato; y concluido el tiempo mencionado de nueve años, se prorogaran otros siete años mas, en los mismos terminos que se celebre la primera contrata, quedando la negociacion despues de todo este tiempo, á disposicion absoluta de los dueños de la mina; como tambien todos los materiales, fabricas, y demas pertenencias que á ella le corresponden, como maquinas y demas utiles adherentes á este beneficio, sin que por causa alguna tenga la compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos, que para su beneficio y propia utilidad llegare á originar.=Y á la firmeza y validacion de lo que en virtud de este poder se ejecutare, se obliga el otorgante en toda forma de derecho á su cumplimiento, y para lo cual se somete á los Señores Jueces que del caso deban conocer, en cuyo testimonio lo firmó con los cuatro testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Diaz y Don Antonio Maria Rio, en el dia mes y año ya mencionados.= José Castro.=David Spence.=Manuel Diaz.=Juan Malarin.= Antonio Maria Rio.

Sigue la Escritura de Tepic.

Que el inserto poder no le está revocado ni limitado en manera alguna; y que despues de haber solicitado con el mayor empeño, el negocio para que fué facultado, ha celebrado con el Señor Don Alejandro Forbes Subdito y Consul Britanico por si, y por sus socios en esta empresa, el contrato que espresan las siguientes condiciones.

1ª. Primera: el Señor Don Alejandro Forbes y sus socios, se hacen cargo del laborio de las tres pertenencias, que comprehenden dicha mina de azogue por el termino de diez y seis años, segun está facultado por el incerto poder, y sin que sea necesario el acuerdo de Don Andres Castillero, en razon de que este contrato está fuera de los limites para que fué autorizado el relacionante.

2ª. Segunda: Qué el Señor Forbes y socios, estan en la obligacion de proporcionar los avios necesarios, erogar los gastos precisos y mantener la mina en buen giro, y con arreglo á las ordenanzas de mineria.

3ª. Tercera: Que de los productos de las tres pertenencias que comprehende la mina, percibirán dos terceras partes el Señor Forbes y sus socios, quedando la otra parte á favor de los dueños; sin que de ella se dedusca gasto alguno.

4ª. Cuarta: Que concluidos los diez y seis años de esta compañia, queda la negociacion á la disposicion absoluta de los dueños; asì como todos los materiales, fabricas, y demas pertenencias que á ella le correspondan, como maquinas y otros utiles anexos á la negociacion; y por ningun motivo, tendran derecho á reclamar, el Señor Forbes y sus socios, cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á originarse.

Presente el Señor Don Alejandro Forbes, cuya persona doy fé conosco, por si y como representante de los demas accionistas en este asunto, é impuesto de las anteriores condiciones del poder incerto dijo: que aquellas estan arregladas en un todo á los terminos con que ha celebrado este negocio. Ambos otorgantes manifestaron: que este contrato queda celebrado bajo las condiciones estipuladas, que se obligan á observar y cumplir religiosamente, sin interpretacion, y á no reclamar esta Escritura en todo, ni en parte; y el que faltare será estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen, cuyo monto defieren en la relacion jurada de quien sea parte, sin otra prueba de que se relevan, aunque se requiera de derecho. Y á la firmeza de todo lo referido, obligan los otorgantes sus bienes, y los de los socios de la mina, y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su cumplimiento los estrechen, como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los Ciudadanos Nicolas Figueroa, Manuel Covarrubias y Luis Villalbazo presentes y vecinos doy fé.—Eugenio Macnamara.—Alejandro Forbes.—Panfilo Solis.—Sacose de su registro hoy dia de su otorgamiento en estas cuatro foxas del papel correspondiente: doy fé.—Un signo.—Panfilo Solis, Escribano Publico.

Concluye la escritura de Mexico.

Concuerda la anterior Escritura, con la copia original que en cuatro foxas utiles, de sellos primero y cuarto, doy fé tener á la vista. El prenotado Señor Don Andres Castillero continuo diciendo; que en la mas solemne forma que haya lugar en derecho, otorga: que se obliga á cumplir por su parte excacta y religiosamente, como uno de los socios contratantes con el Señor Forbes, todo cuanto contiene la Escritura inserta, que aprueba y ratifica en todas sus partes; queriendo se le tenga desde este momento, por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta cumplidos los dies y seis años del contrato, se obliga, y á sus herederos y succesores, á no reclamar cosa alguna contra la Escritura inserta; pero si lo hiciere, quiere no ser oido en juicio ni fuera de él.

Cede en favor del avio, y por los diez y seis años de la contrata, los dos citios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia, segun consta por el documento oficial que presenta para que quede copiado al final de la presente Escritura, y salga inserto en las copias que de ellas se espidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto, en la Escritura que vá copiada en la presente, se obliga á recabar el esplicito consentimiento de sus consocios, que ractificaran la presente Escritura para quitar las dudas que puedan ocurrir, á cerca de la representacion del Padre Don Eugenio Macnamara, por los consocios del Señor Castro y del que habla. Declara igualmente, que está anuente, en que el contrato de que habla esta Escritura no tenga efecto, hasta que la compañia Ynglesa, se halle en quieta, y pasifica posecion de la mina á que se refiere.

Con cuyas calidades y condiciones, el prenominado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda dicho; y asegura que para el otorgamiento de la presente Escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el, no hay mas condiciones que las esprezadas, ni el convenio envuelve lesion ni usura de ninguna especie, como lo jura por Dios y la Señal de la Cruz; pero si alguna resultare, del exceso, le hace gracia y donacion á la compañia Ynglesa, pura, perfecta é irrevocable, con insinuacion y renunciacion de la Ley segunda. titulo primero libro diez de la Novisima Recopilacion.

Desde hoy hasta cumplidos los dies y seis años del contrato; y reservandose unicamente los derechos, que por el dominio y propiedad le pertenecen del de posecion y demas que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede, renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa, á quien por la presente le confiere amplio poder y facultad bastante, constituyendole procurador en su propia causa, para que con sugeccion á las ordenanzas de mineria, y con total arreglo á la presente Escritura, se aproveche la compañia, de los productos, que con arreglo á la misma le pertenecen, practicando todo lo demas para que está facultada.

Se obliga á la eviccion, seguridad, y saneamiento de este contrato, que por su parte asegura le será cierto y seguro, y que por el no se le movera pleito ; pero si alguno resultare, de su cuenta lo seguirá, hasta dejar á la compañia, en quieta y pacifica posecion ; lo que si no lograre, le pagará todos los daños y perjuicios, con las costas procesales y personales que se causen. Se sugeta al tenor literal de la Ley primera, titulo primero libro diez de la Novisima Recopilacion, cuyo contenido sabe, y quiere se le tenga por obligado al cumplimiento de la presente escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete, de esta vecindad, cuya persona mayor de edad doy fé conosco, é impuesto del contenido de esta Escritura dijo : que teniendo orden espresa, y facultad bastante, por el Señor Don Alejandro Forbes, á su nombre y el de la compañia Ynglesa, acepta este instrumento, dando por contentos y satisfechos, á los interezados en ella. El varias veces dicho, el Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto, obliga su persona y bienes presentes y futuros, y con ellos se somete al fuero y jurisdiccion de los Señores Jueces, que de sus causas conforme á derecho, puedan y deban conocer, para que á ello lo compelan y apremien, como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada: renuncia su domicilio y vecindad, con la general del derecho y la que prohive su general renunciacion. Y por ante mi, asi lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa, y Don Manuel Barron presentes y vecinos doy fé.—Andres Castillero.—Francisco Martinez Negrete.—Nazario Fuentes, Escribano Nacional y Publico.

Certificado. } Certifico y doy fé: que el documento oficial de que se habla en la anterior Escritura es del tenor siguiente.—Al Margen. Ministerio de Relaciones, Gobernacion y Policia—Excelentisimo Señor.—El Excelentisimo é Ylustrisimo Señor Ministro de Justicia en oficio de veinte del corriente me dice lo que copio.—Excelentisimo Señor—Hoy digo al Excelentisimo Señor Don Vicente Segura, Presidente de la junta de fomento de Mineria lo siguiente.—Excelentisimo Senor.—Habiendo dado cuenta al Excelentisimo Señor Presidente Ynterino con la Nota de V. E. de catorce del presente, á que se sirvió acompañarme con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California; se ha servido Su Excelencia aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones exteriores y Gobernacion, para que libre las ordenes oportunas por lo respectivo á lo que contiene la Octava proposicion, relativa á la consecion de terrenos en aquel Departamento.=Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero, á que ha tenido á bien acceder el Excelentisimo Señor Presidente interino sobre que como colono se le conceda dos citios de ganado mayor sobre el terreno de su posecion minera, se sirva V. E. librar las ordenes de que se trata.=Reitero á V. E. eccetera.=Y lo Participo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al Señor Castillero en posecion de los dos citios que se mencionan.=Dios y libertad Mexico Mayo veinte y tres de mil ochosientos cuarenta y seis.=Castillo Lanzas.=Excelentisimo Señor Gobernador del Departamento de Californias.=Un signo.=Nazario Fuentes.—E. N. P.

Escrito. } Don Andres Castillero y Don Francisco Martinez Negrete como corresponsal del Señor Don Alejandro Forbes, Consul de Su Magestad Britanica, residente en Tepic, ante Usted con el debido respeto decimos: que el diez y siete de Diciembre del año procsimo pasado, otorgamos ante el Escribano Don Nazario Fuentes dos Escrituras, una de venta de una accion en la mina de San José de Guadalupe, en el Distrito de Monterrey en la Alta California, conocida con el nombre de Santa Clara, y otra de compañia en dicha mina. Y teniendo orden del Señor Forbes para pedir otra copia autentica de dichos instrumentos, como que en ellos intervine (yó Negrete) por el Señor Forbes. =A Usted suplico: se sirva mandar, que el citado Escribano en cuyo protocolo existen tales documentos, dé las copias que se piden, en manera que haga fè: pedimos Justicia jurando lo necesario ecsetero.=Francisco Martinez Negrete.=Andres Castillero.

Auto. } Mexico Febrero tres de mil ochocientos cuarenta y siete.=Por presentado, como lo piden, dandose por el Escribano las copias para que obren los efectos que haya lugar. Lo proveyó el Señor Juez suplente del Juzgado primero de lo civil, Licenciado Don Juan Hierro y lo firmó: doy fé.=Hierro. =Nazario Fuentes.

Notificacion } En la misma fecha presente en su casa el Señor Don Andres Castillero, le hise saber el anterior auto, de que impuesto dijo lo oye, y firmó: doy fé.=Andres Castillero. =Nazario Fuentes.

Otra. } En igual fecha, presente en la casa de su morada el Señor Don Francisco Martinez Negrete, le hise saber el anterior auto, é impuesto dijo lo oye y firmó por ante mi de que doy fé.—Martinez Negrete.—Nazario Fuentes. Entre renglones dice.—Publico.—Vale.

Concuerda la anterior segunda copia y certificado, con los originales que obran en mi protocolo de instrumentos Publicos, de donde se sacó, á pedimento de los Señores Don Francisco Martinez Negrete, por el Señor Don Alejandro Forbes, y Don Andres Castillero; y en cumplimiento de lo mandado por el Señor Juez primeno de lo civil, segun (illegible) escrito y auto preinsertos; y bá en estas trece foxas utiles de los sellos que segun la ley corresponde siendo testigos á su saca y correccion que se verificó hoy cuatro de Febrero de mil ochocientos cuarenta y siete, Don Manuel Terrazas, Don Francisco Teran y Don Manuel Barron, presentes y vecinos doy fé.

†
NAZARIO FUENTES.
E. N. P. [Rubric.]

[Sello.] Los Escribanos Publicos que signamos y firmamos certificamos y daos fé que nuestro compañero Don Nazario Fuentes por quien bá autoriz ada la anterior copia es tambien Escribano Publico de esta Capital, y el signo y firma que anteceden son de su puño y letra los mismos que una y aconstumbra para autorizar los documentos que ante el pasan, y á los que se ha dado y dá entera fé y credito. En fé de lo cual sentamos la presente que bá autorizada con el sello de nuestro Nacional Colegio de Escribanos de que es miembro tambien el espresado Fuentes. Mexico seis de Febrero de mil ochocientos cuarenta y siete.

† MAR$^{o}$. CABEZA De VACA. [Rubric.]
† MIGUEL ARISTEGUI. [Rubric.]

† FRAN$^{co}$. VILLALON. [Rubric.]

## TRANSLATION EXHIBIT NEGRETE No. 1.

$P^d$.

Señor Don Donato Manterola,

MEXICO, Dec. 18, 1846.

My Esteemed Friend:—I beg of you to order to be delivered to Don Andres Castillero, the sum of four thousand dollars for account of D. Alexander Forbes, charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received,

ANDRES CASTILLERO.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 2.

$P^d$.

Señor Don Donato Manterola,

At home, MEXICO, Dec. 22, 1846.

My Esteemed Friend:—I beg of you to order to be delivered to Señor Don Nasario Fuentes, the sum of one hundred and thirty-seven dollars and twenty-five cents, for account of the Sres. Barron, Forbes & Co., charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received on the above date,

NASARIO FUENTES.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 3.

$P^d$.

Señor Don Donato Manterola,

At home, MEXICO, February 6, 1847.

My Esteemed Friend:—I beg of you to have the kindness to order the payment of the sum of seventy-five dollars to the Señor D. Nasario Fuentes, charging the same to the account of your sincere friend.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

Received,

NASARIO FUENTES.
[Rubric.]

## TRANSLATION EXHIBIT NEGRETE No. 4.

Señor Don Alexander Forbes:

MEXICO, December 5, 1846.

My Esteemed Friend:—Pursuant to the contents of your favors, dated 24th ultimo, I have spoken to Señor Castillero, in the terms which you express yourself in one of them, and he has promised to think over the business and bring me his propositions to-day, and also the document of the ownership of the mine, which he has in his possession. It is now eight o'clock at night, and he has not brought his proposals, from which I understand that he has not been able to finish them, and should it be so, they will be sent to you by next mail by

Your affectionate friend and servant,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

Postscript.

After having signed the above, Señor Castillero has come to bring me the contract of partnership in the mine, with a copy of the original, which I transmit, as I have not time to make a second copy. You will observe the simplicity of that document, and that it is wanting in explanation. By article second, none of the associates can alienate his share. Señor Castillero says that he drew up this article to prevent his partners from disposing of any share (barra) to the North Americans. He has also handed to me the letter, the original of which I send you, to the end that, having informed yourself of their contents, you may communicate to me your orders in the terms you may think proper. According to Señor Castillero the half of the proceeds belongs to the supplier (aviador) of a mine. You, in view of the contents of the contract, and of the proposals which he makes me in the letter he addresses me, can decide upon what is most expedient, assured that on my part I will carry out your orders as far as possible. Said Señor Castillero places much value on the Island of Santa Cruz, which is his property. He says it is thirty-two leagues in circumference, with a harbor, plenty of fish, timber and fresh water. He is disposed to sell it rather than have it taken from him by the Yankees. It is distant four leagues from the port of Santa Barbara, and he considers that it would be of much importance to England should the United States take possession of the Californias. If you are inclined to the purchase, inform yourself of all this attentively.

The mail is about to close, and without time to say more, I remain your affectionate friend and servant,

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed]
Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 5.

Señor Don Alexander Forbes:

MEXICO, December 9, 1846.

My Esteemed Friend:—Don Andres Castillero delivered to me, just as the last mail was leaving, a copy of the papers of the mine in Upper California, already known, and a letter addressed to myself on the subject of the terms on which it would suit him to enter into a contract with you. That you may carry this business into effect, it is requisite to make it sure that it be done in a manner which shall leave no room for disputes afterwards; and as the said documents sent to you in my letter of the 5th, furnish some information, it would be well to submit the business to the judgment and opinion of a good lawyer, who would draw up the conditions in conformity to the ordinances of mining and the existing laws. With that and the instructions you may give me, I would do everything else here which I may be ordered. Señor Castillero appears to be a sedate person, and he manifests a great desire to have that negotiation placed under the protection of the English flag, as the only means of securing that property, in which he owns twelve shares (barras), having ceded the other twelve, out of consideration to the persons who now own them.

I had written thus far when I received past due, through the English Minister, your esteemed letter of date 28th ult., and in view of its contents, I have spoken with Señor Castillero again on the subject of the negotiation of the quicksilver mines, and find him entirely willing that the half of the mine which belongs to him be supplied or habilitated (se refaccione ó habilite), or to sell four shares (barras) as may appear best, on account of the interest which he feels in defending this negotiation under the protection of the British flag. Seeing him so very well inclined, and desiring to acquire information regarding the value of the shares, I have resolved not to enter into any complete arrangement before speaking first with Father MacNamara; neither has it seemed to me proper to disclose that I know of the contract you have made there, until the arrival of the Father, and I have a conference with him, and it be seen whether it will not be better that he himself inform Castillero of said contract, which I have read carefully, and find that it has not all the formalities prescribed by the laws, because, by the power of attorney granted by Señor Castro, there should have been inserted the powers which were given to him by the other two parties interested, Father Real and Robles. I would have been glad that you had fixed some starting point for me, as I find myself in the dark and unable to form any opinion as to the value of each share; but let it be what it may, and whatever may be the opinion of Father MacNamara, I will not go beyond the price of fifteen hundred dollars, or at the utmost seven thousand dollars for the four shares which Señor Castillero is disposed to sell, as appears from the letter which he has addressed to me to-night, a copy of which I enclose. I shall inquire of said Father what price Don Diego Forbes gave for the two shares which you refer me to as a guide, you to remember that should said price be more than two thousand dollars each, I will suspend the purchase till I receive further orders from you; as, in truth, not being a miner nor inclined to that branch of business, my flesh quakes at merely thinking of the precarious nature of those negotiations and their results, etc.

I am, your affectionate friend and servant, who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Enclosed.]

Senor Don Francisco Nartinez Negrete.—At your house, Dec. 9, 1846.—Esteemed and Respected Sir.—To the proposals which this morning you were pleased to communicate to me regarding the quicksilver mine, I will say to you briefly, that you may assure to Señor Don Alexander Forbes the sale of four shares, and that to conclude the contract, I only await the arrival of Father MacNamara, so that, in view of the power of attorney, more validity may be given to the instrument, and we may make arrangement of all the matters of the company. The Board of Encouragement (Junta de Fomento) offers me one distilling apparatus for quicksilver, of the two which it has ordered from England, and two thousand flasks which it has in Tasco, which appears to be important news for our business.—I am, etc.,

ANDRES CASTILLERO.

[Addressed]

Sr. Don Alexander Forbes, Tepic.

## TRANSLATION EXHIBIT NEGRETE No. 6.

Señor Don Alexander Forbes.

MEXICO, December 12, 1846.

My Much Esteemed Friend:—I have given orders at the stage office to inform me immediately when the Father MacNamara shall arrive. I do not believe that he has arrived by to-day's stage, because if he had they would have sent me word. As the business which you have on hand is of great magnitude as I conceive, and as its success depends entirely on Señor Castillero, I intend to submit its arrangement, to be made in conformity with the requirements of the laws, to a lawyer in whom I have all confidence; as in such cases it is better to spend at the beginning five hundred dollars than to have a lawsuit afterwards when the negotiation is fully established and productive. In whatever way it may be done, this business will be managed in the best possible manner.

I am neither a miner, nor do I like the business. From the beginning Señor Castillero offered me two shares (barras) which I declined. Relying upon your consent, I might perhaps take one share for some friends, but this like all the rest would go into the reliabilitating "avio." In that manner, if the parties interested should not make great profits, they would know that at most they would lose only what the share might cost.

Wishing you good health, I remain your obd't serv't, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Consul, &c., Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 7.

Señor Don Alexander Forbes.

MEXICO, December 16, 1846.

My Esteemed Friend:—The Presbyter MacNamara arrived here on the 12th, by the stage, and yesterday the 15th he was in my house for about a couple of hours, from twelve o'clock, when we talked particularly about the business of the mine in California, and what should be done as regards Señor Castillero. To-day at eleven o'clock we meet again together with Señor Castillero, and a lawyer in whom I have entire confidence, that he may be informed of what may be discussed, and draw up the articles of our agreement in conformity to law, or in the best manner possible. I have instructed him regarding all the essential points of the transaction by means of extracts of your letters; that is, of such portions of them as favor our position, so as to treat on the conditions which may be most favorable to your interests, considering the present condition of the business, and I will inform you of the result of the whole, either in this letter or separately; but I anticipate these lines in case I should not have time.

The measures you have adopted in regard to the vessel which carries the cotton, are in my opinion very proper, and were even indispensable.

By to-morrow's mail I expect to receive accounts from Madrazo and Palacio, of the result of the fair, and although all complain bitterly, I am sure that they must have sold all the stock from that factory, notwithstanding the Yankee wagons which came from Santa Fé, which were allowed to enter San Juan without any difficulty. The Supreme Government is inclined to prosecute the war, and it is believed that the national representation is of the same mind; and such being the case there will naturally follow a formal declaration prohibiting all communication with the North Americans, and even expelling those residing in the country, as was done with the French. The English courier has arrived; till now I have received no letter from my *compadre*, although I have received others. I hope to get it to-morrow.

I am your affectionate friend and obedient servant,

FRANCISCO MARTINEZ NEGRETE.

[Rubric.]

P. S.—Señor Castillero desires you to protect his island, and for this purpose he has addressed me the inclosed letter which I recommend to your attention.

[Rubric.]

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[Enclosed.]

Señor Don Francisco Martinez Negrete:

HOME, December 16, 1846.

Esteemed and Respected Sir:—I will thank you much to recommend to Señor Don Alexandro Forbes that on taking possession of the quicksilver mine, my Island of Santa Cruz, situated in front of Santa Barbara, may also appear as an English possession. Being distant only four leagues from the coast, it is a very important possession on account of the abundance of water and timber, and its good harbor. To English vessels and even to the Company it may be of service on account of its absolute independence of the whole country.

Excuse me for repeating my request, and I remain always your most obedient servant, who kisses your hand.

ANDRES CASTILLERO.
[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Consul, &c., Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 8.

Señor Don Alexander Forbes.

MEXICO, December 16, 1846.

My Esteemed Friend:—At last, to-day, a little after eleven o'clock, the Presbyter Don Eugenio MacNamara, Don Andres Castillero, myself, and Señor Don José Antonio Romero, met together to arrange the final result of the business of the mine, and, as we had to deal with matters of law, I considered it proper that Señor Romero should attend, and certainly in this I was not mistaken, as he was of great service to me in the conference, and in the illustration of some points, and besides he sustained and elucidated my ideas with the skill, wisdom, and experience which he has acquired from his practice in the management of affairs, so that had he not been so well informed on the subject, relating to which we had already held various meetings, and fixed the starting points, and noted the flanks on which we might be approached, probably the desired results would not have been obtained.

Señor Castillero, then, conforms to the contract executed in Tepic by his associates, and takes part in it also for his twelve shares in the mine, and after various debates, he decided to sell you four shares. Having agreed upon this, I requested him to cede to me another share for two friends (who are your friends also), and he acceded, stating that my mediation and the regard he professed for me were sufficient motives for him to accede to my request. Thus it is that I have contracted for the five shares, at $800 each, making in all $4000, which I shall pay over as soon as the contract is made out, it being understood that although the $800 of the share for the two friends shall be paid by them, this shall be included in the avio agreeably to the contract which you made in Tepic.

Besides this instrument there will be executed another for the avio for the part belonging to Señor Castillero. Señor Romero has taken a note of all the points, so as to order the instruments to be drawn up in such a manner that you shall have no disputes afterwards. Señor Castillero engages that his associates will consent to the sale of these shares; and if they do not, he will pay you their cost out of the proceeds of the twelve shares belonging to him.

He has in his possession the title paper of the Government, by which is granted to him in the mining district (mineral) two leagues of land in circumference, which he has ceded for the benefit of the negotiation for the sixteen years of your contract. He has assured us that the Junta for the Encouragement of Mining has entreated him to sell it some share, but that he declined, and I have told him that for no reason nor consideration ought he to alienate any more shares, as in such case you should be preferred. I believe that I have acted and worked for your best interest, and if after this you obtain the advantages you propose to yourself in this enterprise, my gratification will be doubled.

By next mail I will send you the documents (escrituras) and give you any other details which at present I may have forgotten.

I am, your affectionate friend and obd't serv't, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed]

Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE NO. 9.

Señor Don Alexander Forbes:

MEXICO, December 18, 1846.

My much esteemed Friend:—Conformably to what I expressed to you in my last letter, there have been drawn up the writings (escrituros) of the treaty between Don Andres Castillero as the owner of the half of the quicksilver mine, and myself as your representative, the originals of which were signed yesterday by both, after having acquainted ourselves thoroughly with their contents, and in the presence of Father MacNamara, who was of opinion that they were expressed in the best terms for your interests, and for this purpose, the points having been stated, our lawyer superintended the drawing up of the documents and other matters connected with it, because being myself no lawyer, I desired to have the assistance of one, as this would prevent differences and disputes afterwards. I have been promised the legalized copies of the documents (testimonios) to-day, and shall transmit them with this letter, together with the instrument which you executed there, and the document showing the grant which the Supreme Government made in favor of Don Andres Castillero for two leagues of land at the place where the mine is situated, and which he cedes for your benefit for the term of sixteen years.

After having made the contract with said Castillero, and not having been able to obtain from him more than four shares for you, I requested him to cede to me one share for two friends of mine, and he acceded to it immediately, as is shown by the inclosed letter addressed to you by said Castillero. I wish to have that share for my nephew, Don Francisco Maria Ortiz and Don Martin Lapiedra, in consideration of the first having indicated to me that a small interest in that business would make them happy, and I have desired on my part to gratify them in the belief that you wish to do the same, as I know the regard and other considerations which you entertain for them. As a matter of course this share is to be included in the avio of the company, conformably with the contract made. According to the statements of Castillero, that mine is the richest in the world, and he surely says so in sincerity, for I take him to be a man of strict morality and probity. He expresses himself to the effect that the contract is very favorable to you, and says that my mediation facilitated it more than would that of any other person. Be this as it may, after having done my duty, my satisfaction will be much greater when I know that by this means your fortune, and that of your respectable house, has been increased.

Señor Castillero has promised to give me a certified copy from the Mining Tribunal of all the concessions which it made to him, when on the proofs given by the Professional Board (*Junta Facultativa*) it engaged to favor the mine, but which it did not do, because the Government seized upon the funds.

At the end of this letter is a statement of the capital and expenses of the whole, with the only difference that the Señores Ortiz and Lapiedra will make good to you the eight hundred dollars which they have to pay for their share.

I have not received the two instruments which I have mentioned, but I remit the other documents.

I have paid to Señor Castillero $4,000, yesterday, which I have charged to your house, $120 exchange at 2 per cent., making $4120, of which my house in Guadalajara will duly advise.

By next mail, a note of the other expenses will be sent by
Your affectionate friend and obd't serv't
Who kisses your hand,
FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE NO. 10.

Señor Don Alexander Forbes:

MEXICO, December 19, 1846.

My Esteemed Friend:—Immediately after having put into the post office the package addressed to you separately, there have been delivered to me the two instruments mentioned in it, and which I have the pleasure to transmit to you herewith.

Your affectionate friend and obd't serv't,
Who kisses your hand,
FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 11.

Señor Don Alexander Forbes:
Tepic.

MEXICO, December 26, 1846.

My Esteemed Friend:—I reply to your favor, dated 15th instant, saying that by the writings which I have sent you, you will see that no circumstance has been omitted of those which we believed were to your advantage, and, among them, was observed that of the quiet and peaceable possession, to which is equivalent the expression of eviction and warranty; but for greater security still, a clause to this effect was inserted. It appears to me that in law nothing more could have been done than was done; nevertheless, please tell me frankly your opinion, because should anything have been omitted, it can be remedied, as Sōr. Castillero appears to act with much deference toward me; and this will expedite anything.

In fact, Sor. Castillero expressed himself in the same terms which you mention, namely, that his associates could not sell, but that he could. Notwithstanding that he insisted on the shares being appraised by experts according to what he had proposed, still, I thought it best not to leave anything in suspense, and our lawyer was of the same opinion, more especially as the price of the shares appeared to us to be moderate, in view of our having heard that in other mines, the assays of which had not yielded more than five per cent., two thousand dollars had been asked for one share (barra). In conclusion, on this point nothing more should be said, whether well or ill done.

I have a very great desire to have in my garden at San Pedro a couple of mango trees growing, and I confide in you that you will furnish me with them, and that in such case you will forward them to my nephew, Ortiz, now that the proper season for planting is approaching.

You will have been informed by Ortiz that at San Juan all the goods from your factory were sold.

By Don Ricardo Howard I sent you two pamphlets which treat of quicksilver mines.

I am, your affectionate friend and obedient servant, who kisses your hand,

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed.]
Sr. Don Alexander Forbes, Tepic.

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## TRANSLATION EXHIBIT NEGRETE No. 12.

Señor Don Alexander Forbes:

MEXICO, January 2, 1847.

My Esteemed Friend: I reply to the contents of your favor of the 22d ultimo, ratifying the contents of my last communications, by which you will have informed yourself of every thing relating to your mining business.

I shall inquire of Señor Castillero what price is asked for empty quicksilver flasks, although my opinion at present is that it will be more advantageous to purchase them thereabouts, as if sent from here, the carriage would make them come very high.

In truth, I am not inclined to mining, and for this reason I am afraid to enter into that transaction, notwithstanding that the accounts from it are so highly flattering.

May you enjoy good health, and command your affectionate friend and obd't serv't.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

[Addressed.]
Sr. Don Alexander Forbes, Consul, &c., Tepic.

## TRANSLATION EXHIBIT NEGRETE No. 13.

Señor Don Alexander Forbes :
Tepic. MEXICO, January 6th, 1847.

My Dear Friend :—I have before me the contents of your two favors of the 26th ultimo, and I congratulate myself that my treaty with Señor Castillero has merited your approbation, the documents of which you will have received by the succeeding mail, and although I am persuaded that they are drawn up with all the necessary formalities, nevertheless should you discover any omission, let me know and it will be easily remedied; from the deference which Señor Castillero shows to me, and because I perceive in him a stock of nobleness and probity. From the same documents you will have learned that the value of the shares purchased from Castillero is secured by his other shares in the mine. I shall talk to him about the other matters contained in your said letters.

I sincerely congratulate you for the very timely arrival of your vessel, at which I have rejoiced as much as yourself, for you know that I feel as deep an interest in your affairs as I do in my own. Let us then give thanks to God who protects us so much, and now what above all concerns us is to take advantage of present circumstances and procure the sale of the products of Janja without losing a moment, on which subject I write also to Ortiz.

I understand that the naval forces of the United States will take possession of Mazatlan, from what I have heard to-day from our Don Guillermo, and I am beginning to believe that those people aspire to the conquest of Mexico, or at least to the greater portion of its territory—the best and most important.

I wish you good health, and remain your very affectionate friend, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

P. S.—For your government, I inform you that in September, there sailed from New Orleans a ship loaded with cotton and some groceries as ballast, bound for San Blas; and as she is a fast sailer, it is believed she will arrive in all this present month. Her cargo cannot be less than from four to five thousand quintals.

[Addressed.]

Sr. Don Alexander Forbes, Tepic.

## TRANSLATION EXHIBIT NEGRETE No. 14.

Señor Don Alexander Forbes:
Tepic. MEXICO, January 9, 1847.

My much Esteemed Friend:—By your favor dated 29th ult., I notice with pleasure that you had in your possession the before mentioned documents, and I believe that on a close examination you will find them to be in order. I shall mention your indications to Castillero, and according to his opinion the principal habilitation for the mine should consist of goods of the country, mostly domestic cottons and brown sugar, which articles he noted in the report which I transmitted to you in one of my former letters.

About the end of September there sailed from New Orleans, bound for San Blas, a ship loaded with cotton, and I do not know whether the cargo belongs to Rubio or Drusina.

Without any other particular matter to communicate, I remain your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 15.

Señor Don Alexander Forbes:
Tepic. MEXICO, February 6, 1846.

My Esteemed Friend:—Immediately on the receipt of your favor of the 26th ult., I ordered to be delivered to Don Andres Castillero the letter which you inclosed for him, and I had no opportunity of seeing him, as he was on the point of setting out on his journey to Celaya. When I made the contract with him for the before-mentioned quicksilver mine, I did not fail to tell him that you would transact the business of the habilitacion, and receive and dispose of the products, charging a commission of 3 or 5 per cent, with which he was entirely satisfied; and although that circumstance is not expressed in the contract, it is because it is understood as a natural consequence, not required to be mentioned in the writing; and it is also very beneficial to the company, because in any other manner, and the products being divided, the parties interested would be greatly injured in their sale. If Castillero were here, I would exact from him a letter certifying to this in writing; but being such an upright person, he will give it at any time. Castillero told me that it would not be extraordinary if you obtained for a very moderate price, the four shares belonging to Sōr Castro, because while he is frank and of refined manners, he is at the same time a great spendthrift and thrower away of money, and for this reason he believes that he is in straightened circumstances.

If the authenticated documents are brought to me before closing this letter, I will inclose them, otherwise they shall be sent by next mail.

Without any other particular, I remain your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

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## TRANSLATION EXHIBIT NEGRETE No. 16.

Señor Don Alexander Forbes:
Tepic.
MEXICO, February 6, 1847.

My Dear Friend:—I have written you a separate letter, and with this I have the pleasure to transmit the inclosed documents, and also the receipt for their cost, which amounted to the sum of seventy-five dollars, which you will credit to my house in Guadalajara.

I am, your affectionate friend and obedient servant, who kisses your hand.

FRANCISCO MARTINEZ NEGRETE.
[Rubric.]

# TRANSLATION EXHIBIT NEGRETE No. 17.

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## NOTARY PUBLIC'S OFFICE OF JUAN NAVARRO.

*Certificate issued with literal copy of two public Instruments executed in the year* 1846, *before the Notary Public Don Nazario Fuentes, as expressed within.—Mexico,* 1859.

[STAMP] [SEAL]

I, Juan Navarro, Notary Public and of the Nation, enrolled in its National College, and of the Number of this Capital,

Do certify and give faith by these presents, that by reason of the decease of the Notary, Nazario Fuentes, the books of protocols of public instruments, which were executed before him, remained in my possession and under my custody and responsibility, the same which I preserve legally in my office. I likewise certify that among them there exists a protocol book, bound and stitched together, of stamped paper, of the kind used for deeds and other public instruments, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, consisting of one hundred and twenty-one leaves, in which appear the originals of the public instruments executed before the aforesaid deceased Notary Nazario Fuentes, and the customary instrumental witnesses, which book is entitled "Year 1846.—Protocol of Public Instruments of the Notary Nazario Fuentes."

I certify in like manner, that on the front of the first leaf of said book, and before the commencement of the first public instrument, which was a power of attorney executed by Doña Merced Sardi on the eighth of January, eighteen hundred and forty-six, in favor of Don Francisco Cortes for the sale of real estate in the city of Guadalajara, there appears the following note authenticated by and bearing the signo of said Nazario Fuentes, which states:—"Protocol of public instruments for the year 1846, belonging to the Notary Public who signs and attaches his signo. I give faith that it begins to-day at this date.—Signo here.—Nazario Fuentes."

I likewise certify, that in said book there exists a public instrument executed before the said Notary Nazario Fuentes, which is in the following words and form:

"At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he represents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows:—Corrected (on the margin)—A rubric—The instrument follows—On the margin—Instrument of Tepic—The instrument follows—"At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of

Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words—On the margin—Power of Attorney—At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of Quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies, (avios) defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day and year above written. =José Castro.=David Spence.=Manuel Diaz.=Juan Malarin.=Antonio Maria Osio.=On the margin.=Continuation of the Instrument.=That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.=First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castiilero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.=On the margin numbered.=Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.=On the margin numbered.=Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.=On the margin numbered.=Fourth. That at the expiration of the sixteen years of this partnership, the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith—Eugenio Macnamara—Alexandro Forbes—Panfilo Solis, Notary Public—A true copy of the original copy, which, in four useful leaves, of the first and fourth stamps, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits, he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, every thing contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces and transfers them all to the said Señor Forbes, as representative of the English company, to whom, by this present instrument, he grants full power and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the Company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do. He binds himself to the security, certainty, and warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law 1st, title 1st, book 10th, of the Novisimo Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, resident of this place, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express order and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested are contented and satisfied with the same. The sundry times named Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.═Andres Castillero. ═I give faith.═Franciscȯ Martinez Negrete.═Nazario Fuentes, Notary Public.

I certify and give faith that the official document which is spoken of in the foregoing writing is as follows.═On the margin.═Ministry of Exterior Relations, Government and Police.═Most Excellent Sir:—The Most Ex$^t$ and Illustrious Sōr. Minister of Justice, in an official communication of the 20th inst., says to me what I copy:═"Most Excellent Sir:—I to-day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, that which follows:═'Most Excellent Sir: Having reported to His Excellency, the President *ad interim*, the note of your Excellency of the 14th instant, with which you were pleased to transmit to me, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the Quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California; His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the working of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and

Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that Department.'="And I have the honor to transcribe it to your Excellency, so that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will please issue the orders referred to.="I repeat to your Excellency, &c."=And I transcribe it to your Excellency, so that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.=God and Liberty. Mexico, May 23, 1846.=Castillo Lanzas.=Most Exc' Sōr. Governor of the Department of Californias.=Signo here. =Nazario Fuentes.

The following annotations are made on the margin over the rubric of said Nazario Fuentes.=A copy was given for the company, it being remitted for it to Tepic to Don Alexander Forbes, the second day after its execution.=A rubric.=On the 10th day of August, 1848, a certified copy was given to Don Andres Castillero, on ten useful leaves, in lieu of the "*testimonio*" which he did not demand.

I furthermore certify and give faith, that in said book, immediately following the foregoing instrument, there exists another instrument, which is in the following words and form:

In the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor Don Andres Castillero, Captain of Permanent Cavalry, resident in this city, whose person being of age, I certify that I know, and he said: That he is the owner in fee (propiedad) of twelve shares (barras) in the mine of silver, with *ley* of gold and quicksilver, situated on the Rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San José de Guadalupe, of the Territory of Upper California, in the second District of Monterey; that, as such owner, by these presents, and in the most solemn form permitted by law, he declares that for himself, and in the name of his heirs and successors, and of those who may represent his rights, he sells in real sale and perpetual alienation, to Señor Don Alexandro Forbes, for himself and his heirs, and those who may represent his rights, the following, to wit: five shares (barras) of the twelve which belong to him in fee, in the aforesaid mine of Santa Clara, which he, the declarant, acquired as discoverer, and as such, he transfers to the purchaser the aforesaid five shares, with all their uses, benefits, servitudes, and everything else which actually and in law and fact belongs and appertains to them; for he conveys, renounces and transfers them all to the said Señor Forbes, or whoever may represent his rights. He declares that the aforesaid five shares are free from all incumbrance, tax or mortgage, special or general, which he assures for the price and amount of four thousand dollars, which he acknowledges having received in common current silver money, of Mexican coinage, to his entire satisfaction, relative to which he renounces the exception of *non numerata pecunia*, the Law 9, Title 1, Partida 5, with the four years which it allows for proof, which he considers as past, granting, by these presents, the most firm and efficacious protection which may be conducive to the security of the purchaser. He affirms that the just and lawful price of the said five shares, is the four thousand dollars, which he acknowledges he has received, for they are not worth more, nor has there been any one who would offer him as much; but if their value should be greater, or if the advantage should become very great in time, he makes to him of all free gift and donation, pure, simple, perfect and irrevocable, with judicial intervention and renunciation of the Law 2d, Title 1st, Book 10, of the "Novisima Recopilacion." which treats of contracts in which there is lesion in more or less than the half of the just price, fixing four years in which to ask for their recision or the supplement of the just value, which term he considers as past, and renounces with the law referred to. From this time forth, forever, he dispossesses himself, gives up, and separates himself from all action, ownership, dominion, and *quasi* possession which he can have in said five shares, and he grants, renounces, and conveys it all to the purchaser, or whoever may represent him, so that, as owner, he may dispose of them at his free will and pleasure, as of his own property acquired by just and legal title, sufficient and conveying dominion, such being the present writing: taking either by himself or judicially, possession and tenure of the same, he (the vendor) constituting himself in the meantime his (the purchaser's) tenant, and temporary possessor in legal form. He binds himself to the security, certainty and warranty of this sale, as also that the second article of the contract and partnership executed in the Mission of Santa Clara, on the second of November, one thousand eight hundred and forty-five, shall never be an obstacle, for he binds himself to make his partners agree and consent to it, as he, the vendor, has consented and agreed to those which they have made: in the understanding that if he cannot obtain this, or if any suit should be brought against the purchaser, so that at his own expense he should not be able to retain quiet and peaceable possession, he will return to him the four thousand dollars, which he acknowledges he has received, with the proceeds of the twelve shares of which he is owner, paying him all the damages, prejudices and losses which he may incur, without other proof than the simple affidavit of the party. And to the fulfillment of this obligation, he hypothecates expressly, specially and signally the aforesaid twelve shares, which he cannot sell, incumber, or in any other manner alienate, without the express consent of the purchaser, who may, in the contrary event, reclaim them even from third or more remote possessors, in order to insure to himself everything which, according to the present writing, may become due to him; the expenses of this instrument are to be borne by both the contracting parties, one half each. And Don Francisco Martinez Negrete, resident and merchant of this city, being present, whose person, being of age, I certify that I know, and being acquainted with the contents of this writing, said that being sufficiently authorized by orders from Don Alexandro Forbes, in his name and in legal form he accepts this present; and for that purpose he gives the adhesion and bond, *de grato et rato*, of the person whom he represents, and in his name declares that he is contented and satisfied with the present instrument, binding himself to fulfill whatever in the same appertains to Señor Forbes. And to the fulfillment of all that is above expressed, the vendor binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the judges who, according to law, may and should have cognizance of his causes, that they may compel and constrain him, as by force of a definitive sentence, consented to, and become *res judicata;* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.=I give faith. And also, that at the time of signing, the contracting parties added that this sale and every other matter contained in this writing, should not have effect until Don Alexandro Forbes shall be in the quiet and peaceable possession of the five shares sold; and should he be disturbed by any person, or through any cause, in such event the hypothecation which he makes of the twelve shares stated in the security clause of the present writing, shall take effect; and he repeats, before the same witnesses, the general warranty for the fulfillment of this last warranty; and they signed.=I give faith. Andres Castillero.=Francisco Martinez Negrete.=Nazario Fuentes.

I certify and give faith, that, notwithstanding the relative clause contained in the foregoing writing, the contracting parties desired that I should witness the payment of the four thousand dollars, which was made before me, and in the presence of the undermentioned witnesses, in the house of Don Francisco Martinez Negrete, all which I attest; and in testimony whereof, I make this register, being witnesses, the Exc$^{t}$. S$^{or}$. Licentiate Don José Antonio Romero and Don Manuel Terrazas, present and residents.—I give faith.—Signo here.—Nazario Fuentes.—On the margin of said instrument the following notes are placed over the rubric of said Nazario Fuentes: "A copy of this instrument was given on the second day after its execution to the party of Don Alexander Forbes."—A rubric.—Mexico, August 9th, 1848. At this date there was given to S$^{or}$. Castillero, a certified copy in lieu of the "testimonio" which should have been given him. I give faith.—A rubric.

I further certify that the foregoing copies are true, exact and complete copies of said two instruments in said book, which exists in the archives of my office. And finally, I certify that at the end of said book there is a certificate, put, marked and signed by the aforesaid deceased, Nazario Fuentes, in the following words: "I certify and give faith that in the present year there have not occurred more instruments than those which appear in the preceding one hundred and twenty-one leaves of this protocol, and in testimony thereof, I sign and make my signo.—A signo.—Nazario Fuentes, N. P."

And in fulfillment of what has been ordered by the S$^{or}$. Second Substitute Judge, discharging the duties of First Judge of Letters in civil matters of this Capital, Don Mariano Ycaza, by a decree of the 8th inst., I issue the present this tenth February, one thousand eight hundred and fifty-nine, which occupies sixteen useful leaves of the third stamp for the current biennial term: Don Antonio Lopez, Don Ramon Orta and Don Pedro Navarro, residents of this place, having witnessed its preparation and correction. I give faith. E. R.—"Señor Castillero" "ó por cualquiera motivo—vale—interlined; "puerto" — "testim$^{o}$. de" erased.

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JUAN NAVARRO,
National Notary Public.

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The undersigned, Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same, Do certify: that Don Juan Navarro, who authenticates [SEAL.] the foregoing document, is a National Notary Public, and that the signo and signature thereto are the same which he uses on all documents authenticated by him, to which are given full faith and credit. Mexico, February twenty-sixth, eighteen hundred and fifty-nine.

MARIANO ALEGRIA.
[Rubric.]

[Dues, 4 dollars.]

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José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

No. 46.

Do certify that Don Mariano Alegria is First Clerk [SEAL.] of the Ministry of Justice of the Republic, and that the preceding signature is his, which he uses in the documents which he authenticates. Mexico, 11th March, 1859.

J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

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No. 101. CONSULATE OF THE U S. OF AMERICA,
Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J, folio 50. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and

Fees $2. year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

# TRANSLATION EXHIBIT NEGRETE No. 18.

## NOTARY PUBLIC'S OFFICE OF JUAN NAVARRO.

*Certificate issued with literal copy of a writing and proceedings had, which is protocolized in the protocol of the deceased Notary Don Nazario Fuentes, appertaining to the year* 1846.—*Mexico,* 1859.

[STAMP] [SEAL]

I, Juan Navarro, Notary Public of the Nation, matriculated in its National College, and of the Number of this Capital,

Do certify and give faith by the present, that by reason of the death of the Notary Public Nazario Fuentes, there remained in my possession and under my custody and responsibility, the protocol books of public instruments which passed before him, which I preserve legally in my office. I certify in like manner, that among them there is a protocol book, bound and sewed together, composed of stamped paper, of the kind used for deeds (escrituras) and other public instruments, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven, containing one hundred and twenty-one leaves, and in which appear the originals of the public instruments made before the said deceased Notary Nazario Fuentes, and the usual instrumental witnesses, which book is entitled "Year 1846.═Protocol of Public Instruments of the Notary Nazario Fuentes."

I certify in like manner, that on the front of the first leaf of said book, and before the commencement of the first public instrument, which was a power of attorney executed by Doña Merced Sardi on the eighth of January, eighteen hundred and forty-six, in favor of Don Francisco Cortes for the sale of real estate in the city of Guadalajara, there appears the following note authenticated by and bearing the signo of said Nazario Fuentes, which states:—"Protocol of public instruments for the year 1846, belonging to the Notary Public who signs and attaches his signo." I give faith that it begins to-day at this date.═Signo here.═Nazario Fuentes.═I likewise certify, that in said Protocol book there is subjoined on the leaf marked one hundred and twelve, a petition signed by Don Andres Castillero and Don Francisco Martinez Negrete, the contents of which, together with the decree made thereupon, the notification and the note appended thereto, is as follows: "Don Andres Castillero and Don Francisco Martinez Negrete as correspondent of the Señor Don Alexander Forbes, Her Britannic

Majesty's Consul, resident at Tepic, before you with due respect we say: that on the seventeenth of December of last year, we executed before the Notary Don Nazario Fuentes two instruments (escrituras); one a conveyance of a share in the mine of San José de Guadalupe, in the District of Monterey, in Upper California, known by the name of Santa Clara, and the other a contract of partnership in said mine. And having an order from Mr. Forbes to apply for another certified copy of said instruments, as I (Negrete) took part in their execution on behalf of the Señor Forbes, I pray you to be pleased to order that the said Notary, in whose protocol the said documents exist, give the copies asked for in such manner that they shall be evidence (haga fé). We ask for justice, making the necessary oath, etc.=Francisco Martinez Negrete.=Andres Castillero.=Mexico, February 3, 1847.=Duly presented, ordered as prayed for.=The Notary to give the copies, to have due effect: So adjudged by the Señor Substitute Judge of the 1st Civil Tribunal, the Licentiate Don Juan Hierro, and he signed it.=I give faith.=Hierro.=Nazario Fuentes. On the same day, Sōr. Don Andres Castillero being present in his own house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it, and he signed; I give faith.=Andres Castillero=Nazario Fuentes.= On the same day Francisco Martinez Negrete being present at his lodging-house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it and signed before me, of which I give faith.=Martinez Negrete=Nazario Fuentes. On the same day the copies ordered were issued on the corresponding paper, which I note for proof thereof, I give faith=Fuentes."

I further certify that the foregoing is a true, exact and complete copy of said petition, and the proceedings thereto appended, which is found in the said protocol-book, which exists in the archives of my office.

I certify in like manner that the date of the instrument which immediately precedes the petition and decree which has been certified to above, is that of the twenty-first December, eighteen hundred and forty-six, and that after said petition and decree there exists only four instruments on eight leaves, of which two passed on the twenty-fourth, one on the thirtieth, and the other on the thirty-first of December, of said year eighteen hundred and forty-six, and that the said petition of Castillero and Negrete has no date, and the decree of the Judge bears date the third of February, eighteen hundred and forty-seven, and it is written upon the petition itself.

And I finally certify that at the conclusion of said book there is placed a certificate bearing the "signo" of and signed by the said deceased Nazario Fuentes in the following words: ="I certify and give faith that in the present year there have not occurred more instruments than those which appear on the preceding one hundred and twenty-one leaves in this protocol, and for proof thereof I sign it and attach to it my signo.=A "signo."=Nazario Fuentes, N. P."

And in fulfillment of what has been ordered by the S^or^. Second Substitute Judge, discharging the duties of First Judge of Letters in civil matters of this Capital, Don Mariano Ycaza, by the decrees of the 8th and 16th instant, I issue the present this sixteenth February, one thousand eight hundred and fifty-nine, which occupies four useful leaves of the third stamp for the current biennial term: Don Antonio Lopez, Don Ramon Orta and Don Pedro Navarro, residents of this place, having witnessed its preparation and correction. I give faith.

†
JUAN NAVARRO,
National Notary Public.

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The undersigned, Chief Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees,

[SEAL.] Do certify: that Don Juan Navarro, who authenticates the foregoing document, is a National Notary Public, and that the signo and signature thereto are the same which he uses on all documents authenticated by him, to which are given full faith and credit. Mexico, February twenty-sixth, eighteen hundred and fifty-nine.

MARIANO ALEGRIA.
[Rubric.]

[Dues, 4 dollars.]

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José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic,

No. 47. Do certify: that Don Mariano Alegria is Honorary First Clerk of the Ministry of Justice of the same Re-

[SEAL.] public, and that the preceeding signature is his, which he uses in the documents which he authenticates. Mexico, 11th March, 1859.

[SEAL.] J. MIGUEL ARROYO.
[Rubric.]

[Dues, 4 dollars.]

No. 101. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J, folio 50.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.] ☞ JOHN BLACK, ☞
☜ *U. S. Consul.* ☜

## TRANSLATION EXHIBIT NEGRETE No. 19.

FIRST SEAL. [SEAL.] EIGHT DOLLARS.

*For the years* 1845 *and* 1846.

At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he represents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows.

Instrument of Tepic. Corrected (on the margin)—A rubric. "At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words. Power of Attorney At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry, unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies (avios), defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day and year above written. =José Castro.=David Spence.=Manuel Diaz.=Juan Malarin.=Antonio Maria Osio. That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.=First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castillero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.=On the

Continuation of the Instrument of Tepic.

margin numbered.—Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.—On the margin numbered.—Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.—On the margin numbered.—Fourth. That at the expiration of the sixteen years of this partnership. the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith—Eugenio Macnamara—Alexandro Forbes—Panfilo Solis, Notary Public. The foregoing instrument agrees with the original copy, which, in four useful leaves, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits,

End of the Instrument of Tepic and continuation of the present instrum't.

he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, every thing contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces and transfers them all to the said Señor Forbes, as representative of the English company, to whom. by this present instrument, he grants full power and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the Company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do. He binds himself to the security, certainty, and warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law 1st, title 1st, book 10th, of the Novisima Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, resident of this place, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express order and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested are contented and satisfied with the same. The sundry times named Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.=Andres Castillero. =Francisco Martinez Negrete.=Nazario Fuentes, National Notary Public.

Official document I certify and give faith that the official document which is spoken of in the foregoing writing is of the following tenor=On the margin.=Ministry of Exterior Relations, Government and Police.=Most Excellent Sir:—The Most Ex^t and Illustrious Sõr. Minister of Justice, in an official communication of the 20th inst., says to me what I copy:=" Most Excellent Sir:—I to-day say to His Excellency, Don Vicente Segura, President of the Junta for the

Encouragement of Mining, that which follows:—'Most Excellent Sir: Having reported to His Excellency, the President *ad interim*, the note of your Excellency of the 14th instant, with which you were pleased to transmit to me, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California; His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the working of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that Department.'—"And I have the honor to transcribe it to your Excellency, so that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will please issue the orders referred to.—"I repeat to your Excellency, &c."—And I transcribe it to your Excellency, so that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.—God and Liberty. Mexico, May 23, 1846.—Castillo Lanzas.—Most Exc$^{t}$ Sõr. Governor of the Department of Californias.

This was taken from its register two days after its execution for the agent of the company, on these ten useful leaves of the first and fourth stamp, being those required by law; the same instrumental witnesses having witnessed its preparation and correction, and that of the documents inserted therein, of which I give faith.

(Signo)
NAZARIO FUENTES.
[Rubric.]

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[SEAL.] We, the Notaries Public, who hereto attach our "signos" and signatures, do certify and give faith that Don Nazario Fuentes is also a Notary Public of this Capital, and the preceding signo and signature are his, the same which he uses and commonly makes to authenticate the documents which pass before him as such Notary faithful and lawful, to which have been and are given full faith and credit.

In faith whereof, we give the present, which goes authenticated with the seal of our National College of Notaries. Mexico, nineteenth December, eighteen hundred and forty-six.

(Signo)
ROMUALDO DE ZEVALLOS.
[Rubric.]
(Signo)
FRANCISCO VILLALON.
[Rubric.]
(Signo)
ANDRES VELLIO MEJIA.
[Rubric.]

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Jesus Vejar, Notary Public of this City.

Do certify and give faith, that the four "signos" and signatures whereby the foregoing "testimonio" is authenticated, of the Notaries Don Nazario Fuentes, Don Romualdo de Zevallos, Don Francisco Villalon, and Don Andres Vellio Mejia, of the National College of Mexico, should receive full faith and credit, because really when they authenticated and sealed said "testimonio," they were and are recognized as such Notaries at the Capital of this Republic, as in this office lawful use has been made of said signatures in acts which by virtue thereof other persons have executed.

And at the request of Messrs. Barron, Forbes & Co., I give the present at Tepic, on the eighteenth March, 1850, the leaf upon which the signatures appear bearing my rubric.

(Signo)
JESUS VEJAR.
[Rubric.]

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We, the undersigned, 1st Constitutional Alcalde and Notary Public, do certify and give faith, that the foregoing signo and signature authenticating the preceding certificate, are those of the Notary Public at this City, Don Jesus Vejar, who is in the exercise of his profession. Thus we sign it at Tepic, the 18th March, 1850.

LORETO CORONA.
[Rubric.]

(Signo)
EUSEBIO FERNANDEZ.
[Rubric].

### CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America, for this district, hereby certify that the signatures attached to the foregoing Document, are in the true handwriting of the subscribers who legally hold the situations therein represented, and are worthy of all faith and credit.

In testimony whereof, I have hereunto set my hand and seal [SEAL] of office in the City of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

G. W. P. BISSELL,
U. S. Consul.

## TRANSLATION EXHIBIT NEGRETE No. 20.

FIRST SEAL. [SEAL.] EIGHT DOLLARS.

*For the years* 1846 *and* 1847.

At the City of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, being present Señor D. Andres Castillero, Captain of Permanent Cavalry, resident of this city, whose person, being of age, I certify that I know, and he said: That from the document which he presents, it appears that, as the owner of a mine of silver with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo of San Jose Guadalupe, of the territory of Upper California, in the Second District of Monterey, and which mine is known by the name of Santa Clara, he executed a contract of copartnership in said mine with the Señores the Commandant General Don José Castro, Don Secundino Robles, and Don Teodoro Robles, and likewise with the Rev. Father Friar José Maria del Refugio Suarez del Real, as perpetual donee of his copartners of four shares (barras) in the aforesaid mine; which document, executed in the Mission of Santa Clara on the second day of November, one thousand eight hundred and forty-five, in copy taken from the original which exists in the Archives of the District, authenticated by Don Manuel Castro and Don Antonio Maria Pico, I certify that I have before me, in the said two useful leaves of common paper. That the said Don José Castro, his copartner, for himself, and in the name of the other partners in said mine, executed, in the port of Monterey, the twelfth day of June of the current year one thousand eight hundred and forty-six, a special but full power of attorney in favor of the Presbyter Don Eugenio Macnamara, that he might contract with an English company that should undertake the working of the three pertenencias which belong to Castro and his partners in said mine, with the object of furnishing the necessary supplies and funds for the increase of the negotiation, all in entire conformity with what is prescribed for like cases in the Mining Ordinances. That with such authorization the said Presbyter Don Eugenio Macnamara, in the City of Tepic, the twenty-eighth day of November of the current year one thousand eight hundred and forty-six, effected the contract for which he was empowered, with Señor Don Alexandro Forbes, for himself and in the name of the English company which he represents, reducing the same to a public instrument, executed in the presence of the Notary Public Don Pánfilo Solis, the contents of which, and the power of attorney authorizing the representation of Señor Macnamara, are as follows:—Corrected (on the margin)—A rubric—The instrument follows—"At the City of Tepic, the twenty-eighth day of November, one thousand eight hundred and forty-six, before me, the Notary Public and witnesses, the Presbyter Don Eugenio Macnamara, residing at present in this place, said: that Don José Castro, resident of the Port of Monterey, as copartner in the mine of Quicksilver situated in the district of Santa Clara, and in the name of his copartners who made over to him their rights that he should contract with an English company for the working of said mine, conferred upon him power for this purpose, which was executed in presence of four witnesses in said port, on the twelfth of June of the current year, and the original of which, in two leaves, I certify that I have before me, and its contents are in the following words:—At the Port of Monterey, the twelfth day of the month of June, one thousand eight hundred and forty-six, I, José Castro, in presence of the witnesses to be hereinafter named, in exercise of the powers which my partners have granted to me, for the purpose of executing any contract which might offer in regard to the three pertenencias, which, by just title and as discoverers, we possess in the mine of quicksilver situated in the district of Santa Clara; and being favored by the Mining Ordinances and the respective laws, and more especially by the supreme law of seventh October, one thousand eight hundred and twenty-three, to procure the great advancement of and profit in the working of this class of mines; and the mine which they now possess being first, sole, and most important for its richness which has been discovered in the Mexican Nation; and that the Supreme Government cannot extend to them the assistance which they are entitled, on account of the mine being at an immense distance, and beyond sea; and there existing no hopes that this country of itself can forward this important branch, owing to its not having any disposable funds; and likewise, because of there being no professed mineralogist to be found here, nor laborers for the continuous workings which are required for the advancement of this branch of industry, unknown in this Department,—have agreed, and do agree to confer special, full, and sufficient power, as much as may be necessary, and convey most authority, and be most binding in law, to the Presbyter Don Eugenio Macnamara, that, representing his person and those of his copartners, he may contract with an English company, with exclusion of any

Instrument of Tepic.

Power of Attorney

other nation, to have it undertake the working of the three pertenencias of said mine for the term of nine years, with the purpose of procuring the supplies (avios), defraying the necessary expenses, and maintaining the mine in good working order, and in conformity with the Mining Ordinances; one-half of the products of the three pertenencias of the mine to be for the owners, and the other half for the English company; and in the case that he may not be able to make such arrangement, he may offer two-thirds to the English company, and the owners shall receive one-third, it being understood that the portion falling to the owners shall be free of all expenses; and should he not be able to effect any contract even on these terms, he may make other stipulations, with the concurrence of Don Andres Castillero, so as to expedite the effecting of a contract; and after the expiration of said term of nine years, the contract will be extended for seven years more, on the same terms as the first may have been formed, after all which time the negotiation shall be at the absolute disposal of the owners of the mine, as likewise all the materials, buildings and other appurtenances, such as machinery and other utensils appertaining to said working, and the English company shall not be entitled to claim for any cause whatever any other expenses which they may have incurred for their own proper use and benefit. And to the security and validity of whatever may be executed in virtue of this power, the signer thereof binds himself in full form of law to its fulfillment, and for that purpose he subjects himself to the judges who may have cognizance of the case. In testimony whereof he signed it, with the four witnesses, who are Don David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, the day, month and year above written.—José Castro.—David Spence.—Manuel Diaz.—Juan Malarin.—Antonio Maria Osio. That the power of attorney herein inserted has not been revoked nor limited in any way, and that after having solicited with the utmost diligence the transaction for which he was empowered, he has executed, with Señor Don Alexandro Forbes, a British subject and Consul, for himself and for his associates in this enterprise, the contract expressed in the following conditions.—First. Don Alexandro Forbes and his associates undertake the working of the three pertenencias embraced in said quicksilver mine, for the term of sixteen years, according to the authority granted by the preinserted power of attorney, and without the concurrence of Señor Castillero being necessary, as this contract is not beyond the limits for which Macnamara was empowered.—On the

Continuation of the Instrument of Tepic.

margin numbered.—Second. That Señor Forbes and his associates are bound to furnish the necessary supplies (avios), defray the requisite expenses, and maintain the mine in good working order, and conformably to the mining ordinances.—On the margin numbered.—Third. That of the products of the three pertenencias which the mine embraces, Señor Forbes and his associates shall receive two-thirds, and the other third shall remain in favor of the owners, without the deduction therefrom of any expenses whatever.—On the margin numbered.—Fourth. That at the expiration of the sixteen years of this partnership. the negotiation shall remain at the absolute disposal of the owners, and likewise all the materials, buildings, and other appurtenances belonging thereto, such as machinery and other utensils connected with the negotiation, and in no manner shall Señor Forbes and his associates have any right to demand any other expenses of any kind which they may have incurred for their own proper use and benefit. Being present, Señor Don Alexander Forbes, whose person I certify I know, for himself, and as representative of the shareholders in this business, and informed of the foregoing conditions of the pre-inserted power of attorney, he said: that they are in entire conformity with the terms on which he has entered into this transaction. Both parties to this instrument manifested that this contract has been entered into with the conditions stipulated, that they bind themselves to its exact fulfillment without interpretations, and not to contradict this instrument in whole or in part, and the party who shall not perform this engagement shall be constrained to the observance of the same, summarily, according to law, and also to the payment of damages and the expenses which may be incurred, the amount of which shall be determined by the oath of the other party, without other proof, which they waive, although such may be required by law. And to the execution of this contract, the parties to this instrument bind their property and that of the partners in the mine, and of the associates of Señor Forbes, and subject the same to the jurisdiction of the Judges who may have cognizance of their causes, that they may constrain them to its fulfillment as by virtue of a definitive decree against them, acquiesced in and become *res judicata*. So they covenanted and signed, being witnesses thereto the citizens Nicholas Figueroa, Manuel Covarrubias and Luis Villalbaso, present, and residents of this place. I give faith—Eugenio Macnamara—Alexandro Forbes—Panfilo Solis. This was taken from its register this the day of its execution, on these four leaves of the corresponding paper: I give faith—Panfilo Solis, Notary Public. The foregoing instrument agrees with the original copy, which, on four useful

Continuation of the Instrument of Mexico.

leaves of the first and fourth stamp, I certify that I have before me. The aforesaid Don Andres Castillero proceeded to say that, in the most solemn manner which the law permits, he declares: that he binds himself, on his part, to fulfill exactly and faithfully, as one of the partners contracting with Señor Forbes, everything contained in the above inserted instrument, which he approves and ratifies in all its parts, desiring that he may be held from this time forth as one of those bound to the fulfillment of its contents.

From this day, until the expiration of the term of the sixteen years of the contract, he binds himself, and his heirs and successors, not to demand any thing against the instrument above inserted, but if he should so do, he desires that he may not be heard either in or out of Court. He grants in favor of the "avio," and for the sixteen years of the contract, the two square leagues of land of which the Supreme Government has made him a concession, as is shown by the official document which he presents, that it may be copied at the end of the present instrument, and be inserted in the copies which may be issued of the same. And, in regard to the want of formality which may be observed in the power of attorney inserted in the instrument copied in this present, he binds himself to obtain the explicit consent of his copartners, who will ratify the present instrument, to remove any doubts which might occur with respect to the authority of the Padre Don Eugenio Macnamara, to represent the copartners of Señor Castro and the declarant. He declares also that he consents that the contract contained in this instrument shall not go into effect until the English company shall be in quiet and peaceable possession of the mine referred to. With which qualifications and conditions, the aforesaid Señor Castillero binds himself, on his part, to the fulfillment of all the above written, and asserts that, for the execution of the present instrument, he has not been deceived; that, on the contrary, it is beneficial to his interests, and that in it there are no other conditions than those expressed, neither does the agreement bear with it lesion or usury of any kind, as he swears by God and the sign of the cross; but if any such should result, of the excess he makes concession and donation to the English company, pure, perfect, and irrevocable, with judicial exhibition and renunciation of the law second, title first, book tenth, of the Novisima Recopilacion. From this time forth until the expiration of the sixteen years of the contract, and reserving solely the rights which by dominion and ownership belong to him, he dispossesses himself, gives up, and separates himself and his heirs from the right of possession, and any other rights which he may have, and he conveys, renounces and transfers them all to the said Señor Forbes, as representative of the English company, to whom. by this present instrument, he grants full power and sufficient authority, constituting him proctor in his own cause, to the end that with subjection to the mining ordinances, and in entire conformity with the present instrument, the Company may avail themselves of the products which agreeably to the same belong to them, doing every other act which they may be entitled to do. He binds himself to the security, certainty, and warranty of this contract, which, on his part, he affirms shall be certain and sure, and no suit shall be brought by him; but if any suit should be brought, he will prosecute the same at his own cost until the company be left in quiet and peaceable possession, and not acquiring which, he will pay them all damages and injuries, with personal expenses and costs of suit which may be incurred. He subjects himself to the literal meaning of the law 1st, title 1st, book 10th, of the Novisima Recopilacion, the contents of which he knows, and he desires that he may be held bound to the fulfillment of the present instrument. And Señor Don Francisco Martinez Negrete, resident of this place, whose person, being of age, I certify that I know, being present, and informed of the contents of this instrument, said: that having express order and sufficient authority from Don Alexandro Forbes, in his name, and in the name of the English company, he accepts this instrument, affirming that the parties interested are contented and satisfied with the same. The sundry times named Señor Don Andres Castillero, to the fulfillment of all that is above expressed, binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the Judges, who, according to law, may, and should have cognizance of his causes, that they compel and constrain him as by force of a definitive sentence, consented to, and become *res judicata:* he renounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And before me, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents.=Andres Castillero. =Francisco Martinez Negrete.=Nazario Fuentes, National and Notary Public.

Certificate. I certify and give faith that the official document which is spoken of in the foregoing writing is as follows: = On the margin. = Ministry of Exterior Relations, Government and Police.=Most Excellent Sir:—The Most Ex<sup>t</sup> and Illustrious Sõr. Minister of Justice, in an official communication of the 20th inst., says to me what I copy:—"Most Excellent Sir:—I to-day say to His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, that which follows:—'Most Excellent Sir: Having reported to His Excellency, the President *ad interim*, the note of your Excellency of the 14th instant, with which you were pleased to transmit to me, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered at the Mission of Santa Clara, in Upper California; His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the working of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that Department.'—And I have the honor to transcribe it to your Excellency, so that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will please issue the orders referred to.—" I repeat to your Excellency, &c."—And I transcribe it to your Excellency, so that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.—God and Liberty. Mexico, May 23, 1846.—Castillo Lanzas.—Most Exc$^t$ Sōr. Governor of the Department of Californias.—Signo here.—Nazario Fuentes, N. N. P.

Petition. } Don Andres Castillero and Don Francisco Martinez Negrete as correspondent of the Señor Don Alexander Forbes, Her Britannic Majesty's Consul, resident at Tepic, before you with due respect we say: that on the seventeenth of December of last year, we executed before the Notary Don Nazario Fuentes two instruments (escrituras); one a conveyance of a share in the mine of San José de Guadalupe, in the District of Monterey, in Upper California, known by the name of Santa Clara, and the other a contract of partnership in said mine. And having an order from Mr. Forbes to apply for another certified copy of said instruments, as I (Negrete) took part in their execution on behalf of the Señor Forbes, I pray you to be pleased to order that the said Notary, in whose protocol the said documents exist, give the copies asked for in such manner that they shall be evidence (haga fé). We ask for justice, making the necessary oath, etc.—Francisco Martinez Negrete.—Andres Castillero.

Decree. } Mexico, February 3, 1847.—Duly presented; ordered as prayed for.—The Notary to give the copies, to have due effect: So adjudged by the Señor Substitute Judge of the 1st Civil Tribunal, the Licentiate Don Juan Hierro, and he signed it.—I give faith.—Hierro.—Nazario Fuentes.

Notice. } On the same day, Sōr. Don Andres Castillero being present in his own house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it, and he signed; I give faith.—Andres Castillero—Nazario Fuentes.

Another notice. } On the same day, Francisco Martinez Negrete being present at his lodging-house, I informed him of the foregoing decree, after taking cognizance of which he said he had notice of it and signed before me, of which I give faith.—Martinez Negrete—Nazario Fuentes.

The foregoing second copy and certificate agrees with the originals which are recorded in my protocol of public instruments, from which it was taken at the request of the Señores Don Francisco Martinez Negrete, on behalf of Sōr. Don Alexander Forbes, and Don Andres Castillero, and in compliance with what was ordered by the Sōr. First Civil Judge, as shown by the petition and decree above inserted; and it goes upon these thirteen useful leaves of the stamps which correspond according to law, the witnesses to its preparation and connection, which was effected this 4th Febr'y, 1847, being Don Manuel Terrazas, Don Francisco Feran, and Don Manuel Barron, present and residents. I give faith. (Signo)

NAZARIO FUENTES.
[Rubric.]

[SEAL.] We, the Notaries Public, who hereto attach our "signos" and signatures, do certify and give faith that our associate, Don Nazario Fuentes, by whom the foregoing copy is authenticated, is also a Notary Public of this Capital, and the preceding signo and signature are his, the same which he uses and commonly makes to authenticate the documents which pass before him, and to which has been and is given full faith and credit.

In faith whereof, we give the present, which goes authenticated with the seal of our National College of Notaries, of which the said Fuentes is also a member.

Mexico, 6th Feb'y, 1847. (Signo)

MANUEL CABEZA DE VACA.
[Rubric.]

(Signo)
MIGUEL ARISTEGUI.
[Rubric.]

(Signo)
FRANCISCO VILLALON.
[Rubric.]

## In the United States District Court,

NORTHERN DISTRICT OF CALIFORNIA.

**THE UNITED STATES**
vs.
**ANDRES CASTILLERO**
No. 420.

# "NEW ALMADEN."

## TRANSCRIPT OF THE RECORD.

CALHOUN BENHAM, Esq., U. S. Attorney.
EDMUND RANDOLPH, Esq., of Counsel.
FRED'K BILLINGS, Esq.
A. C. PEACHY, Esq.
for Claimant.
REVERDY JOHNSON, Esq.
J. P. BENJAMIN, Esq.
HALL McALLISTER, Esq.
of Counsel.

SAN FRANCISCO:
1861.

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# DEPOSITION OF PIO PICO.

UNITED STATES DISTRICT COURT,<br>
Northern District of California.

THE UNITED STATES<br>
*v.*<br>
ANDRES CASTILLERO.

SAN FRANCISCO, October 19, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Pio Pico, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, Esq., counsel for the claimant; and Edmund Randolph, Esq., for the United States.

Questions by counsel for claimant.

QUESTION 1. Your name, age, and place of residence?

ANSWER. My name is Pio Pico, and fifty-eight years of age; my residence is in Los Angeles county.

Q. 2. During what years were you Governor of the Department of California?

A. During the years 1845 and 1846.

Q. 3. Did you know Andres Castillero; and during what years, as well as you can recollect, was he in California?

A. I knew him here in the year 1838, and in the year 1845.

Q. 4. Do you know José Maria Covarrubias; and what office did he hold in December, 1845, and January, 1846, and answer the same question about Manuel Castro?

A. I know Mr. Covarrubias; he was Secretary of the Departmental Government in the years 1845 and 1846.

I also know Mr. Castro; he had charge of the Prefecture of Monterey, in the same years.

Q. 5. Do you remember whether Mr. Covarrubias was sent as Commissioner to the Central Government at any time; and when?

A. When I was Governor, in the month of February, 1846, I sent him as Commissioner to the Central Government.

Q. 6. Who was the Secretary of the Departmental Government, about the time of Mr. Covarrubias' departure, and during his absence?

A. I think that José Matias Moreno was Secretary after the departure of Mr. Covarrubias.

Q. 7. Look at this document, produced from the office of the U. S. Surveyor General for California, purporting to be the borrador or rough draft of a communication addressed by you on the 13th February, 1846, to the Minister of Exterior Relations, in which you make known to him the discovery of a mine of quicksilver in California, by Castillero; and state in whose handwriting it is?

A. It is in the handwriting of the Secretary of the Departmental Assembly—Don Augustin Olvera.

Q. 8. Look now at the document on pages 2 and 3 (in red ink) on "Exhibit Bassoco No. 9, O. H." and of which the borrador referred to in the last question, with the exception of your signature, and the marginal note, is an exact copy; and say whether you can tell in whose handwriting is the original letter to the Minister of Relations, and whose the signature, from the traced copy of it in said Exhibit.

A. I should judge from this traced copy that the handwriting of the original is that of the same Olvera; the signature is my own.

[Counsel for the claimant offers in evidence a copy of the borrador referred to in question 7th, marked "Exhibit Pio Pico No. 1, W. H. C.," which is admitted by the counsel for the United States to be an accurate copy.]

Q. 9. Now look at another document produced from the office of the U. S. Surveyor General for California, purporting to be an original communication from Manuel Castro, Prefect of the Second District to the Señor Secretary of the Departmental Government, dated Monterey, December 31st, 1845; say if you know the handwriting and the signature, and also in whose handwriting is the marginal note in these words, "Contestada el 22 de Enero de 1846," and whose the rubric thereto affixed.

A. I don't know the handwriting very well, but the signature appears to me to be that of Manuel Castro.

The marginal note appears to be in the handwriting of Covarrubias, and the rubric is his also.

[Counsel for the claimant offers in evidence a copy of the document referred to in the preceding question, marked "Exhibit

Pio Pico No. 2, W. H. C," which is admitted by counsel for the U. S. to be an accurate copy.]

Q. 10. Look at another document from the office of the U. S. Surveyor General for California, which appears to me to be the borrador or rough draft of the reply of the Secretary of the Government to the said communication of the Prefect; and say if you know in whose handwriting it is.

A. It appears to be the handwriting of Mr. Covarrubias.

Q. 11. This document has no date, but it is written on the reverse of a leaf, and ends with that page. The leaf appears to contain borradores or rough drafts of other official documents.

Please examine the borrador next preceding that about which you have testified, and say what is the date of it and address.

A. It is dated January 22d, 1846, and is addressed to the Señor Prefect of the District of Monterey.

[Counsel for claimant offers in evidence a copy of the document referred to in question 10, marked "Exhibit Pio Pico No. 3, W. H. C," which is admitted by counsel for the U. S. to be an accurate copy.]

Q. 12. Do you know Castillero's handwriting and signature?

A. Not very well.

Q. 13. Examine the document now produced from the office of the U. S. Surveyor General for California, purporting to be an original letter addressed to you as Governor by Andres Castillero, dated Monterey, December 15th, 1845; and say if you know the handwriting and signature.

A. I don't remember the handwriting and signature of Andres Castillero, but I do remember that he did send me communications of this kind, informing me of the discovery of the mine; and he also sent me a sample of the quicksilver from the mine in a small bottle.

Q. 14. What did you do with those communications and that specimen of quicksilver?

A. I think I sent to the General Government of Mexico, by Mr. Covarrubias, one of the communications and the bottle of quicksilver?

Q. 15. When did you send that communication, etc. to the General Government?

A. In February, 1846.

Q. 16. Do you remember to have received a reply to your communication?

A. No, sir; I don't remember having received any.

Q. 17. Please state all that you remember about the discovery of the mine by Andres Castillero.

A. I remember nothing more than what I have stated.

Q. 18. Do you remember what action was had upon the petition of Andres Castillero for a grant of two leagues of land?

A. I do not.

[Counsel for claimant offers in evidence a copy of Castillero's letter of December 15th, 1845, referred to in question 13, marked "Exhibit Pio Pico No. 4, W. H. C." which is admitted by counsel for the U. S. to be an accurate copy.]

Direct examination closed.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Oct. 20, 1859.

Examination of Pio Pico resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

### CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 19. How long have you been in San Francisco?

A. About three months.

Q. 20. I understand that the immediate cause of your coming was to testify in another land suit. What cause was that, and how long is it since you finished your testimony in the same?

[Question objected to as irrelevant.]

A. I came to testify in the suit about the ranch called Santos Calles. I don't remember how long it was since I finished my testimony in that case, but I think it was in the month of January last.

Q. 21. Have you remained here ever since for the purpose of testifying in this case?

A. Yes, sir.

Q. 22. At whose expense?

A. At my own expense. I have paid my own expenses since I arrived here.

Q. 23. Have you received anything, or are you to receive anything, for your time and trouble in and about your sojourn in this city since the month of August last, and in giving your deposition in this case?

A. I have received nothing, and I have been offered no sum whatever.

Q. 24. Have you not been informed that you would be indemnified for your losses and expenses incurred in this matter; and if yea, by whom?

A. No, sir; I have not been so informed.

Q. 25. Have you subjected yourself to all this inconvenience and loss of time for the benefit of other people, without any assurance of an indemnity?

A. Yes, sir.

Q. 26. Have you been served with any process from this Court, commanding you to remain for this purpose?

A. No, sir.

Q. 27. Will you then explain to me from what motive you have remained so long from your home and business, and at your own expense, to give your deposition in this case?

A. The reason why I have remained so long is, that I promised to give my testimony in this case, supposing that the Mexican gentlemen who were testifying in it would have concluded much sooner than they did; and having promised, I will remain if necessary a year for that purpose.

Q. 28. When Covarrubias went as Commissioner to the Central Government of Mexico, did he not go by sea?

A. Yes, sir.

Q. 29. What was the name of the vessel he went in?

A. I do not know.

Q. 30. From what port did he sail?

A. San Pedro.

Q. 31. Do you not remember either the name of the master of the vessel in which he sailed, or the name of the owner.

A. The owner was Mr. John Wilson; I don't know whether he went in her or not; I don't know who the captain was.

Q. 32. Do you mean only that there was one vessel that Mr. Wilson owned, and that you think it possible that he went in that one?

A. I know that Covarrubias went in that vessel; what I don't know, is whether Wilson went in her as captain or not.

Q. 33. What time in the month of February, 1846, did Covarrubias leave Los Angeles?

A. I don't remember exactly the day, but it was about the middle of February.

Q. 34. Did the vessel sail immediately thereafter from San Pedro?

A. I don't remember how soon the vessel left after he arrived at San Pedro.

Q. 35. Please endeavor by reference to some of your public acts, or to well known events, to fix the time of Covarrubias' departure more accurately.

A. I cannot fix it more precisely than I have,—about the middle of February.

Q. 36. During the month preceding the departure of Covarrubias, had there been no vessel leaving California for Mexico by which you might have communicated with the Central Government?

A. I don't remember whether any vessel left during that time or not.

Q. 37. When you were Governor in 1845–6, who was the chief Military Comandante?

A. I wish to be excused from answering this question, because I consider it foreign to the case in which I have sworn to testify.

Q. 38. These cases have so much connection with the history of the country that I differ with you as to the bearing of the last question, and with your permission will now repeat it.

A. Don José Castro was the chief Comandante General.

Q. 39. Has he not been in the city of San Francisco at some time during the last summer?

A. I saw him here a few days ago.

Q. 40. How long is it since you have seen Manuel Castro, of whom you have spoken?

A. I saw him yesterday.

Q. 41. Do you know of anything that would prevent or render it difficult to call General José Castro, formerly Military Comandante, and Manuel Castro, former Prefect, etc., and put them on the stand as witnesses, and make them testify themselves as to all the documents and facts in this case with which they have had any connection?

[Question objected to as irrelevant, if it is intended to prove that it is in the power of the claimant to take the testimony of the two Castro's; if the object of the question is to ascertain whether it is practicable for the government to procure the attendance of those two gentlemen as witnesses on its behalf, no objection is made to it.]

A. I believe that there would be no difficulty whatever in obtaining their attendance as witnesses.

Q. 42. In question 9, on your direct examination, you were shown what purported to be an original communication from Manuel Castro, Prefect, etc., and were asked if you knew his signature to the same, and you answered that it appeared to you to be the genuine signature of Manuel Castro.

You don't think, of course, that you are as well able to answer that question as Manuel Castro himself?

[Question objected to as irrelevant. Counsel for the claimant suggests that if there is any doubt about the genuineness of that signature, counsel for the government can subpena Mr. Castro.

Counsel for the government has no knowledge of the signature of Mr. Castro, and wishes to put in proof that better evidence on that subject than that of the present witness exists and is at hand.

Counsel for the claimant states, that notwithstanding the declared object of the question, he must insist upon his objection. He finds it impossible to discover in what respect the testimony of a person who signs a document is *better evidence* of a signature than the testimony of a person who is acquainted with that signature. He supposes that the counsel for the government in using the words "*better evidence*," intended *evidence of a higher grade*, which he does not admit that to be, which is suggested by the counsel for the government.]

A. Yes, sir, I thought it was his signature because I saw it in that connection, not that I was so familiar with the handwriting.

Q. 43. Hence I infer that there are other signatures which you know much better; for example, that of José Matias Moreno, and above all your own.

A. Yes, sir.

Q. 44. If you had not read the paper to which that signature of Manuel Castro is affixed, but had seen the signature on some other paper, and elsewhere, with what degree of confidence would you have been able to take your oath that it was Manuel Castro's signature.

A. The degree of confidence which I might feel in such a case, would depend upon the paper which I might see.

Q. 45. Independently altogether of the consideration from the contents, that the paper was such an one as ought to bear the signature of Manuel Castro, and judging only by the letters and the rubric, do you feel yourself entirely competent to swear to Manuel Castro's signature?

A. No, sir.

Q. 46. Did you ever know an Irish Catholic Priest by the name of Eugene McNamara?

A. Yes, sir. I knew him.

Q. 47. When, and where?

A. I don't remember very well, but I think it was in Los Angeles that I knew him. I don't remember the month, but it was in the year 1846.

Q. 48. Try again to remember the month.

A. I don't remember; but I think it was before the month of June that I first saw him.

Q. 49. Did you see him on two different occasions in Los Angeles; I mean did he make more than one visit to that city?

A. I think I first saw him in Los Angeles; and I saw him again, I think, about the end of June or beginning of July, somewhere near Santa Barbara.

Q. 50. How long before you saw him near Santa Barbara was it that you first saw him in Los Angeles?

A. It was perhaps about a month.

Q. 51. Did he remain in and about Los Angeles and Santa Barbara during that time?

A. No, sir; I believe not.

Q. 52. Where had he gone to in the interval between the time when you saw him at Los Angeles first and when you saw him afterward near Santa Barbara?

Have you any reasons to believe that he had been anywhere out of the neighborhood of those two places?

A. All that I can say is, that I believe I saw him twice, the first time at Los Angeles and the second on the road between Santa Barbara and Los Angeles, near Santa Barbara.

Q. 53. Were you going towards Santa Barbara and he to Los Angeles at that time?

A. I was coming from Los Angeles to Santa Barbara, and he was going south in the direction of Los Angeles.

Q. 54. As he came recommended from the Central Government of Mexico, and you made him a grant of the San Joaquin valley, I presume you became well acquainted with him, did you not?

A. That was probably so. I hope I may not be required to answer such questions as this, for if I am my testimony will become interminable, and I am unwell and dislike to be questioned about matters which have nothing whatever to do with the case in which I have sworn to testify.

I hope the Court will allow me to withdraw for I am unwell, having taken medicine this morning. I will return to-morrow at any hour you may name.

Examination adjourned until Saturday, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 22, 1859.

Cross-Examination of Pio Pico resumed from Thursday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 55. When you first saw Father McNamara, where had he came from; where did he first land in California?

A. I believe he came from Mexico, but I don't know where he first landed.

Q. 56. Did you not learn in what part of California he had been before his arrival in Los Angeles?

A. I don't remember very well, but I think he came from up here, north.

Q. 57. Don't you remember his telling you at what places in California he had been, or any persons he had seen, or of anything he had done in California?

A. No, sir; I do not.

Q. 58. From the documents in the grant of the San Joaquin Valley, it appears that Father McNamara had made strong representations to the Departmental Government on the subject of the danger that the country would be seized by the Americans, and of the necessity of doing something to protect it from them, such as making large grants to him that he might colonize the same with Irish Catholics, who would be able to defend them against the Americans.

Did he not speak to you about the importance of putting other great interests of the country into the hands of British subjects for protection?

[Question objected to as irrelevant.]

A. No, sir; he did not. All I remember about that matter is, that Father M'Namara came to California to obtain a grant of land for the purpose of colonization; that he came recommended by the Central Government of Mexico; that as there was vacant land in the Department a grant of a number of leagues was made to him for that purpose, in accordance with said recommendation, but I don't know where the land is situated, or what land it was.

Q. 59. Did he not tell you that he had been at Monterey, and had come down south on the British ship "Juno," which had brought him to the country?

A. I don't remember that he did.

Q. 60. Have you no recollection that he brought you the latest news from this upper part of the country, and of his telling you anything about what was going on up here at that time, or of his mentioning any prominent persons he had seen and conversed with?

A. I do not remember.

Q. 61. Don't you remember his speaking to you about the New Alamaden Mine, how valuable it was, and how important that it should be in British hands, or in some manner under British protection?

A. No, sir; I don't even remember to have conversed with him more than half an hour, and my only recollection of the conversation is, that it related exclusively to the land which he was soliciting.

Q. 62. Did he bring you no letter or message from General Castro?

A. I don't recollect that he did.

Q. 63. Did he not remain some days in and about Los Angeles?

A. I did not learn whether he remained there some days or not.

Q. 64. Did you see him no more after you met him on the road—you going to Santa Barbara, and he going south?

A. I don't believe I saw him again; it was on that occasion that I made the grant to him.

Q. 65. Where did you go from Santa Barbara?

A. To Los Angeles.

Q. 66. Do you know, or remember to have heard at the time, whether Father McNamara returned to Monterey by land?

A. I don't remember whether he returned to Monterey, or continued on south.

Q. 67. How long was it after that, that you saw Gen. Castro, and where?

A. It was probably but a very short time; I think we met at San Luis Obispo.

Q. 68. General Castro was then coming down by land from his part of the country, was he not?

A. Yes, sir.

Q. 69. Did he mention to you having met Father McNamara on the road, or at any other time?

A. I don't remember whether anything was said about him or not.

Q. 70. Your conversation was of course about the Americans having possession of this part of the country, and which caused Gen. Castro to retire towards the south, was it not?

A. Yes, sir.

Q. 71. Did not General Castro mention to you that he had met with Father McNamara, who had agreed to assist him in keeping this quicksilver mine from falling into possession of the Americans?

[Question objected to as irrelevant.]

A. No, sir; I don't remember that that was said.

Q. 72. What else do you remember to have known or heard about this quicksilver mine after the receipt of the letters from Manuel Castro and Andres Castillero, bearing date respectively

December 31st and December 15th, 1845, and after your own letter to the Minister of Relations, sent by J. M. Covarrubias?

A. I don't remember anything, except that I had heard it said that Mr. Castro had sold out, and that some land had been granted to Andres Castillero.

Q. 73. What land, by whom, and when?

A. I heard that the Supreme Government had granted him some land, I believe about the mine itself; I heard this when I returned from Sonora in 1848.

Q. 74. Who told you about it?

A. I don't remember, but I heard it generally spoken of.

Q. 75. How many grants of land in California do you know of having been made by the Central Government at the city of Mexico?

A. I don't remember of any other than the one I have mentioned, except the one made to Andres Castillero and Don Carlos Carrillo, of an island.

Q. 76. Are you correct in saying that that grant of the island to Castillero and Carrillo was made by the Central Government at Mexico; was not the grant made in the usual form by the Governor of California?

A. I don't remember how that was. I have an idea only that there was a grant of an island to them, either by the Central Government, or the Government of California.

Q. 77. If the Central Government of Mexico could grant to Andres Castillero an island and two leagues of land around about a mine, which, as the Prefect Manuel Castro reported to you, was on private property, do you know any reason to be gathered from the laws of colonization, and your experience in the administration of the same, why the Central Government should have referred Father McNamara to you, and left it to you to make him the grants of land for the colonies which the Central Government was so anxious for him to establish here for the protection of California?

[Question objected to as irrelevant.]

A. That was what happened—the Central Government did recommend Father McNamara to me, but I don't know what its motives were for doing so.

Q. 78. Was it not well understood in California when you were Governor, that under the laws the Central Government at the city of Mexico had no power to grant land in California, but that all grants must be made by the Governor?

[Question objected to, because it is not competent to prove what were the laws of Mexico by the general opinion which prevailed in California respecting them.]

A. When I was Governor, I understood that the General Government also might grant public lands in California.

Q. 79. Through what functionary and in what form were these grants to be made by the Central Government, and where was the evidence of them to be recorded?

[Question objected to, because it seeks a construction of law.]

A. I don't know what the practice was in Mexico, but I presume such grants would be through the Minister of Relations. It is natural to suppose that the evidence of it would be kept at the place where it was made.

Q. 80. That is, it is your idea that such grants should be made and recorded just as purports to have been done in this case of a grant of two leagues of land to Andres Castillero?

A. I don't know how his grant was made and recorded, but I suppose it was done as I have stated.

Q. 81. If the Central Government at the Capital could make and keep the records of grants of land in California, at the same time that the Governor of California was making grants of land here, and keeping the records of the same, what means would you have of knowing, or would anybody else have of knowing, that there were not just as many grants to California lands to be found in the archives at the city of Mexico, at this day, as there are to be found in our archives here in this State?

And what, under such a system as that, would prevent the same land from being granted twice—once by the Central Government, and once by the Governor of California—and everything concerning lands from being thus thrown into inextricable confusion?

[Question objected to as irrelevant.]

A. I don't think there would be any such confusion, because the parties interested, of course, would have to apply to the Departmental authorities to get possession of the land, and possession would be given unless it already belonged to some other person.

It is possible that there might be as many grants now in Mexico as there are here, but it seems to me that a party who would get a grant there, would do so for the purpose of coming here to live on his land, or make some use of it.

Q. 82. In such a case as the present is said to be, if a man obtained a concession from the Central Government of Mexico of two leagues of land, to be measured around a certain mine, and came to you as Governor of California, and asked you to give him possession of that land, but the Prefect reported to you that the mine was situated on private property, of what land would you give possession; what would you do?

[Question objected to, because it states purely hypothetical facts, it being perfectly well known that the Berreyesa Ranch, upon which this mine was supposed at one time to be situated, is a grant of one league, within general limits containing about two leagues and a half, the sobrante being reserved to the nation.

And as for the other ranch, to wit, that of Justo Larios, upon which this mine is supposed by some persons to be situated, it could scarcely have been presumed, until recently, to have extended as far south as it has been made to go; therefore, the only question which could have been presented to the Governor, if he had been required by Castillero to give him the possession of the land which had been granted to him, would have involved the location of Berreyesa within his general limits.

Counsel for the United States finds the following words in the letter from Manuel Castro, Prefect, dated Monterey, December 31st, 1845, addressed to the Secretary of the Departmental Government, to wit:

"Don Andres Castillero has denounced and is now working the quicksilver mine which was found in the jurisdiction of the town of San José Guadalupe, on private property."

And a like description in what is called the act of possession, and all other of the alleged title papers of the claimant, purporting to give the location of this mine.

Counsel for the claimant states, that he has not the least doubt that the counsel for the Government will agree with him, that when Castillero, in his denouncement of this mine, and the Alcade, in his act of possession, described it as situated on the rancho of José Reyes Berreysa, they were both mistaken.

Counsel for the claimant will introduce evidence to prove that Berreyesa deceived Castillero, by giving him what purported to be a copy of his grant, from which it appears that two leagues were granted to him. This copy will be proved to have been in Berreyesa's own handwriting, and that he died in June, 1846.

Therefore, the counsel for the claimant thinks that he has correctly stated the facts that would have been presented to the Governor in the case supposed.

Counsel for the United States:—On the question of the genuineness of this grant, it is not material to show where the mine was in fact situated. It is sufficient that on the face of the papers, upon which this grant of land is based, the mine is represented to be, by the claimant himself, on private property, and must have been so taken by the Governor.

Counsel for the claimant supposed that the question was directed against the validity—not the genuineness—of the title papers, as he did not conceive it possible that there could be the least doubt now of the perfect genuineness of the claimant's title.

Counsel for the United States directs his question equally to the validity and the genuineness of the grant.]

A. If it were a grant of public land, I would put the party in possession; but if it were a grant of private land, I would refuse to do so.

Q. 83. If a man had brought you a paper, which commanded you to put him in possession of a tract of land around a mine, a tree, a well, or any other object, in the said order described to be situated on private property, and the said order bore a signature which purported to be that of the Minister of Relations of the Central Government of Mexico, would you not have believed that the order was forged, or the Minister insane?

[Question objected to on the ground that the facts supposed are purely hypothetical, for the reasons above stated.]

A. I don't know what I should consider in that case, nor how it would appear to me.

Examination closed.

PIO PICO.
[Rubric.]

Sworn to, and subscribed this 26th day of October, 1859.

W. H. Chevers,
U. S. Commissioner.

Filed Oct. 26th, 1859.

W. H. Chevers, Clerk.

## EXHIBIT PIO PICO No. 1, W. H. C.

Gob$^{o}$. & a.—Por la adjunta carta del Señor D$^{n}$ Andres Castillero que atentamente ácompañará V. E. originál, se impondrá del buen descubrimiento que de una mina de azogue se ha hicho en este Departam$^{to.}$ En tal virtud aprovecho la buena oportunidad de remitir á V. E. con el Sōr. Comisionado de este Gob$^{o.}$ D$_{n}$ José M$^{a}$ Covarrubias, el azogue q. como muestra me mandó el Sōr. Castillero, y la refiere en su carta que dirijo mencionados.

Con tal motivo suplicó á V. E. se sirva poner esto en el superior conocim$^{to}$ del E. S. Presid$^{te}$ manifestandole el q. produce dhā. mina, y se ponga y queda p$^{a}$ q. S. E. se conblacion de la feliz descubrim$^{to.}$ Repito á V. E. nuevam$^{te}$ las atenciones de mi consideracion y respeto.

Dios &a. Ang$^{s.}$ Feb$^{o}$ 13, de 1846. E. S. Ministro de Relaciones exteriores.

[Four Rubrics.]

[Canceled by black lines drawn across transversely.]

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Office of the Surveyor General }
Of the United States, for California. }

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered from one to two inclusive, exhibit a true, full and correct copy of a document, as the same appears on file among said Archives.

[Seal.] In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.

R. C. Hopkins, Keeper of Archives.

## EXHIBIT PIO PICO No. 2, W. H. C.

Prefectura del 2$^{o}$. Distrito.

D$^{n}$ Andres Castillero ha denunciado y actualm$^{te}$. trabaja una mina de azogue q$^{e}$. se encontró en la jurisdiccion del Pueblo de S$^{n}$ José Guadalupe en una propiedad particular, y esta Prefectura q$^{e}$. se interesa al fom$^{to}$ de todos los ramos de industria en el Departamen$^{to}$, felicita á V. S. y p$^{r}$. su conducto al Exmo. Sōr. Gobernador p$^{r}$. tan benéficio descubrim$^{to}$, encluyendo al mismo tiempo una inst$^{a}$. q$^{e}$. el espresado S$^{or}$. Castillero hace en solicitud de un terreno de dos sitios de ganado mayor q$^{e}$. se halla inmediato á la referido mina, á fin de q$^{e}$. en ex$^{a}$. si lo tiene á bien decrete como convenga p$^{a}$. q$^{e}$. esta Prefectura pueda practicar los informes necesarios.

Contestada el 22 de Enero de 1846, C.

Sìrvase V. S. aceptar mi aprecio y distinguida consideracion.

Dios y Libertad Monterey Dbre. 31 de 1845.

MAN$^{L}$. CASTRO.

S$^{r}$. Secr$^{to}$. del Gob$^{no}$. Departmental.

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OFFICE OF THE SURVEYOR GENERAL
Of the United States for California.

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceding, and hereunto annexed page, of written paper, numbered one inclusive, exhibits a true, full, and correct copy, of a portion of a Book entitled "Departmental State Papers, Benicia, Prefecturas and Juzgados, Vol. II," as the same appears on file among said Archives.

[SEAL.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General, for California.

Examined and found correct.

R. C. HOPKINS, Keeper of Archives.

## EXHIBIT PIO PICO NO. 3, W. H. C.

Secretaria 4ª—Con un verdadero placer dé cuenta al Exmo. Sõr. Gobernador con la atenta notal de V. S. del 31 de Diciembre ultimo en que participa que Dⁿ. Andrés Castillero ha denunciado y trabaja una mina de azogue en la jurisdiccion de Sⁿ. José Guadalupe, y como este descubrimiento promete bienes considerables á este pais, tanto S. E. como yo, damos á V. S. las mas concual enhorabnena. Sirvase V. S. obsequier al decreto con consta en lo representacion del Sõr. Castillero, que adjunta le remito, y acepter las seguridades.

[Canceled by black lines drawn transversely.]

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Office of the Surveyor General }
Of the United States for California. }

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceding and hereunto annexed page of tracing paper, numbered one inclusive, exhibits a true, full and correct copy of a portion of a book entitled "State Papers. Vol XI. Missions, 1830, 1846," as the same appears on file among said Archives.

[Seal.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.
R. C. Hopkins, Keeper of Archives.

## EXHIBIT PIO PICO No. 4, W. H. C.

E. S. Governadór D$^{n}$ Pio Pico.

MONTEREY, D$^{re}$. 15, 1845.

Estimado amigo que aprecio :—Tenga la grata satisfaccion de noticiar á V. si es que no ha recívido otra mia, por conducto de la prefectura, que a treinta leguas de aqui en jurisdiccion del pueblo de S$^{n}$ José Guadalupe he descubierto un mineral de azogue de la mejor calidad, habiendo dado una ã, de metal liquido ocho ã. de piedra.

El S$^{r}$. D$^{n}$. Pablo Noriega, dado de esta presentara V. una solicitud mia que se apoya en una disposicion del Supremo Govierno, pidiendo me mande V. dar posecion de la Ysla de Santa Cruz habiendo presedido la decísion de la de Santa Rosa por los S$^{res}$. Carillos cuyo impedimento impidir el q$^{e}$. la poblara, mas ahora tengo lla el ganado comprado p$^{a}$. que la y estimare á V. que con el mencionado S$^{r}$. remita el titulo y orden de posecion.

Conservese V. bueno, saludeme V. al S$^{r}$. Valle y Covarrubias, y mande á su at$^{mo}$. amigo q$^{e}$. b. l. m.

ANDRES CASTILLERO.

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OFFICE OF THE SURVEYOR GENERAL
Of the United States for California.

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceding, and hereunto annexed page, of written paper, numbered one inclusive, exhibit a true, full, and correct copy of a portion of a Book entitled "Departmental State Papers, Vol. VI. 1845," as the same appears on file among said Archives.

[SEAL.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General, for California.

Examined and found correct.
R. C. HOPKINS, Keeper of Archives.

## TRANSLATION OF EXHIBIT PIO PICO No. 1.

Government, etc.:—By the annexed original letter of Sr. Don Andres Castillero, which I attentively inclose to your Excellency, you will inform yourself of the good discovery which has been made of a quicksilver mine in this department. With this view I avail myself of the good opportunity of remitting to your Excellency, by the Sovereign Commissioner of this Government, Don José Maria Covarrubias, the quicksilver sent me as a sample by Mr. Castillero, and referred to in said letter.

For such purpose I beg your Excellency will please impart this to the superior knowledge of the excellent Sr. President, showing him the quicksilver produced from said mine, so that his Excellency may inform himself and have the pleasure of such a fortunate discovery. I repeat to your Excellency again the courtesies of my consideration and respect.

Angeles, February 13, 1846. God, etc.,

The Excellent Sr., Minister of Exterior Relations.

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OFFICE OF THE SURVEYOR GENERAL
Of the United States, for California.

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered from one to two inclusive, exhibit a true, full and correct copy of a document, as the same appears on file among said Archives.

[SEAL.] In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.
R. C. HOPKINS, Keeper of Archives.

## TRANSLATION OF EXHIBIT PIO PICO No. 2.

Prefecture of the 2nd District:—Don Andres Castillero has denounced and is now working a quicksilver mine which was found in the jurisdiction of the town of San José Guadalupe, on private property; and this prefecture which interests itself in the encouragement of all branches of industry in the department, felicitates your Excellency, and through you the most excellent Señor Governor of the department, upon so beneficent a discovery; inclosing also a petition which the said Señor Castillero makes, soliciting a piece of land of two square leagues which is adjacent to the said mine, so that your Excellency, if you think fit, order what may be proper, so that this prefecture may be able to make the necessary reports.

Please accept my esteem and distinguished consideration.

God and Liberty,
MANUEL CASTRO.

Monterey, December 31, 1845.

For Secretary of Departmental Government.

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Office of the Surveyor General
Of the United States for California.

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceding, and hereunto annexed page, of written paper, numbered one inclusive, exhibits a true, full, and correct copy, of a portion of a Book entitled "Departmental State Papers, Benicia, Prefecturas and Juzgados, Vol. II," as the same appears on file among said Archives.

[Seal.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General, for California.

Examined and found correct.
R. C. Hopkins, Keeper of Archives.

## TRANSLATION OF EXHIBIT PIO PICO No. 3.

With real pleasure I gave the Most Excellent Señor Governor an account of the attentive note of Your Excellency of the 31st December ult., in which you impart that Don Andres Castillero has denounced, and is working a quicksilver mine in the jurisdiction of San José Guadalupe; and as this discovery promises considerable benefit to this country, His Excellency, as well as myself, give your Excellency the most cordial congratulation.

Your Excellency will please obey the decree shown by the representations of Mr. Castillero, which I herewith send you, and accept the assurance.

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Office of the Surveyor General
Of the United States for California.

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceding and hereunto annexed page of tracing paper, numbered one inclusive, exhibits a true, full and correct copy of a portion of a book entitled "State Papers. Vol. XI. Missions, 1830, 1846," as the same appears on file among said Archives.

[Seal.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.

R. C. Hopkins, Keeper of Archives.

## TRANSLATION OF EXHIBIT PIO PICO No. 4.

Excellent Señor Governor, Don Pio Pico.

MONTEREY, December 15, 1845.

Esteemed Friend whom I value:—I have the grateful satisfaction of informing you, if you have not received my other letter through the Prefecture, that at thirty leagues from here, in the jurisdiction of the town of San José Guadalupe, I have discovered a mine of quicksilver of the best quality, eight arrobas of ore having yielded one arroba of liquid metal.

Señor Don Pablo Noriega, the bearer, will present to you a petition from me, which is based upon an order (disposicion) of the Supreme Government, asking that you order that possession be given me of the island of Santa Cruz, the Messrs. Carrillo having already chosen that of Santa Rosa, which impediment prevented my occupying it, but now I have already purchased the cattle to occupy it, and I will be obliged by your sending me by said gentleman, the title and order of possession.

May you continue in good health. Salute Messrs. Valle and Covarrubias for me, and order your affectionate friend who kisses your hand.

ANDRES CASTILLERO.

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OFFICE OF THE SURVEYOR GENERAL }
Of the United States for California. }

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the one preceeding, and hereunto annexed page, of written paper, numbered one inclusive, exhibit a true, full and correct copy of a portion of a Book entitled "Departamental State Papers, Vol. VI., 1845, as the same appears on file among said Archives.

[SEAL.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of November, 1859.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

Examined and found correct.

R. C. HOPKINS, Keeper of Archives.

# DEPOSITION OF FRANCISCO VILLALON.

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UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Cal., October 11, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Francisco Villalon, a witness produced on behalf of the claimant, Andres Castillero, in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: Mr. A. C. Peachy, of counsel for claimant, and Mr. Edmund Randolph, for the United States.

Questions by counsel for claimant.

QUESTION 1. What is your name, age, place of residence and occupation?

ANSWER. My name is Francisco Villalon; I am 44 years of age; I reside at the city of Mexico, and I am a (escribano publico) notary public by occupation.

Q. 2. How long have you been a notary public?

A. Since 1845.

Q. 3. Now many notaries public are there in the city of Mexico?

[Question objected to as irrelevant.]

A. From fifty to fifty-five.

Q. 4. What is the National College of Notaries in Mexico? Refer me to the law which created it. Describe its organization.

[Question objected to as irrelevant.]

A. The college was established by a charter (cedula) from the Crown of Spain, in 1792, in the same manner that the College of Notaries in Madrid was established. It is composed of all the notaries in the capital, and the presiding officer of the corporation is called a rector, who is elected by the members themselves. The other officers are four deputies (deputados), a treasurer, and a secretary. They examine applicants for appointments as notaries (escribanos) and make rules for the internal economy of the corporation.

Q. 5. Has the college of notaries a seal?

[Question objected to as irrelevant.]

A. It has.

Q. 6. Who is keeper of it?

[Question objected to as irrelevant.]

A. It is kept by the treasurer of the college.

Q. 7. For what purpose is the seal used?

[Question objected to as irrelevant.]

A. To authenticate documents.

Q. 8. What kind of documents?

[Question objected to as irrelevant.]

A. All documents which are required to have faith, beyond the limits of the capital.

Q. 9. What is a testimonio of a public act?

[Question objected to as irrelevant, because the question asks for a matter of law.]

A. It is a copy of the original, corrected in presence of witnesses by the notary, and signed with his name and signo by him.

Q. 10. To whom is it delivered?

[Question objected to as irrelevant.]

A. To the person interested.

Q. 11. If a party should desire to have a testimonio certified and authenticated, so that faith and credit should be given it beyond the capital, state in what manner you would proceed to have it so certified and authenticated.

[Question objected to as irrelevant.]

A. He would have to have a testimonio made by the notary, and examined by witnesses in the presence of a notary, and by him signed; and then apply to the treasurer of the college to have the seal of the college affixed to it; and then have it approved or "legalized" by three other notaries.

Q. 12. What do you mean by "approved or 'legalized' by three other notaries," and how is it done?

[Question objected to as irrelevant.]

A. I mean the certificate which we call "Diligencia," which is written at the end of the testimonio, and which states that the person by whom the testimonio was given is the person he represents himself to be; that his signature is genuine, and that he holds the office which he is represented by the testimonio to hold.

Q. 13. Is this certificate signed?

[Question objected to as irrelevant.]

A. Of course it is signed by the three Notaries who make it.

Q. 14. I now show you a document purporting to be a testimonio, of a certain contract, made in the City of Mexico on the 17th December, 1846, between Andres Castillero, of the one part, and Francisco Martinez Negrete, as the agent of Alexander Forbes, of the other. This contract purports to have been made by a public act, before Nazario Fuentes, Notary Public; the testimonio of it purports to have been certified by Romulo de Zevallos, Francisco Villalon and Andres Vellio Mejia, on the 19th day of December, 1846, and to bear the seal of the National College of Notaries of Mexico.

Say whether that is the genuine seal of the said College of Notaries; whether you are acquainted with the signatures of the above named persons; whether they are genuine; and whether the said certificate was authenticated with the seal, and signed on the day on which it purports to bear date.

[Question objected to, because the certificate does not attest the correctness of the testimonio, or copy, but merely the fact that Nazario Fuentes was a notary, and the signature, and seal, etc.; also, because the question is irrelevant, inasmuch as a Mexican Notarial certificate, if duly proved, is inadmissible as evidence in the Courts of the United States, being only the unsworn ex-parte statements of persons residing in a foreign country.

Document shown to witness is marked "Exhibit Negrete No. 19, W. H. C."]

A. I know the signatures of Nazario Fuentes, Romulo de Zevallos, Andres Vellio Mejia; the genuine signatures of the two latter appear to this certificate, together with my own. I recognize the seal on this testimonio, as the seal of the National College of Notaries of Mexico. The genuine signature of Nazario Fuentes is signed to the testimonio; the diligencia or certificate signed by myself and the other two notaries, was so signed, and the said seal was so affixed, on the day of the date of said certificate, according to my understanding. It could not have been otherwise. The first notary who signs the diligencia has the seal affixed by the Treasurer of the College of Notaries before the other two sign—the last two do not sign until the seal is on.

Q. 15. Can you say from the order in which the signatures are signed, which of the notaries signed first?

A. From the order in which they appear, Romulo Zevallos must have signed first.

Q. 16. I now show you another testimonio of the same public act, given on the 4th of February, 1847, by Nazario Fuentes; this testimonio or copy bears the certificate of Mariano Cabeza de Vaca, Miguel Aristigui and Francisco Villalon, and is authenticated with the seal of the National College of Notaries of Mexico.

Answer question 14th with reference to this testimonio.

[Question objected to on the same grounds as to question 14.

The document shown to witness is marked "Exhibit Negrete, No. 20, W. H. C."]

A. I answer this question in the like manner, with this difference, that this certificate or diligencia is signed by Mariano Cabeza de Vaca, Miguel Aristigui and myself. I know their signatures—their genuine signatures appear on this certificate; the seal affixed to this testimonio is also that of the National College of Notaries of Mexico. This certificate was made, and seal affixed on the day of the date of the certificate, as I believe. It could not have been otherwise, because the seal is always put on, and the certificate is dated on the day of its execution.

Q. 17. What offices did the said Fuentes, Zevallos, Mejia, Cabeza de Vaca, Aristigui and yourself hold at the respective dates of your signatures and certificates?

A. We were all Notaries Public.

Q. 18. Who was Rector of the National College of Notaries, and who Treasurer, in 1846?

A. Don Roman de la Cueva was Rector, and Cabeza de Vaca was Treasurer.

Q. 19. When a notary dies, what becomes of his books or protocols?

A. If he kept an office during his lifetime they are kept in the same office by his successor. This is also the case when the deceased kept no office, but was attached to the office of another notary. There is another class of notaries called Escribanos de Diligencias, who keep no office, and when one of these dies, his protocols are taken by the Rector of the College and deposited in the office known as the office of mortgages (oficio de hipotecas), which is in charge of the Ayuntamiento or municipal corporation of the Capital.

Q. 20. Is Nazario Fuentes living; if not, when did he die and who was his successor?

A. He died in 1857. Fuentes when he died was attached to the office of Juan Navarro, and since his death Mr. Navarro has had the custody of his protocols.

Q. 21. Examine the document now shown you, marked "Exhibit Negrete No. 17, W. H. C.," purporting to be a certificate given by the said Navarro on the 10th February 1859, in which are set forth copies of certain documents existing in the book of protocols of the late Nazario Fuentes, now in the possession of the said Navarro.

Say whether you have compared the said copies in this certificate with their originals, when, where and in what manner was the comparison made, and are these accurate copies of their originals?

A. I compared these copies with their originals in April last, in the office of the notary Juan Navarro. The comparison was made by Mr. Navarro reading to me these copies while I read the originals. I had no time to make any other or further comparison. These are correct copies of the originals.

Q. 22. Examine the signature of Juan Navarro to the certificate referred to in the preceding question, and also the signatures of Mariano Alegria and J. Miguel Arroyo to their respective certificates affixed to the foregoing. Say if you know their signatures, and are they genuine; and say what offices the said Alegria and Arroyo held at the date of their respective certificates?

A. I know all those signatures and they are genuine.

Mariano Alegria was Oficial Mayor of the Ministry of Justice at the date of his certificate, at least I knew him as such at the date of this certificate; J. Miguel Arroyo was Oficial Mayor of the Ministry of Relations at the date of his certificate.

Q. 23. Examine now the certificate "Exhibit Negrete No. 18, W. H. C.," given by Juan Navarro on the 16th February, 1859, in which is set forth a copy of a certain petition made by Andres Castillero and Francisco Martinez Negrete, together with the action taken on the same.

Say whether you have compared this copy with the original, when, where and in what manner was the comparison made, and is this a faithful and accurate copy of the original?

A. I compared it with the original on the 24th of April last in the office of the said Navarro, by having him read to me the original while I read this copy. This is a faithful and accurate copy.

Q. 24. What is the meaning of the figures which I see in all these notarial documents above the signatures and rubrics of the notaries?

A. It is what we call "signo," and is a very ancient usage. It is used in lieu of a seal; one is given to each notary when he receives his commission from the Government; the commission contains a copy of the "signo" which we are required to use during our term of office.

Q. 25. Are you acquainted with the "signos" of Juan Navarro, Romulo de Zevallos, Francisco Villalon, Andres Vellio Mejia, Mariano Cabeza de Vaca, Miguel Aristigui and Nazario Fuentes, and are their "signos" wherever they appear on the documents and certificates concerning which you have been examined to-day, their genuine signos.

A. I know the signos of all those persons; the genuine signo of each of them appears above their signatures (firmas).

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., October 12, 1859.

Direct examination of Francisco Villalon resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 26. What compensation have you received, or are you to receive, for coming here to testify in this case?

A. I have received seven thousand dollars, part paid to my family.

Q. 27. How much is your business worth per annum in Mexico?

A. It is worth on an average four thousand dollars per annum.

Q. 28. When did you leave Mexico?

A. On the 25th April last.

Q. 29. With whom did you travel from Mexico to this city?

A. Messrs. Barron, Billings, Castillo Lanzas, Miranda, Balcarcel, Bassoco, Yrisarri, Negrete, Castillo, Castillo y Cos (son of Mr. Castillo Lanzas) and Velasco came with me.

[Mr. Randolph objects to the foregoing questions and answers, from question 17 to 25 inclusive; objected to as irrelevant, and because the Mexican national certificates referred to are inadmissible in evidence in the courts of the United States, being only the unsworn *ex parte* statements of persons residing in a foreign country.

Direct examination closed.

## CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 30. How many of the fifty odd Mexican notaries keep no office?

A. There are about twelve who keep no offices of their own, being employed in the tribunals and public offices.

Q. 31. How many were there, who kept no offices in 1846?

A. About the same, there was but a slight difference in number.

Q. 32. Do you swear now that Nazario Fuentes was a notary public in 1846?

A. Yes, sir; I do.

Q. 33. What was the reason that he kept no office?

A. Because the offices of notaries are property, which are either purchased or inherited. All notaries do not have offices.

Q. 34. What do you mean is property which is either purchased or inherited,—the employment or the place where the business is conducted?

A. The right to keep the office and archives belonging to it, together with the privileges appertaining to it.

Q. 35. Can a man in Mexico buy a notary's office or employment; does a son inherit from his father the right to be a notary?

A. A person cannot buy the employment of a notary, but he can buy the office (oficio).

A son cannot inherit the right to be a notary, but he can inherit the oficio; he may afterwards become a notary if he possesses the necessary qualifications.

Q. 36. You are, you say, a notary; can you sell your right to do notarial business; can you sell a right to keep your notarial books and papers; should you die would your heir inherit the right to do notarial business; would he inherit the right to keep your notarial books and papers?

A. I cannot sell the right to do notarial business; I can sell the right which I have to the custody of the books and papers in my office, according to the provisions of the law upon the subject, I being the owner (proprietario) thereof; if I should die my heir would not inherit the right to do business as a notary; he would inherit the right to the property of the office, but he would be compelled to place it in charge of a notary (if he were not one himself) from whom he would receive a portion of the profits of the business.

Q. 37. Upon the death of a notary, in whose charge the heir had placed the books, papers, etc., what would his heir inherit?

A. Nothing; he not being the owner of anything, his heirs would inherit nothing.

Q. 38. By this time, therefore, I presume a great many, if not the greater part, of the notarial offices, books and papers in Mexico are the private property of persons who are not notaries, and that a great many, if not the greater part, of the notaries in Mexico have no property in the books, papers, etc., in the offices, but are doing business on shares (or perhaps wages) for the owners of the same?

A. Many of the notarial offices (or what we call oficios) now belong to persons who are not notaries (some of them women), but they are obliged, as I said before, to place the property of the office (oficio) in charge of a notary, as required by law; there are certain proceedings to be followed in these changes in which the government by its officers has to concur.

Q. 39. Nazario Fuentes was one of those who did not own any office?

A. He was; he had not the property in any office.

Q. 40. Well, who had the property?

A. He was attached to different offices while I knew him as a notary.

Q. 41. Then there are three kinds, it may be said, of Notaries; first, those who own their offices; second, those who work in offices owned by other persons, frequently not notaries; third, those who are sometimes attached to one and sometimes to another of the first two classes of notaries' offices?

A. In fact, there are three classes; one, owners (proprietarios), another, tenientes—notaries in charge of offices they do not own; and another, notaries who do not belong to either of those classes, but are otherwise employed in the tribunals, and in the offices of the first class, and in those offices they work on the responsibility of the owner or teniente who has the custody of and is responsible for their records—protocols; but all notaries have the same powers by law.

Q. 42. Of these itinerant notaries, you will find some acts in one place and some in another, will you not?

A. No, sir; because his protocols always go with him to the offices to which he is attached; other documents drawn by him are otherwise disposed of.

He has the custody of the protocols during his lifetime upon the responsibility of the owner of the office to which he is attached. When he dies they remain forever in such office, and if he is not in any office they are taken to the officio de Hipotecas, which is in charge of the Ayuntamiento. The other papers in his possession relating to lawsuits remain, and are continued in the office to which he was attached, or are transferred to the office of some other notary, at the option of the parties.

Q. 43. Why do not the protocols remain in charge of the principal notary, under whose responsibility they were executed?

A. Because the Agregado has the right to keep them under the responsibility and care of the notary in whose office he is working.

Q. 44. You mean that when he goes from one notary's office to another, and carries his protocols with him, he keeps them under the responsibility of the notary with whom he is tarrying, and so on through all the changes he may make from one to another of the notaries' offices in Mexico?

A. Yes, sir. It is not usual to change often.

Q. 45. After a protocol has been executed before one notary, and has made one or more removals, what guaranty will the responsibility of the last notary furnish, that there has been no substitution or alteration of the protocol?

Why is it not very much the same case as if these itinerant notaries carried their protocols about in a bag, or on their person?

A. Each proprietario, or owner, is responsible for the protocols of the notary attached to his office while he remains in that capacity, and as the protocols are often examined, any alteration or substitution would easily be discovered.

He could not carry a large pile of protocols in a bag or about his person.

Q. 46. If a notary should have a protocol executed before him, but under the responsibility of a principal notary, where he then was, and should remove with it to nine other offices in succession, in each of which it was kept under the responsibility of the principals of these offices respectively, and a question should then be raised as to the genuineness of the protocol, would it not be necessary to have at least ten certificates—one from each office in which it had been kept, to say nothing of the intervals in which it was on its passage from one office to another?

A. I think it would not be necessary to have ten certificates. I think a certificate from the notary who drew up the protocol would be sufficient. Moreover, it is very improbable that so many changes would take place.

Q. 47. If that single certificate would suffice, what use is there in all you have said about the responsibility of the principal notary in the office where it was made, and the various other offices where it might have been kept?

A. I cannot say what their responsibility would be worth, for that is a question of law.

Q. 48. Was Nazario Fuentes ever one of those notaries who seemed not to belong to either of the three classes mentioned, but to have been the notaries of the tribunals, etc., etc.?

[Counsel for claimant objects to question, because the witness has mentioned only three kinds of notaries, and has said in substance that those three kinds embraced all notaries.]

A. Nazario Fuentes must have belonged to one of those classes, even if he was employed in the tribunals and government offices. He sometimes did notarial business for the Alcaldes Constitutionales, when they existed, and the Judges of First Instance, but we do not consider that an employment by the government.

Q. 49. At what time in the year 1845 did you become a notary?

A. I was examined in April, and received my commission in the same month.

Q. 50. Are you a proprietario, teniente, or agregado?

A. I am a proprietario.

Q. 51. Have you become lately proprietario, or have you always been so?

A. The owner, a woman, (proprietaria) renounced in my favor when I got my commission, so that legally I have been proprietario since then, although in fact I was not so until I had paid her for it.

Q. 52. Please mention the name of this person?

A. Doña Josefa Barreda, widow of my predecessor, Don Ramon Villalobas.

Q. 53. To how many different offices was Nazario Fuentes attached; the names of the principal notaries in those offices, and the time when Fuentes was attached to each of them respectively?

A. I don't know where he was before he became attached to Mr. Navarro's office.

Q. 54. Why then in answer to question 40, did you answer, "He was attached to different offices while I knew him as notary"?

A. I knew he was attached to other offices, but I did not know to what offices.

I knew him to be attached to Mr. Navarro's office, because it adjoined mine.

In order to avoid confusion, it is necessary to explain that we notaries have two kinds of duty to peform—that of Secretaries to the tribunals, etc., and that of notaries. When I spoke of Fuentes being attached to different offices, I meant to include his connection with the tribunals, etc.

Q. 55. You have very clearly explained at length this morning what you mean by being attached to an office, and also distinctly said that Nazario Fuentes, during the time you knew him, was attached to different offices.

Can you not now mention any one office, except that of Navarro, to which he was attached; and if you mean to include secretaryships, please say to what tribunals you knew Nazario Fuentes to be secretary, and when?

A. I remember only his being attached to Navarro's office, because that adjoined mine. I know that he was engaged in the tribunals of the Alcaldes Constitutionales, though I cannot say at what time. I remember having seen him, and knowing that he was employed in other offices, but I can't state when, nor in what offices.

Q. 56. How is it that you know he was employed in other offices than that of Navarro, where he died, 1857, and yet cannot mention any of them, nor the time?

A. I remember that he told me about the time he was going with Mr. Navarro, that he was disgusted with the persons with whom he had formerly been, and wanted to come into my office, but I declined because my place was too small.

Q. 57. When was this?

A. I don't remember the year, but it was after the extinction of the Alcaldes Constitutionales, for I remember he told me that employment was scarce with him since those courts had been abolished.

Q. 58. Who suppressed the Alcaldes Constitutionales, and about what time?

A. I am unable to remember the date, but it was about the year 1848 or 1849, before the administration of General Santa Anna, next before that of General Salas.

Q. 59. You remember of course when the Americans were in occupation of the City of Mexico, the treaty of peace, and their withdrawal, etc. About how long after these events was it?

A. I cannot remember.

Q. 60. Was it about one year, two years, three years, or more?

A. I cannot remember. The conversation between us was very short.

Q. 61. Well, Fuentes came to live next door to you, in the office of Navarro. About how long did he live there before he died; one year, two years, three years, or more?

A. It was only about five years ago that all the notaries were required to keep their offices in the same streets, and since then my office and Mr. Navarro's have been adjacent to each other. I judge from what Fuentes told me, that he was with Navarro before that time; but I had seen him at Navarro's office only from the time of our removal to our present locality, until he died.

Q. 62. Did he not go in with Navarro immediately after he proposed to come into your office?

A. I don't know whether he entered immediately, or delayed some time, or not.

Q. 63. In your answer to question 56, why then did you say, "I remember that he told me, about the time that he was going with Mr. Navarro, that he was disgusted with the persons with whom he had formerly been, and wanted to come into my office," etc.?

Why do you say that you judge he had been with Navarro from what he told you, when you knew the fact so well from what had passed between yourselves?

A. It was long after he had that conversation with me, that I heard that he had entered Navarro's office.

Q. 64. With whom was it he said he had become disgusted?

A. I don't remember who he told me he was disgusted with. It was a short conversation we had.

Q. 65. When did you first become acquainted with Fuentes?

A. I don't remember when I became acquainted with him, but I knew him several years before I became a notary. In the year 1843 I was with him for a month or two, practicing.

Q. 66. Where was he then, in whose office?

A. I don't know in whose office he was. He was acting as notary to the Alcaldes Constitutionales. I practiced under him there to learn the mode of procedure in the cases that were tried there.

Q. 67. In what office did Nazario Fuentes transact business on the 17th December, 1846, and on the 4th February, 1847, when he signed those certificates to which you in turn certified on the 19th December, 1846, and the 6th February, 1847?

A. I don't know where he drew up the protocols at that time.

Q. 68. I observe that in these certificates you declare that Nazario Fuentes was, like yourselves, notary public,—and in one of them you call him "our companion"—also that you know his signature, and his seal (signo), and that full faith and credit is due to his acts.

You say now that he had no office of his own, but was doing business with somebody else in Mexico; you cannot say with whom or where?

A. I saw him with the Alcaldes Constitutionales, but I don't know what notarial offices he was attached to as Agregado, but his signature and signo warranted me in signing those certificates.

Q. 69. Where were you when you signed those certificates?

A. I don't know where I was,—whether at the Alcalde's tribunal where he was, the office of my companions who signed with me, or in my own office.

Q. 70. Do you remember anything at all about it; if so, what?

A. It would be impossible for me to recollect about the making of that certificate, because I sign two or three similar ones every day.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., October 13, 1859.

Cross Examination of Francisco Villalon resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 71. In "Exhibit Negrete No. 18, W. H. C.," Juan Navarro begins by certifying that, by reason of the death of Nazario Fuentes, the books of protocols of public instruments which were executed before that notary remained in his possession.

From what you have testified it would appear that Navarro ought to know very little about these protocols; for example, these acts executed in 1846 were not executed in the office or under the responsibility of Navarro, but had been carried about by Fuentes from one to another of all the notarial offices to which he had been attached from 1846 up to the time that he entered the office of Navarro?

A. I don't know what knowledge Navarro had about those protocols.

Q. 72. Is it not customary in Mexico, as one would suppose it should be, for persons of wealth and intelligence to have their acts of sale and other like instruments affecting valuable property, executed before some notary who was a proprietor, or a *locum tenens* at least, and who had a fixed and permanent place of business in which to keep his records, and not before one of that itinerant class of notaries to which Fuentes belonged?

A. It should be so, and persons who are well informed on the subject do so; but persons not well informed apply indifferently to any notary, the acts of all notaries having the same validity.

Q. 73. I presume that you have never been informed, and can give no good reason why a man in the position of Andres Castillero, and a wealthy and intelligent man like Francisco Martinez Negrete, aided by a competent lawyer like Romero, should have had these acts concerning this great quicksilver mine executed before a notary who might be continually changing about, and carrying his records about with him from one to another of the various notarial offices in Mexico, instead of having them executed before some one of the notaries who were permanently established, and always kept their papers in the same place?

A. I know nothing whatever about that, but my opinion with regard to it is, that Messrs. Negrete and Romero applied to Mr. Fuentes, instead of going to some Notary Propietario, because I suppose they were all three from Guadalajara, although I had heard that Mr. Romero had been Governor of the State of San Luis Potosi.

Q. 74. You don't know whether Fuentes and Romero were from Guadalajara, or where they were from?

A. No, sir.

Q. 75. You said you were in the habit of signing any day two or three certificates like these which you signed on the 19th December, 1846, and the 6th February, 1847, to be found respectively in "Exhibits Negrete Nos. 19 and 20, W. H. C."

As these certificates merely declare the official character of the notary for whom you signed it, you notaries give them to one another as a matter of course, do you not?

A. When we know the person and the signature we make these certificates or legalizations, not with respect to notaries alone, but for other persons, such as doctors, curates etc., and we are required to do so by law.

Q. 76. Every time that you want to use one of these certificates to your notarial office, do you have to go out and find some other notaries to sign them for you, or don't you keep them in your office?

A. We have to have one made whenever it is required; we do not keep them in blank.

Q. 77. What is the reason of that particularity, inasmuch as they contain nothing in the world except that A or B is a notary, and that the signature is his?

Have you not confidence enough in one another to trust each other with one of these certificates in blank, for him to attach to any instrument he may execute?

A. That is never done; we would not only not certify to a signature in blank, but we do not all sign until after the seal of the College is affixed.

Q. 78. The seal of the College is a little square bit of paper stuck on the document:

Don't you keep these in your office, just as the clerk keeps or can stamp the seal of this Court?

Do you have to go to the National College to get one of those bits of paper every time you want one?

A. We do not keep them in our offices; we have to go to the College every time we want one. The round part is what we call a seal.

Q. 79. These square bits of paper with the round impression of the seal on the inside, are kept in the National College already printed for use, are they not?

A. Yes, sir. I will explain about this:

There are a number of these square bits of paper, which I recognize as the seal of the College of Notaries, made every year in presence of the Rector, First Deputy and the Treasurer, and they are then deposited in a safe which has three different locks and keys to it. One of these keys is kept by each of these functionaries, so that the three have to be present when any seals are taken out. A limited number are delivered to the treasurer to be used by him, and when used he is supplied with more. He keeps a record of all the seals used and the notaries who applied for them, and at the end of the year the account of seals delivered to him and of seals disposed of by him are compared, to ascertain whether the number remaining on hand is correct.

This system was adopted to prevent abuse, to ascertain how many seals were used, and what notaries had applied for them.

The treasurer collects a tax of ten reales for each seal issued, for the funds of the College.

Q. 80. Does the treasurer never sell more than one of these stamps at a time, and does he or the Notary paste it on to the document?

A. The treasurer himself affixes the seals to the documents, and uses as many as are required for the document presented.

Q. 81. In what manner does the treasurer put the seal on; with a stamp as we use in this country?

A. He merely pastes it on, as this is.

Q. 82. Is it not a very great inconvenience to the fifty-five notaries in Mexico to have to go to the treasurer's office every time they want a seal; in a smaller way, something like going to a post-office to get a stamp every time you want to mail a letter?

Are you sure that he never sells a number of these stamps at the same time—particularly to notaries of respectability—that they may paste them on in their own offices when they have occasion to use them?

[Question objected to, upon the ground that it tends to mislead the witness, by comparing the seal of the College of Notaries, which is used to give faith and credit all over the Republic to the documents upon which it is placed, with a post-office stamp.]

A. I am sure that no seals are sold except what are necessary to be used there at the treasurer's office. The treasurer himself puts them on; at least this is what I have always seen, and what I have done myself.

It is troublesome, but it is a duty which we have to comply with.

Q. 83. You then do swear positively, that it is the regulation and practice of that treasurer's office never to sell any stamps to any notary to be carried with him to his notarial office, and there to be used by him at his convenience?

A. I can swear to what I have seen done by others, and what I have done myself.

Q. 84. That is to say, you cannot swear that Nazario Fuentes, and other notaries, did not purchase from the treasurer of the National College of Notaries a stock of these little stamps, and keep them in their offices to paste upon their documents?

[Question objected to, because it asks the witness to establish a negative, and because it is irrelevant.]

A. I can swear that since I belonged to the college, no seal has ever been missed (because I have seen the accounts). I have no knowledge of seals having been disposed of otherwise than I have stated.

Q. 85. What is the reason that every year a certain number of these stamps are printed, as you have said?

Why don't they print a great many of them, and lay up a stock for several years, as one might do of writing paper?

A. Because the officers change every year.

Q. 86. If a portion of the stamps, for any given year, remain unsold at the end of a year, what is done with them?

A. They are delivered to the new treasurer, who is charged with the number of them.

Q. 87. Is there any mode of distinguishing the stamps of one year from those of another; if so, what is it?

A. There is no difference in the seal, but some two or three years ago a method was introduced of having some pieces of paper around the seal, to be turned down upon it for its preservation; the seal itself has been the same ever since Mexico achieved its independence.

Q. 88. Is there no date to distinguish stamps of one year from those of another?

A. I don't remember having seen anything but "Colegio Nacional de Escribanos de Mexico" upon the seal, but sometimes the treasurer writes the date outside of the seal, but this is not necessary, because the date of the legalization by the notaries is the date on which the seal is put on. Sometimes the treasurer writes the date on the top, on the corner, or wherever he pleases.

Q. 89. The seal has been the same, and you have been using it ever since you were made a notary, in 1845; is it not so?

A. Yes, sir; the seal has been the same, and I have been in the habit of seeing it whenever I have had occasion to apply for it, for documents to go out of the city.

Q. 90. What office, if any, do you hold in the College of Notaries?

A. I have none at present; I was rector last year, and have been deputy several times.

Q. 91. How is it possible, then, that you could have fallen into the mistake of saying that the seals of each year were not dated of that year?

Look at the seals attached to these "Exhibits Negrete Nos. 19 and 20, W. H. C.," and say whether you do not find within the circle, on each impression, between the words "Colegio" on the left hand, and "Mexico" on the right, the words "año de 1846" on the one, and the words "año de 1847" on the other, and all printed, with the exception of the figures "46" and "47," which seem to have been filled in with a pen?

A. The seal is what is within the smaller circle, and the words "Colegio Nacional de Escribanos de Mexico." This is what constitutes the seal. The date is no part of the seal, as I understand it. When the design for the seal is taken to the printer, the treasurers sometimes insert the date, and sometimes do not.

Q. 92. The words and figures printed and written, to which I have called your attention, are on the face of this impression within the circle with the other words, and yet you say they constitute no part of the seal:

Is it possible that the person who ordered these impressions to be stamped would take the liberty of inserting anything which was not strictly a part of the seal, as prescribed by the law?

A. I once saw the original stamp with which these impressions were made, and there was a blank in it, where the date appears in this impression. I suppose that that portion of the date which is printed in the impression was at some time in the original seal; the portion which is written being left to be filled up. Some of the seals have the date, as shown by this one, and others have not.

Q. 93. When did you see that stamp?

A. I don't remember when.

Q. 94. About what time?

A. I cannot state precisely, but it was four or six years ago, on some of the many occasions on which I was attending to the business of the College, and I observed that there was a blank where the date appears in this impression.

Q. 95. The way then that you explain this matter is, that in your time there has been two stamps; one in use in 1846 and 1847, on which the date was engraved as in these impressions, and the other introduced within perhaps some six years, on which there is no date engraved; or in other words, that you have known two seals in the National College of Notaries, different in this particular.

A. Strictly speaking, I consider that the date is no part of the seal, nor is it required by the charter that the seal should have a date.

I don't consider that the College has had two different seals, or two different stamps, because I consider the date no part of the stamp.

Q. 96. The stamp of course is a piece of metal: if on that stamp in the year 1846, there were engraved these words and figures," "Ano de 18" which appear on this impression before me, how have they since been removed from the stamp, so that those words do not any more appear upon the impressions as you say?

Do you not see that there must necessarily have been two stamps, unless some one has been at the trouble of effacing those words and figures "Año de 18?"

A. I know only of one stamp. I did not see the stamp in 1846 or 1847, and I had no business in the College then.

I repeat that I consider that the seal is composed exclusively of what appears in the smaller circle, together with the words "Colegio Nacional de Escribanos de Mexico."

Q. 97. What difference does it make in my question whether you saw the stamp in 1846 or 1847 or not, or whether you had anything to do with the College?

Here is an impression with your certificate declaring that you know it. On it appear engraved, printed, or stamped, the words and figures "Año de 18;" now you say that those words do not appear in the impressions of the seal made at the present time, and that you have seen the stamp within four or six years, and they are not upon that:

Is it not a demonstration then that there have been, since 1846, two stamps, or at least that the words "Año de 18" have been in some manner, by some one, and for some cause, obliterated and removed from the face of the stamp used in 1846?

A. I see that those words and figures are in a different style of lettering from the other words on the seal: they appear to be more modern, and may have been made by something independent of the stamp.

I have seen only one stamp, and that had a blank where the date appears in this impression.

I don't remember whether the seal that is used now has a date or not. I saw the stamp to which I have alluded only once.

Q. 98. You have been signing two or three similar certificates every day for some twelve or thirteen years, as you say in your answer to question 70:

In each one of these you have declared that you know the impression of the seal of the College of Notaries:

Do you remember to have seen these words "Año de 18" printed, stamped, or engraved, upon any impressions of that seal, except these two now before you?

A. I have a vague recollection of having seen other seals with those words.

Q. 99. If you have seen other impressions with those words, and again have seen other impressions without those words, it is absolutely certain, either first that there have been two stamps, one with, and one without the words, or, second that there has been but one stamp, and after some impressions had been made with words, that then they have been removed from the stamp, or, third that those words were never on the stamp at all, and whenever they appear in an impression, have there been inserted by some distinct operation, and did not come from the stamp at all.

By which of these modes were the words "Año de 18" put upon the two impressions of the seal of the National College of Notaries in Mexico, to one of which you certified on the 19th December, 1846, and to the other on the 6th February, 1847, and both of which you have now before you?

A. In the years 1846 and 1847, Don Mariano Cabeza de Vaca was Treasurer, and I see by comparing the handwriting of his signature with the figures "47" in the date of the last seal, that these figures are in his handwriting, and written at the same time that his signature was written to the last of these certificates—from which I infer that in 1846 and 1847, the stamp bore the words and figures "Año de 18."

Q. 100. And as the impressions subsequently have not contained those words, it follows that the stamp which made them is not the same, does it not?

A. I believe so.

Q. 101. At last, then, you admit that there have been two stamps?

A. I can't admit that, because I have not known two.

Q. 102. Now, I'll ask you why, in answer to question 91, when you were explaining the reason why those words ("Año de 18") appeared in the impressions of the seal in these "Exhibits Negrete Nos. 19 and 20, W. H. C." did you say, "When the design for the seal is taken to the printer, the treasurer sometimes inserts the date, and sometimes does not," appearing to know all about the matter, and to say that the impression might be changed every year, or at least frequently, and was a small affair, which lay entirely between the treasurer and the printer?

A. I answered so because that was the truth. I have repeated several times what I considered constitutes the seal, and I suppose the insertion of the date lays with the Treasurer, he may put it in or not, as he pleases, and when he does so, it is done with an instrument independent of the seal, which he does for his own convenience or guidance.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., October 14, 1859.

Cross-Examination of Francisco Villalon resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 103. I do not understand very well, why the protocols of Nazario Fuentes have remained in the office of Juan Navarro: You have mentioned the fact, please give me the reason for it?

A. I don't know what reason they had, but I suppose the reason was that they were in Navarro's office when Fuentes died.

Q. 104. Still, why should Navarro have kept his protocols any more than his private library, his family plate, or any other property that he might have had, and which chanced to be in the office of Navarro at the time when Fuentes died?

A. They were kept in the office of Navarro, because they were there when Fuentes died; and that was the office in which they were radicated—to which they belonged.

Q. 105. Why did not the heir of Fuentes take them away, inasmuch as such things seem, in some sense, to be private property; for example, in the case of the notary propietario, you have said that the protocols belonged to the heir, even if a woman?

A. It must not be inferred from what I have said, that the protocols of the notary propietario belong absolutely to his heirs, upon his decease, or that they can have the possession of them. They inherit his right to the office and the protocols, but they must deposit them in charge of a notary, who conducts the business of the office, and has the custody of the protocols.

With regard to the protocols of Fuentes, his heirs had no right to them after his death, because he was not a propietario, and at his death, his protocols and other official papers belonged as public property to the office to which he was attached when he died.

Q. 106. Why should not his heirs have the same right to them after his death that he had during his life; if they were in any sense his private property, should not his heirs inherit it?

A. I don't know why the laws have not so provided.

Q. 107. If no property in them passed to Fuentes' heirs, I presume it would pass to Navarro's heirs, on his death, of course?

A. Navarro is not a notary propietario, for his office is to exist only during his life; when he dies all his archives will be taken to the mortgage office, including those protocols of Fuentes.

Q. 108. If a notary's office, where the protocols of one of these third-rate, itinerant and journeyman notaries like Fuentes are kept, have such a property in the protocols as to exclude every species of claim of right of the heirs, how is it that the principal of the notary's office in which the protocols were executed has not an equal right to them, and how is it that this inferior notary is permitted to take them away with him, and take them about whenever he moves his quarters?

Should not the principal notary of the office, where the protocol was made, have at least as good a claim to them as the head of the office in which they were found at the notary's death?

[Question objected to as irrelevant.]

A. The question involves points of law, with regard to which I am unable to answer.

Q. 109. You have undertaken to explain the relations between these principal and parasitical or accesorial notaries.

You have said that the latter worked under the responsibility of the first; that when the latter died their protocols remained as a part of the papers of the first.

If such be their relation, I wish to know how it can possibly be true, that the inferior notary, whenever he wishes to change his quarters, can carry with him from his superior's office the papers which he executed under that superior's supervision and responsibility, which also you have stated.

In other words, I want to know how it is, that this particular protocol is not found now in the office of that notary, wherever he may have been, under whose supervision and responsibility it was executed in 1846?

A. The facts with regard to those matters are as I have stated them, but why they are so, I am unable to say.

Q. 110. Yesterday, after many questions and answers, you could distinguish but three sorts of notaries, to wit, propietarios (proprietors), tenientes (locum tenens) and agregados (attaches). I understood you this morning to distinguish further, and make another class of those who hold an office which expires with their own life, there being no successor, such as Juan Navarro appears to be?

A. My answer yesterday was confined to the question; I was speaking of public offices (oficios publicos); the economy or internal operation of the body of notaries—their rights as to each other are different, but they are all equal in law. The office of a notary, such as Navarro, is called an escribania publica, which I considered and still consider the same as oficio publico, which is the name of the office of a notary propietario.

Q. 111. Look at the impression of the seal of the National College of Notaries of Mexico, attached to the document which I now show you, being an act of sale for three and a half shares in the contract of avio or lease (aviadores) of this mine, and four and eleven-fourteenths ($4\frac{11}{14}$) parts of the shares in the mine itself (aviados), viz., this mine of New Almaden, executed by Messrs. Jecker, Torre & Co., in favor of Messrs Barron, Forbes & Co., in the city of Mexico, on the 7th day of December, 1852, before Ramon de la Cueva, National Notary Public, which appears by endorsement thereon to have been recorded in Book F of Deeds, on pages 42, 43, 44 and 45, in the county of Santa Clara, California, on the 18th of February, 1853, said indorsement being signed J. M. Murphy, Recorder, by S. O. Houghton, Deputy, and say whether it is not the impression of the genuine seal of the National College of Notaries in Mexico?

A. It is; I am glad this document has been presented, because this seal has attached to it the little pieces of paper which I referred to yesterday, as being used to turn down upon the seal so as to protect it from injury.

I wish to observe that my statement of yesterday, with regard to the seal, was intended to apply to the intellectual, and not the material part of the seal.

The die, or stamp with which the impression is made, may have been changed in the course of so many years, but I don't know that it has, but the impression has always been the same since I have known it.

What I understood by date, when asked if there was any on the seal, was whether it contained the day, month, and year?

Q. 112. Then you did know all the time when you said that there was no date on the seal, that the year was on it?

A. I supposed it had the year on. I wish to know, so as to avoid confusion, whether by the word "seal," the impression, or the die or stamp, is meant.

[Counsel for the U. S. informs the witness that he means both, the stamp and impression. The witness continues his answer.]

Then my answer is, that I supposed the stamp or die contained the words "año de" with some of the numbers which indicate the year.

Q. 113. What possible reason could you have had for saying, when I asked you about those very words and figures "año de 18," that you had seen impressions which did not contain them; and in answer to question 92, you say that you "once saw the original stamp with which these impressions were made, and there was a blank in it where the date appears in this impression"?

A. It is true that when I saw the die or stamp it had a blank where the date appears in these impressions, as I stated, and I have seen some impressions which contained the date, and others which did not. The die (matriz) which I saw had not those words when I saw it.

As I know nothing whatever as to how dies or stamps are made, I am unable to explain how the date could be inserted in it instead of a blank.

Q. 114. You say (and, I have no doubt at all, correctly), that the impression on the act of sale between Jecker, Torre & Co., now lying before you, is the genuine seal of the National College of Notaries of Mexico:

Please now compare it with the impressions on Exhibits Negrete Nos. 19 and 20, W. H. C., being the same to which you certified on the 19th day of December, 1846, and the 6th day of February, 1847, and say whether it is not very different from them.

Whether the impression on the act of sale between Jecker, Torre & Co. and Barron, Forbes & Co., is not larger than the impressions on the two Exhibits.

Whether there are not distinctly visible the prickles or thorns on the prickly pear or cactus in the impression on the act of sale, which are not to be found in the impressions on the two Exhibits.

Whether the leaves of the wreath in the impression on the act of sale, are not very different from those in the impressions on the two Exhibits.

Whether the lines forming the head of the eagle in the impression on the act of sale, are not different from those forming the head of the eagle on the two Exhibits.

Whether the space between the letter E in the word de, and the letter E in the word Escribano is not greater in the impression on the act of sale, than it is in the impressions on the two Exhibits.

Mr. John Roach, an optician of this city, is now present with glasses and other instruments, will aid you in making these comparisons, and will point out to you the differences which I have suggested, and which he has noted on a memorandum.

A. I am not an expert in these matters, and I have not the least doubt that those differences do exist, but it would be useless to make the comparison myself, for I am not at all conversant with such matters.

But I still consider that these three seals are the same in the moral or intellectual part.

Q. 115. What is the moral, and what the material part of a seal?

A. The moral or essential part is the figure, the National Coat of Arms, the words "National College," etc.; and the material part is what I call the die (matriz).

Q. 116. What is the reason that the moral part, that is, the National Coat of Arms, and the words "National College," etc., and the material part, viz., the stamp with which the moral part was made, are both larger in the impression on the act of sale, than they are in the two impressions on the Exhibits?

A. I don't know why; I am not competent to say why.

Q. 117. You have demonstrated that, in your time, there have been three stamps for the seal of the College of Notaries—

First. A stamp without the words and figures "Año de 18," as you swear you saw it, at some time that you can't exactly remember.

Second. The stamp which made the impressions on the two Exhibits, and did contain the words and figures "Año de 18."

Third. Another stamp which contained the words and figures

"Año de 18," but was larger than the stamps which made the impressions on the Exhibits.

Now, as you have been a notary some thirteen years, daily certifying to the genuineness of the seal of the College of Notaries, can you not tell me something about these changes, when and for what causes they were made, etc?

A. I have no knowledge whatever of any change having been made.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., October 15, 1859.

Cross-Examination of Francisco Villalon resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 118. Whereabouts in the City of Mexico is the National College of Notaries situated?

A. It has no fixed place of meeting, but meets always in the house in which the Rector happens to live.

Q. 119. Where does the College keep its records? At what place are the stamps of this College seal sold?

A. The archives are kept by the Secretary at his office or his house, and the seals are sold by the Treasurer at his office.

Q. 120. Where is the Treasurer's office?

A. At his Notarial office (oficio).

Q. 121. The College then is a corporation with no particular place of business, and which keeps its archives and sells these stamps or seals, sometimes in one notary's office, and sometimes in another?

A. Yes, sir.

Q. 122. The Treasurer who sold the stamps being a notary himself, there was of course nothing to prevent him from taking out more than one stamp at a time, and just as many as he thought proper to charge himself with?

A. There was nothing to prevent him from using those which were in his possession; of course, he could not dispose of those which were locked up.

Q. 123. Do you not consider yourself a remarkably good judge of handwriting?

A. No, sir.

Q. 124. How was it then that, in answer to question 99, you said that you saw by comparing the handwriting of the signature of Mariano Cabeza de Vaca with the figures "47" in the date of the seal of the College of Notaries, attached to "Exhibit Negrete, No. 20, W. H. C." that these figures were in his handwriting?

Does it not require a wonderful skill to be able to make such a declaration on such scanty material?

A. I know his handwriting and signature very well, by having seen it frequently in the course of my business as notary; and perhaps I know the signature and handwriting of the other notaries as well as his.

Q. 125. Upon looking at that impression again, are you not of the opinion expressed on yesterday by Mr. Peachy, Mr. Roach, and other gentlemen present, that the figures "47" are not both in any man's handwriting; but that the "4" was printed and stamped like the "18" thus—"184"?

A. In what I said with regard to that, I meant to confine myself to the figure "7" on the last of these seals.

I know nothing about the handwriting in the date of the first seal.

I don't know what the opinion of Mr. Peachy or Mr. Roach may be, except so far as stated in the question.

Q. 126. Is Mariano Cabeza de Vaca still living?

A. He is.

Q. 127. How did you happen to remember, so accurately, that he was Treasurer in 1847, when you have forgotten so many other things?

A. For these two reasons, viz.:—That he was Treasurer when I was matriculated in 1846; and he was Treasurer in 1847, when a pronunciamiento occurred, during which the funds of the College were taken, and thereupon he resigned.

Q. 128. And you know this man's handwriting so well that you can recognize a figure "7" as having been made by him almost thirteen years ago, merely by comparing it with his signature?

A. I know his numbers and writing, because I have seen him daily write and make figures, as well as others of my brother notaries, and nobody but him could have made this "7" on the impression at the time it was affixed to the document.

Q. 129. You mean that you know the writing and the figures of Mariano Cabeza de Vaca about as well as you know the writing and figures of others of your brother notaries?

A. Yes, sir, the same as many of the others.

Q. 130. Hence you would know a figure "7" made almost twelve years ago to have been made by, and to be in the figuring of, any one of many of your other brother notaries?

A. If it were in a case like this, if it were in the same situation, and under the same circumstances,—near the signature and otherwise situated as this is,—I might.

Q. 131. What do you mean by the same circumstances?

A. The circumstance of knowing the handwriting, signature, etc., as well as I know those of Cabeza de Vaca; of knowing that he never wrote with any other than a quill pen, with a peculiar point; and of finding it close to his signature and signo.

Q. 132. You are just as certain about the signature of Nazario Fuentes as you are in all you have said about the writing of Cabeza de Vaca?

A. Yes, sir.

Q. 133. Look at "Exhibit Negrete No. 19, W. H. C." and say whether it is not put together in the following manner, viz.:

"One sheet of paper marked "Sello Primero (first seal) Ocho Pesos" (eight dollars), and inside of that a number of sheets marked "Sello Cuarto (fourth seal), Un Real" (one real), in such manner that the first sheet forms a cover to all the rest?

A. I cannot see. It is sewed together.

Q. 134. Please do me the favor to look at it a little closely as I show it to you.

A. The leaf which has no seal on the head of it must be the half of the sheet marked "Sello Primero, Ocho Pesos." The leaf which has no seal at the head of it is the one that has the signatures of Nazario Fuentes and the attesting notaries, and the seal of the College of Notaries, but I cannot tell by looking at it. It seems to me, however, by looking at it more closely, that it is the same sheet.

Q. 135. Then I was right. The Exhibit is put together like a quire of writing paper, the outside sheet being a stamped paper of the first stamp, and containing four other sheets which are of the fourth stamp; by which arrangement, the beginning of the Exhibit is on the first leaf of that outside sheet, and the conclusion, the signatures, etc., is on the last leaf of the same.

"Exhibit Negrete No. 20, W. H. C.," is put up in a similar manner, the only difference being that the signature of Fuentes, the seal of the National College of Notaries, and the certificate and signature of the other notaries, are on the last page of the second sheet, instead of the first, and the last leaf of the first sheet is blank. This Exhibit also consists of seven sheets of stamped paper, the outside sheet being stamped with the first class, "Sello Primero," and the others stamped with the fourth class, "Sello Cuarto." You will observe that both these Exhibits purport to be habilitated for the years 1846 and 1847.

A. Yes, sir; the outside blank sheet on each Exhibit is used merely as a cover, and is called a caratula, which is of common paper, without a seal or stamp.

With this addition, your description of the manner in which these Exhibits are put together is correct.

Q. 136. It is now a long time since these two Exhibits were, as they purport, written and put together, viz., since the 19th December, 1846, and 6th February, 1847, these being the last dates on each paper. During this time they have been in many places and in many hands; amongst others, in the hands of Francisco Martinez Negrete, Alexander Forbes, Barron, Forbes & Co., and probably in those of Jesus Vejar, the notary, one of them having attached to it a certificate of the said Vejar, to wit, "Exhibit Negrete No. 19, W. H. C.;" and I also learn now from the counsel for claimant, that "Exhibit Negrete No. 20, W. H. C." has been in the hands of Mr. Robert Walkinshaw, deceased.

If, then, the treasurer of the National College of Notaries of Mexico had sometimes trusted his brother notaries, or himself, with more stamps than one at a time, and some of which were not to be used at the moment; and if the notaries in Mexico should sometimes have trusted a fellow notary so far as to give him their certificate when he presented to them his signature in blank, as I can see no reason why they should not, it not being pretended that these certifying notaries know anything about the contents of a document executed before the notary to whose office, etc., they certified;—if, in a word, there were to be found in Mexico, in blank, sheets of the proper kind of paper, bearing the signature and signo of Nazario Fuentes, the seal of the College of Notaries, and the certificate of the three notaries following the same,—what was there to prevent, during all these years, some one interested in these Exhibits, and having them in his possession, from writing them and re-writing them, substituting and altering them in any manner that he thought proper, and putting them on another sheet with the proper authentications, just in the same manner as the sheet containing the authentications is put on, attached to, and stitched up with these Exhibits?

[Question objected to because it asks the witness' opinion of what might be possible under certain circumstances, not one of which is proven to have existed, and most of which are proven not to have existed.

Counsel for the United States, so far as the facts supposed in this question are not supported by or opposed to the testimony of this or other witnesses, rests them upon their intrinsic probability.]

A. I cannot admit these suppositions. With regard to the sealed paper, it is sold in Mexico in blank, but I consider it impossible that any stamps were given out by the treasurer which were not used at the moment, or that any notarial certificates could ever have been made in blank.

With regard to Cabeza de Vaca, he is one of the most honest men I ever knew.

I know nothing whatever as to who has kept these Exhibits, or where they have been since they were made.

Q. 137. I will ask you for the last time to explain why it is, and how you can swear, that the treasurer of the College of Notaries never gave out but one stamp at a time, and pasted that on the document.

Also, how it can be possible, and for what reason it should be, that three Mexican notaries will not certify to the signature and office of a fourth, unless they see his signature attached to some writing; what difference can it make to them, when it is not pretended that they read the writing to which the signature is attached?

[Question objected to because it is irrelevant.]

A. What I have sworn to with regard to the disposition of the seals by the treasurer is what has occurred under my own eyes; and with regard to the certificates in blank, notaries could not make them because it would be a violation of their duties and a crime to do so.

I have sworn only to facts that were within my own knowledge, and to none other.

Q. 138. Will you, if you please, make your signature and signo upon the Commissioner's paper?

A. Yes, sir; here it is:

†

FRAN$^{c}$ . VILLALON.

[Rubric.]

Q. 139. Is there a difference between your signature to a certificate of this sort and your signature with which you authenticate instruments executed before you as a notary public; if so, what is it?

A. My signature is always the same, but I do not put my signo to private documents.

Q. 150. I see in the rubric of Nazario Fuentes the letters "E. N. P.," which stand, I presume, for Escribano Nacional Publico, but no letters of that sort in the rubrics of the notaries attached to the certificates which follow; is there any reason for that difference?

A. Some notaries put those letters in and some do not; I write the words entire.

Q. 141. Do you know in whose handwriting the body of these certificates are?

A. I do not.

Q. 142. They are not in the handwriting of any one of the subscribing notaries?

A. No, sir.

Q. 143. Do you know the handwriting of the body of either of these Exhibits?

A. I do not.

Q. 144. Then you do not recognize in the body of either of these instruments, a handwriting which you have known in any of the notaries' offices in Mexico with which you are so familiar?

A. As the clerks in the notaries' offices change so often, I could not tell.

Q. 145. When were you first spoken to about coming to California to testify in this case, and by whom?

A. I was spoken to first about this certificate by Mr. Billings, in the month of February or March last. He asked me if I remembered the fact that I had made this certificate. He was in company with Mr. Pardo.

Q. 146. What did you say?

A. They asked me if I remembered this fact, and I said no; that I could not recollect it without seeing it. Mr. Billings having first asked me my age, my name, where I lived and when I became a notary. This occurred in my own office (oficio).

Q. 147. After that you saw these documents, what did you recognize about them?

A. I never saw them until I saw them here in one of the offices of the Court; when I saw them I recognized my signature; I did not recognize the other signatures until I saw them here on this table.

I did not fix my attention on any of the signatures but my own, until I saw them here on this table when I came to be examined.

Q. 148. As you did not remember anything about the transaction, and did not see the documents in Mexico in February or March last, how did you know that you would be able to prove anything after you came to San Francisco?

A. Because I was told that my signature was to it, and I stated that I could say nothing about it until I could see my signature, as I have made my signature so often in the course of my official business, I could not remember the particular signature of so many.

Q. 149. With whom did you agree for the compensation for the voyage, and when?

A. With Messrs. William Barron and the licenciado, Pardo, on the 24th April last—the eve of our departure, which was the day on which I made up my mind to come; I had refused to come on three or four occasions before that.

Q. 150. Was the sum agreed upon the first offer made; by whom was the first offer made, and when? On the occasions when you refused to come, had there been a difference between you as to the sum you were to receive, and if there had been, what were the sums first offered and demanded respectively?

A. I had never had any conversation whatever with them about sums or amounts, until the day that I agreed to come. I had theretofore always refused, because I did not wish to come for any sum whatever; but after being repeatedly urged, I stated on the eve of our departure that I would come for the amount I have mentioned; and with the understanding that I should not be absent more than two and a half or three months, for I had a great deal of business to attend to in Mexico.

Q. 151. The amount which I understand you were to receive is seven thousand dollars; with all your expenses, also, to be paid by the claimants until you return to Mexico?

A. Yes, sir; but the seven thousand dollars has already been paid.

Q. 152. I understand, also, that you were only expected to prove, if you should recognize it, your own signature to these documents, and nothing more?

A. They only told me that there was a certificate or legalization of mine on the document.

Q. 153. How could you, for the chance of rendering so small a service, ask so enormous an amount?

[Question objected to as irrelevant.]

A. I consider it a small amount for the damages I have sustained.

Cross-examination closed.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

San Francisco, Oct. 17th, 1859.

Examination of Francisco Villalon resumed from Saturday last.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

DIRECT EXAMINATION RESUMED.

Q. 154. You have said that you have seen a seal of the National College of Notaries on which there was no date; examine the certificate or diligencia of a testimonio or copy of a power of attorney, given by Doña Petra Moya to the Señor Licenciado Don José Maria Lafragua, on the 27th November, 1854; and, also, the certificate or diligencia affixed to a certificate given by the Bachelor Don José Ignacio Calapiz, permanent curate of the parish of San Sebastian, of Mexico, and say whether the seal of the National College of Notaries of Mexico on these documents were made by the die which you refer to as having no date?

[Question objected to as leading.]

A. Yes, sir; I think so.

Q. 155. Romulo de Zevallos, Andres Vellio Mejia, Mariano Cabeza de Vaca and Miguel Aristegui, whose signos and signatures, together with your own, are affixed to the certificates on Exhibits Negrete, Nos. 19 and 20, W. H. C.; are they living?

A. They were all living when I left Mexico, except Mejia.

Q. 156. When did Mejia die?

A. I don't know exactly, but it was about six or seven years ago.

Q. 157. Why is the seal referred to in question 154, used to authenticate said documents?

A. Because it is the seal called "De Oficio," as appears on the face of it.

Q. 158. Does the College of Notaries use this seal, and that which appears on the document referred to in question 111, indifferently; and if not, under what circumstances is the first named seal used, and under what the second?

A. This seal called "De Oficio" is one for the use of which no fee or tax is charged; the other seal a fee or tax is charged for. That is the only difference. The circumstance which induces the use of the first named seal is the pecuniary condition of the party applying for it, not the nature of his business; it is used in cases where the applicant is unable to pay.

Q. 159. Are you acquainted with the seal of the Supreme Court of Justice of Mexico?

A. I have seen it; I would recognize it if I should see it, although I am unable to describe it.

Q. 160. Look at the two impressions of that seal on the documents referred to in question 154; state whether you recognize it to be the seal of the Supreme Court of Justice of Mexico.

A. I think these are the seals of that Court.

Q. 161. Do you know the signature of Marcelino Castañeda?

A. I do.

Q. 162. Look at the signature on each of the certificates to which the said seal of the Supreme Court is affixed, and state whether it is his genuine signature.

A. I believe them to be so.

Q. 163. Who is the Rector of the College of Notaries, and who the Treasurer, now?

A. Don Ramon de la Cueva is Rector, and Don Agustin Vera y Sanchez, is Treasurer.

[Counsel for claimant offers in evidence the documents referred to in question 154, marked respectively, "Exhibit Villalon No. 1, W. H. C." and "Exhibit Villalon No. 2, W. H. C."

Counsel for the United States objects to the foregoing questions and answers as irrelevant.]

Direct examination closed.

### CROSS EXAMINATION RESUMED.

Q. 164. The seal with no date upon it which has been produced this morning, and you have recognized, I understand to be the charity seal of the College of Notaries, affixed gratis for poor persons?

A. Yes, sir.

Q. 165. Why did you not think to mention this seal before, when I was asking you so many questions about the seal of the College.

A. I did not think of it. I thought only of the seal which was before me at the time.

Q. 166. Last year when you were Rector of the College of Notaries, and kept one of the three keys necessary to open the safe in which the impressions were contained, how many different kinds of impressions were kept in that safe?

A. There were only two classes, the seal called "De Oficio," and the other called "De Parte,"—the one that is paid for.

Q. 167. Does the college keep any die, or not, with which to stamp these impressions, or does the treasurer merely take a design to an engraver or printer, and leave all the rest to him; as is implied by the following words, in your answer to question 91,—"When the design for the seal is taken to the printer's the treasurer sometimes inserts the dates and sometimes does not?"

[The interpreter states that the word "design" wherever it appears in the witness' answers, was intended as a translation of the word "matriz," which is an incorrect translation; the word "matriz" was the one used by the witness,—the correct translation of which he now thinks is "die."]

A. What I stated in the answer referred to was that the die (matriz) was taken to the printer's; sometimes the treasurer inserted the date, and sometimes not. My idea of the matter is, that when the treasurer wishes any date put in he has the first three figures that are to indicate the year put in, so that the last of the figures which express the number of the year may be written thus;—for the last decade 184–, the present decade 185–, and so on; so that this part of the seal would have to be changed only every ten years. This is what I suppose takes place, but I know nothing as to how it is done; I presume the process is the same as that which is followed in coining, although the die may change the impression still remains the same; so that in my opinion there would be but one seal, with perhaps some slight changes in the size or otherwise. This is what I have intended to express from the beginning.

Q. 168. Now, don't you see that there never could be a blank on the die or impression, where you said you had seen one?

A. I remember having seen a stamp which had a blank, whether it was the Sello de Oficio or the other, I cannot now remember; I am inclined to think on looking at this stamp of the Sello de Oficio that it was this Sello de Oficio, for I see a considerable space here between the words "de" and "Oficio."

Q. 169. So you are inclined now to think that the blank must have been upon the charity seal, of which you have spoken this morning for the first time?

A. Yes, sir; for I barely remember the fact of having seen the die.

Deposition closed. FRAN$^{co}$. VILLALON.

[Rubric.]

Subscribed and sworn to before me this 27th day of October, 1859.

W. H. CHEVERS,
U. S. Commissioner.

Filed October 27, 1859.
W. H. CHEVERS, Clerk.

## EXHIBIT VILLALON No. 1, W. H. C.

SELLO CUARTO [SELLO.] UN REAL.

El B$^{r}$. D$^{n}$. Jose Maria Huerta, Cura propio de la Parroquia de S$^{n}$. Matias Yxtacalco: Certifico en toda forma de derecho, q. en el Libro de partidas de bautismos de esta feligresia del año de mil ochocientos veintiseis, á la foja cincuenta y ocho partida sesenta y una, consta la q. copio por el tenor siguiente.

Petra Brigida Ysabel. De S$^{n}$. Juan del Rio.

En la Parroquia de S$^{n}$. Matias Yxtacalco: á primero de Agosto de mil ochocientos veintiseis: Yo, el B$^{r}$. D$^{n}$. Jose, Maria Bucheli, Cura propio de este Curato, bautizé solemnemente y puse los Santos Oleos, a una Criatura de un dia nacida, a quien nombre, Petra Brigida Ysabel, hija legitima de D. José Trinidad Moya y de D$^{a}$. M$^{a}$. Jacoba Olbera, vecinos de S$^{n}$. Juan del Rio: fueron sus padrinos D$^{n}$ Diego Guerrero, y D$^{a}$. M$^{a}$. de la Luz Varela, vecinos de Mexico, á quienes advertí su obligacion y parenteseo espiritual, y para constancia firmé.

Por orden de la Sagrada, Mítra firmó el S$^{r}$. Lic$^{o}$. D$^{n}$. Agustin Carpena.

AGUSTIN CARPENA=

La cual partida está fielmente copiada, y concuerda con su original, á q. me remito, de q. doy fé.

JOSE MARIA HUERTA.
[Rubric.]

Drōs. 4 p$^{s}$.

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El Br. D. José Ygnacio Calapiz Cura propio de la Parroquia de San Sebastian de Mexica, &$^{a}$.

Certifico que en uno de dos Libros de Matrimonios de los feligreses de esta Parroquia, consta, que en cinco de Agosto del año de mil ochocientos cuarenta y cuatro, se casaron y velaron en esta Parroquia Don Lucas Garcia y D$^{a}$. Petra Moya. Y para que conste lo firmé. Parroquia de San Sebastian de Mexico Febrero 15 de 1854.

JOSE YGN$^{o}$. CALAPIZ.
[Rubric.]

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Los infrascritos Escribanos,

Certificamos y damos fé: que las firmas con que se hayan subscritas las anteriores certificamos son de los Señores Curas que ellos espresan a los que se les da entera fé y exedito en todos los actos que por razon de su ministeria ejercen.

Y para constancia ponemos la presente sellada con el de oficio de Nuestro Ylustre y Nacional Colegio en Mejico á veinte y ocho de Noviembre de mil ochocientos cincuenta y cuatro.

†
FRAN$^{co}$. CALAPIZ.
[Rubric.]

†
FERMIN VILLA.
[Rubric.]

†
MAR$^{o}$. CABEZA DE VACA.
[Rubric.]

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Marcileno Castañeda Magistrado del Supremo Tribunal de Justicia de la Nacion y actual Ministro Semanero de su primera Sala.

[SELLO.] Certifico que D. Fermin Villa, D. Francisco Calapiz y D. Mariano Cabeza de Baca son escribanos publicos de la Nacion y que las firmas que se hallan alcalse del anterior documento son las mismas que usan en todos los instrumentos publicos que autorizan. Mejico Noviembre trienta de mil ochocientos cincuenta y cuatro.

MARCELINO CASTAÑEDA.

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En infrascrito oficial mayor 1$^{o}$. del Ministerio de relaciones esteriores. Certifico: que el S$^{r}$. D$^{n}$. Marcelino Castañeda es Magistrado del Supremo Tribunal de Justicia de la Nacion y su firma que antecede la que usa en los documentos que autoriza. Mexico Diciembre 1$^{o}$. de 1854.

[SELLO.] J. MIGUEL ARROYO.
Gratis.

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No. 2662. CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 2d, 1854.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such.

Register G, folio 271.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.] ☞ JOHN BLACK, ☞
*U. S. Consul.*

## EXHIBIT VILLALON No. 2, W. H. C.

SELLO QUINTO [SEAL] MEDIO REAL.

En la Ciudad de Mejico á veinte y siete de Nobrembre de mil ochiocientos cuarenta y cuatro. Ante mi el Escribano Publico de la Nacion y testigos que se espresaran Doña Petra Moya de esta vecindad mayor de edad de estado casada con Don Lucas Garesa á la que doy fé conosco y en virtud de la licencia marital que el derecho previene la que de haber sido pedida con sedida y aceptada respectivamente tambien doy fé, otorga que da su poder amplio cumplido bastante en derecho el que se requiere y sea nesesario mas pueda y deva valer al Señor Licenciado Don José Maria Lafragua tambien de esta vecindad especial y señaladamente para que en nombre de la otorgante y representando su propia persona derechos y acciones, proseda á reclamar unos terrenos y demas bienes que de la propiedad de Don Trinidad Moya se hayan cituados en San Francisco de Californias y los cuales pertenecen hoy a la otorgante como hija y unica heredera de dicho Don Trinidad Moya; prosediendo en el particular segun lo haria la otorgante siendo presente facultandolo ampliamente para que haga las transacciones que cria oportunas pues al efecto y para el presente negocio le confiere este poder tan amplio como lo hubiere menester sin que por falta de clausula esprecion requisito ó circunstancia que aqui no se contenga deje de proseder pues cuantas necesite ha por insertas con facultad de enjinerar jurar y sustituir rebocar sustitutos cobrar de ellos y nombrar otros de nuevo que á todos seleba en forma segun derecho. A cuyó cumplimiento se obliga con sus bienes habidos y por haber con la guarentigia en forma con las sumiciones y renunciaciones ne leyes nesesarias. Y asi lo otorgo y firmo en union de su marido siendo testigos Don Antonio Mutio, Don José Calapiz, y Don Yguacio Torcida de esta vecindad doy fé=Petra Moya=Lucas Garcia=Francisco Calapiz, Escribano Publico.

Sacose para la parte despues de su otorgamento y va en este pliego del sello quinto por constarme la insolvencia de la interesada vienio corriente correjido doy fé.

Gratis.

† FRAN$^{co}$ CALAPIZ, E. P$^{co}$.
[Rubric.]

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Damos fé que D. Fran$^{co}$ Calapiz por quien aparece firmado el documento anterior es Escrib$^{o}$ Publico del numero de esta Ciudad fiel legal y de toda comfianza. Y para que consta ponemos la precente con el sello de oficio de nuestros Nac$^{l}$ Colejio en Mej$^{co}$ á viente y siete de Nov$^{e}$ de mil ochocientos cincuenta y cuatro.

† AG$^{TO}$. VERA. [Rubric.]　　† J. DE JESUS PIÑA. [Rubric.]

[SELLO.]　　† MAR$^{O}$ CABEZA DE VACA. [Rubric.]

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Marcelino Castañeda Magistrado del Supremo Tribunal de Justicia de la Nacion y actual Ministro Semanero de su primera Sala.

Certifico: que Don Francisco Calapiz es Escribano Público de la Nacion, y que la firma que se halla alcalce del anterior documento es la misma q usa en todos los instrumentos públicos que autoriza. Méjico Noviembre treinta de mil ochocientos cincuenta y cuatro.

[SELLO.]　　MARCELINO CASTAÑEDA. [Rubric.]

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El infrascrito oficial mayor 1$^{o}$ del Ministerio de relaciones esteriores. Certifico: que el Sr. D$^{n}$ Marcelino Castañeda es Magistrado del Supremo Tribunal de Justicia de la Nacion y su firma que antecede la que usa en los documentos que autoriza—Mexico Diciembre 1$^{o}$ de 1854.

[SELLO.]　　J. MIGUEL ARROYO. [Rubric.]

Gratis.

—

No. 2661.　　CONSULATE OF THE U. S. OF AMERICA,
MEXICO, December 2, 1854.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such.

Register G, folio 270.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]　　☞ ☜　　JOHN BLACK,
*U. S. Consul.*　☞ ☜

Know all men by these presents; that I, José Maria Lafragua, by virtue of the power and authority to me given, in and by the letter of attorney, of Doña Petra Moyo, which is hereunto annexed, do substitute and appoint William E. Barron, of San Francisco, State of California, to do, perform and execute, every act or thing which I might or could do, in, by and under the same, as well for me, as being the true and lawful attorney and substitute of the said Petra Moya; hereby ratifying and confirming all that the said attorney and substitute hereby made and appointed, shall do in the premises by virtue hereof, and of the said letter of attorney.

In witness whereof, I have hereunto set my hand [SEAL] and Seal, the 31st day of January, A. D. 1855, eighteen hundred and fifty-five.

J. M. LAFRAGUA.
[Rubric.]

Sealed and delivered in the presence of
A. G. RANDALL.

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STATE OF CALIFORNIA,
County of San Francisco. } ss.

On this thirty-first day of January, A. D. one thousand eight hundred and fifty-five, before me Albert G. Randall, a Notary Public in and for said county, personally appeared José Maria Lafragua, to me known to be the individual described in and who executed the annexed instrument, and acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand [SEAL] and affixed my official Seal, the day and year first above written.

A. G. RANDALL,
Notary Public.

## TRANSLATION OF EXHIBIT VILLALON No. 1.

FOURTH SEAL [SEAL.] ONE REAL.

The B$^{r}$. D$^{n}$. José Maria Huerta, Curate of the Parish of S$^{n}$. Matias Yxtacalco; certifies in due form of law, that in the book of the registry of baptisms of this church for the year one thousand eight hundred and twenty-six, on leaf (foja) fifty-eight, entry (partida) sixty-one, is found the original, of which the following is a copy:

Petra Brigida Ysabel, San Juan del Rio.

In the Parish of S$^{n}$. Matias Yxtacalco, on the first of August, one thousand eight hundred and twenty-six, I, the B$^{r}$. D$^{n}$. José Maria Bucheli, Curate of this Curacy, solemnly baptized, and anointed with holy oil, an infant of the age of one day, to which I gave the name of Petra Brigida Ysabel, the same being a legitimate daughter of D$^{n}$. José Trinidad Moya and of D$^{n}$. M$^{a}$. Jocoba Olbera, residents of S$^{n}$. Juan del Rio: its sponsers being D$^{n}$. Diego Guerrero and D$^{n}$. M$^{a}$. de la Luz Varela, residents of Mexico, to whom I made known the obligations of their spiritual parentage, and in witness whereof, I signed:

By order of the Sacred Miter, signed by the Señor Lic$^{o}$. D$^{n}$. Agustin Carpena.

AGUSTIN CARPENA.

Which said entry is faithfully copied and compared with the original, which I remit, to which I attest.

JOSE MARIA HUERTA.
[Rubric.]

Fees, \$4.

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The Bachelor, D$^{n}$. José Ygnacio Calapiz, Curate of the Parish of San Sebastian of Mexico, etc. etc.

Certifies that in one of the books of the registry of marriages of the parishioners of this Parish, it appears that on the fifth of August, one thousand eight hundred and forty-four, was married in this Parish, Don Lucas Garcia and Doña Petra Moya; and in witness whereof, I signed this.

Parish of San Sebastian of Mexico, Feb. 15th, 1854.

JOSÉ YGNACIO CALAPIZ.
[Rubric.]

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We, the undersigned Notaries, certify and give faith, that the signatures subscribed to the foregoing certificates, are those of the Señores Curates mentioned in the same, to which is given full faith and credit, in all the acts which they exercise by virtue of their ministry.

†
FRAN$^{co}$. CALAPIZ.
[Rubric.]

† FERMIN VILLA. [Rubric.]    † MAR$^{o}$. CABEZA DE VACA. [Rubric.]

—

Marcelino Castañeda, a Magistrate of the Supreme Tribunal of Justice of the Nation and actual Ministro Semanaro de su primera Sala,—

[SEAL.] Certify that D$^{n}$. Fermin Villa, Don Francisco Calapiz and D$^{n}$. Mariano Cabeza de Baca, are public Notaries of the Nation, and that their signatures as found at the conclusion of the foregoing document, are the same that they use in all the public instruments which they authorize. Mexico, November 30th, 1854.

[SEAL.]    MARCELINO CASTAÑEDA.
[Rubric.]

—

[SEAL.]

The undersigned, chief clerk of the office of the Minister of Exterior Relations, certifies, that the Señor D$^{n}$. Marcelino Castañeda is a Magistrate of the Supreme Tribual of Justice of the Nation, and that his foregoing signature is the same that he uses in the documents which he authorizes.

December 1st, 1854.    J. MIGUEL ARROYO.
Rubric.

Gratis.

—

No. 2662.    CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 2d, 1854.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register G, folio 271.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SELLO.]    JOHN BLACK,
*U. S. Consul.*

## TRANSLATION OF EXHIBIT VILLALON No. 2.

FIFTH SEAL. [SEAL.] HALF REAL.

In the city of Mexico, on the twenty-seventh day of November, one thousand eight hundred and forty-four, before me the Public Notary of the Nation, and the witnesses which are expressed, Doña Petra Moya, of this vicinity, above the years of minority (mayor de edad) and married with Don Lucas Garcia, to which I give faith, and in virtue of the marital license which the law provides, and that the same has been petitioned for, conceded and accepted, I also attest and give faith; executed and delivered her power, ample and sufficient as is required by law, to the Señor Licenciado Don José Maria Lafragua, also of this vicinity, especially and particularly, in order that in the name of the party giving the power (otorgante) and representing her proper person, rights and shares, he may proceed to make claim to the lands and other property of Don Trinidad Moya, which is situated in San Francisco of Californias, and which at this time belong to the party giving the power (otorgante) as the only daughter and heir of the said Don Trinidad Moya; proceeding in the matter in the same manner that the otorgante could do were she personally present, authorizing him amply to enter into all the transactions that he may think necessary, since to this end, and for the present business, this power is conferred upon him so ample as may be necessary for him to proceed, in default of a clause, expression, requisite or circumstance that may not be contained in the same, since whatever is necessary is considered as inserted, with authority to commence judicial proceedings (enjuiciar), swear and substitute, to revoke substitutes received from them and appoint others anew which shall relieve them. For the fulfillment of which she obligates herself with her property now in possession, or which she may hereafter possess, with the formal guaranty. This executed and signed in union with her husband, Don Antonio Matio, Don José Calapiz and Don Ygnacio Torcida, of this vicinity, being witnesses, which I attest.=Petra Moya=Lucas Garcia. Francisco Calapiz, Notary Public.

Copied for the party after its execution, as it appears on this sheet of the fifth seal, it appearing to me that the interested party is insolvent and it being corrected—which I attest.

Gratis.
[Rubric.]

†
FRAN$^{co}$ CALAPIZ, E. P$^{co}$.
[Rubric.]

We attest, that D$^{n}$ Fran$^{co}$ Calipiz, by whom the foregoing document appears to be signed, is a Public Notary, of the number of this city, faithful, legal and worthy of all confidence. In witness whereof, we place to the present the seal of our National College, in Mexico, on the twenty-seventh day of November, 1854.

† AG$^{TN}$. VERA. [Rubric.]     † J. DE JESUS PIÑA. [Rubric.]

[SEAL.]     † MAR$^{o}$ CABEZA DE VACA. [Rubric.]

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Marcelino Castañeda, a Magistrate of the Supreme Tribunal of Justice of the Nation and actual Minister Semanero de su primer Sala.

Certifies that Don Francisco Calapiz is a Public Notary of the Nation, and that his signature which appears to the foregoing document, is the same that he uses in all the public instruments which he authorizes.

Mexico, November the 30th, 1854.

[SEAL]     MARCELINO CASTAÑEDA. [Rubric.]

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The undersigned, Chief Clerk of the of the office of the Minister of Exterior Relations, certifies that the Señor Don Marcelino Castañeda is a Magistrate of the Supreme Tribunal of Justice of the Nation, and that his foregoing signature is the same that he uses in the documents which he authorizes.

Mexico, December 1st, 1854.

[SEAL.]     J. MIGUEL ARROYO. [Rubric.]

Gratis.

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No. 2661.     CONSULATE OF THE U. S. OF AMERICA,
Mexico, December 2, 1854.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such.

Register G, folio 270.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[Seal.]

JOHN BLACK,
*U. S. Consul.*

—

Know all men by these presents; that I, José Maria Lafragua, by virtue of the power and authority to me given, in and by the letter of attorney, of Doña Petra Moya, which is hereunto annexed, do substitute and appoint William E. Barron, of San Francisco, State of California, to do, perform and execute, every act or thing which might or could do, in, by and under the same, as well for me, as being the true and lawful attorney and substitute of the said Petra Moya; hereby ratifying and confirming all that the said attorney and substitute hereby made and appointed, shall do in the premises by virtue hereof, and of the said letter of attorney.

In witness whereof, I have hereuntoset my hand and seal, the 31st day of January, A. D. 1855, eighteen hundred and fifty-five.

[Seal]

J. M. LAFRAGUA.
[Rubric.]

Sealed and delivered in the presence of
A. G. Randall.

—

State of California,
County of San Francisco. } ss.

On this thirty-first day of January, A. D. one thousand eight hundred and fifty-five, before me Albert G. Randall, a Notary Public in and for said county, personally appeared José Maria Lafragua, to me known to be the individual described in and who excecute the annexed instrument, and acknowledged that he executed the same freely and voluntary, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official Seal, the day and year first above written.

[Seal.]

A. G. RANDALL,
Notary Public.

# DEPOSITION OF MARIANO G. VALLEJO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Cal., November 17th, 1859.

On this day before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came Mariano G. Vallejo, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Questions by counsel for claimant.

QUESTION 1. What is your name, age, and place of residence?
ANSWER. Mariano Guadalupe Vallejo; my residence is in Sonoma, and my age is fifty-one years.

Q. 2. Were you acquainted with Andres Castillero; if yea, state when you knew him?
A. I have known him since 1836. My acquaintance with him continued until he left California the last time, in 1846. I knew him very well.

Q. 3. Do you remember whether he was at Sonoma in 1845?
A. Yes, sir; he was there in the early days of 1845, in company with General Castro and other Mexican officers. His business there was with me; it was political and military; he was then on his way to Sutter's Fort, whither he went, accompanied by General Castro, Colonel Prudon, Mr. Leese, and the officers of whom I have spoken. His object in going to Sutter's Fort was to purchase the establishment of New Helvetia for the Mexican Government.

While he was in Sonoma on that occasion, he stood godfather for my son Uladislao, who was baptized on the 6th December, 1845. I have with me a certificate of his baptism, which is signed by the priest, and also by General Castro and Victor Prudon, as witnesses. This certificate is dated the 7th of November, 1845.

Q. 4. On leaving Sutter's Fort, where did Castillero go; and did you have any correspondence with him about that time?

A. When Castillero left Sutter's Fort, he went by way of the Cosumnes and the San Joaquin to Santa Clara. After he reached that place, I received letters from him.

Q. 5. Examine the documents now shown you, dated respectively December 2d, 1845, December 21st, 1845, February 21st, 1846, and March 11th, 1846, all of them dated from the Mission of Santa Clara, and purporting to be letters signed by Castillero, and addressed to you.

Do you know the signatures and the handwriting of these letters; did you receive them about the time they were written; and how came they in my possession?

A. Those letters are all in the handwriting of Castillero, and bear his signature; the address is also in his handwriting. On the letters of the 2d and 21st December, 1845, the date of the reception is noted by me; the first was received on the 3d January, and the second on the 31st January, 1846. These letters have remained in my possession until I handed them to you (Mr. Peachy), four or five months ago.

[Counsel for claimant offers these letters in evidence, and they are marked, respectively, in the order of their dates, Exhibits Vallejo Nos. 1, 2, 3, and 4, W. H. C.

Objected to by counsel for the United States as irrelevant, and, as they are the claimant's own declarations, inadmissible to prove title in himself.]

Q. 6. In the letter of the 2d December, 1846, Castillero says: "I send you three assays; the largest of one ounce of ore, the second of three-quarters, and the smallest of half an ounce of ore."

What do you remember about those assays?

A. I remember having received some specimens of the ore wrapped up in paper, and some quicksilver in a vial.

Q. 7. Do you remember anything else about the discovery of this mine by Castillero; if so, please state it?

A. The only thing I remember was that I went down to Santa Clara and Monterey about March, 1846. Castillero's discovery was well known, and everybody was experimenting with the ore.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., Nov. 19, 1859.

Examination of M. G. Vallejo resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph for the United States.

Q. 8. Who was the Piña mentioned in Castillero's letters; did you know him, and do you know what became of him?

A. He was lieutenant (alferez) of the permanent cavalry. He was for a long time my adjutant, and was a most excellent officer of artillery.

I know that he left California in 1846, and never returned. I have heard and believe he was killed at the battle of Cerro Gordo. His name was Lazaro Piña.

No cross-examination.

Examination closed.

M. G. VALLEJO.

Sworn to and subscribed before me, Nov. 19, 1859.

W. H. Chevers, U. S. Commissioner.

Filed November 19, 1859.

W. H. Chevers, Clerk.

## EXHIBIT VALLEJO No. 1, W. H. C.

[Recibida el dia 3 de En$^{o}$. de 1845.]

S$^{r}$. Coron$^{l}$. D$^{n}$. Mariano Guadalupe Vallejo.

SANTA CLARA, Diciemb$^{e}$. 2 1845.

Muy estimado Compadre á quien aprecio :—Con el Sargento Piña recivi todas las comunicaciones que benian anotadas en la guia, las de D$^{n}$. José Castro fueron conducidas con seguridad.

Mientras se realiza mi salida p$^{a}$. el interior de la Republica me tiene V. de Minero á distancia de sinco leguas de aqui en la pertenencia del Sarg$^{to}$. Retirado D$^{n}$. José Reyes Verreyesa, con las mayores esperanzas habiendo sacado de una misma veta Azogue plata y oro en cantidades sobresalientes, y seguram$^{te}$. se descubriran sinco ó seis minas del mismo caracter; hoy remito á V. tres ensalles el mas grande de una onza de piedra el segundo de tres cuartas y el mas chico de media onza de piedra ninguna sin escojer.

Muy buenas me han paresido las comunicaciones q$^{e}$. remite V. al Supremo Govierno, y no las apollase personal$^{te}$. teniendo muy presente á Suter, lo mismo que lo de colonisacion respecto á nuestro amigo.

Pongame V. á los pies de mi comadrita y selebro infinito q$^{e}$. mi ahijado este bueno, y con espresiones á todo la familia se despide de V. su af$^{mo}$. Compadre que atento b. l. m.

ANDRES CASTILLERO.

[Rubric.]

Saludeme V. á D$^{n}$. Salvador disiendole q$^{e}$. no olvido sus encargos.

[Endorsed.]

Al S$^{r}$. Com$^{te}$. de la Linea del Norte D$^{n}$. Mariano G. Vallejo, Sonoma.

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## EXHIBIT VALLEJO No. 2, W. H. C.

[Recibida el dia 31 de Enero de 1846.]

S$^{r}$. Coron$^{l}$. D$^{n}$. Mariano G. Vallejo.

SANTA CLARA y D$^{re}$. 21 1845.

Estimado Compadre que aprecio :—Hoy hase ocho dias que por dos extraordinarios seguidos, me hisieron salir con presipitacion para Monterey, á causa de que el S$^{r}$. Governador D$^{n}$. Pio Pico embarcó p$^{a}$. Mexico al S$^{r}$. D$^{n}$. Antonio Carrillo, y uno de los Varelas en la Clarita, por haber descubierto dicho Governadór, una conspiracion en contra de el. Santa Barbara desconosio al Govierno politico, prendiendo á sus autoridades, ocupando el rincon y mandando una comision á el Comandte. Genl. el que sale mañana pa. aquel punto; no aprovando un paso, segun sus comunicaciones, ni el Governadór la demasia de atrapellar la autoridad militar, veremos lo qe. resulte de todo y le dare á Vd. parte.

A otro cosa, tenemos mucho Azogue que sale con tanta abundancia que de veinte ã piedra sacamos trienta lbs. azogue liquido calculando llo qe. nos produce un quintal diario, tenemos tambien minas descubiertas de ley de plata.

Mi viaje no puede verificarse como quitiera por falta de trasporte.

La asamblea dió lla el Bando de la venta de misiones en estos terminos, (en estas terminos) Sn. Luis Rey, Sn. Fernando Sta. Barbara en arrendto., Sta. Clara y Sn. José suspensas hasta su liquidacion de cuentas, y las demas rematadas el mes qe. entra; yo creo qe. el pronunciamto. de Sta. Barbara adolese de esta providencia teniendo alguna parte la autoridad eclesiastica, estas con mis sospechas, nada mas qe. suspechas, pero con motivo.

Pongame V. á los pies de mi comadrita, de le V. un beso á mi ahijado, y mande V. á su afmo. Compadre que atento B. S. M.

ANDs. CASTILLERO.

[Rubric.]

P. L. Saludeme V. á Dn. Victor, dejame V. si de presenta una bueua mina si quedra V. llebar parte. Fiuemos una de Estaño.

[Endorsed.]

Al Sr. Comandante militar de la Linea del Norte Dn. Coronl. Dn. Mariano G. Vallejo.

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## EXHIBIT VALLEJO No. 3, W. H. C.

Sr. Coronl Comandante de la Linea del Norte, Don Mariano Guadalupe Vallejo.

MISION DE STA CLARA, Febo 21, 1846.

Estimado Compradre que aprecio:—Tengo el gusto de acompañar á Vd una carta de el E. S. Presidente en que me comunica el motivo que hai pa que la espedicion no hubien benido aqui, mas en oficio que recivío Dn José Castro le anuncian del ministerio de la guerra la salida del Sr Coronl Dn Ygno Yniestra por el Bergantine Goleta que trajo estas comunicaciones hemos sabido que la republica está en completa paz, este buque marcha pronto y lleba las comunicaciones de lo ultim$^{te}$ acaesido.

Yo ó Piña salimos en el, o los dos juntos solo me detiene, la llegada de la Division que toca aqui de un dia a otro.

Digame V. lo que mas le ocurra para la capital, q$^{e}$ llo lo ejecutare bien por el mencionado Piña ó personalm$^{te}$ segun se presenten las circunstancias.

Nada hai de Govierno unido á la Com$^{a}$ gen$^{l}$ este punto solo se resuelbe hasta mi vista ó como$^{on}$ con el Sup$^{e}$ Gov$^{o}$.

No deje V. de contestarme pronto y ablar me con lo franguese q$^{e}$ le es propia.

Saludeme V. á mi Comadrita, y de le V. un vero á mi ahijado, mande á su af$^{mo}$ Comp$^{e}$ q. b. l. m.

AND$^{S}$ CASTILLERO.
[Rubric]

[Endorsed.]

Al S$^{r}$ Com$^{te}$ de la Linea del Norte Coron$^{l}$ D$^{n}$ Mariano Guadalupe Vallejo, Sonoma. Exp$^{nes}$ á D$^{n}$ Victor Prudon.

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## EXHIBIT VALLEJO No. 4, W. H. C.

S$^{r.}$ Coron$^{l}$ D$^{n}$ Mariano G. Vallejo.

M. de Santa Clara, M$^{zo}$ 11, 1846.

Estimado Compadre que aprecio.—En la Cierra del Gavilan frente á la Natividad, se ha hecho fuerte el Capitan J. C. Fremont al q. se le han unido estranjeros mas el S. Com$^{te}$ Gen$^{l}$ esta sobre ellos, y yo salgo luego p$^{a}$ reunirme, lo que pongo en su conocim$^{to.}$

Piña se embarcó el cuatro de este en Monterey, y ba perfectam$^{te}$ despachado caminando por la posta hasta Mejico.

Saludeme V. á mi comad$^{ta}$ y demas fam$^{a}$ y mande á su af$^{mo}$ Comp$^{e}$ q. b. l. m.

AND$^{S.}$ CASTILLERO.

P. L.—Saludeme V. al S. D$^{n}$ Salvador y á D$^{n}$ Victor.

[Endorsed.]

S. N.—Al S$^{r}$ Comand$^{te}$ Gen$^{l}$ de la linea del Norte, Coron$^{l}$ D$^{n}$ Mariano G. Vallejo, Sonoma.

## TRANSLATION OF EXHIBIT VALLEJO, No. 1.

(Received, January 3, 1846.)

SANTA CLARA, December 2, 1845.

Colonel Don Mariano Guadalupe Vallejo—My Dear Compadre:—By sergeant Piña I received all the communications noted in the pass, and those for Don José Castro were forwarded safely.

While waiting for the time for my departure for the interior of the Republic, I have employed myself as a miner at a place five leagues from here, on the lands of the retired sergeant Don José Reyes Berreyesa, and with good prospects, having extracted from one same vein, quicksilver, silver and gold in surpassing qualities, and I believe that five or six mines of the same kind will be discovered. I send you three assays, the largest of one ounce of ore, the second of three-quarters, and the smallest of half an ounce of ore, all picked.

The communication which you transmit to the Supreme Government appear to be all very good, and I will corroborate them personally, and bear Sutter in mind, and likewise the colonization matter of our friend.

I desire my respects to my comadrita, and shall be glad that my god-son is in good health, and with remembrance to all the family, I bid you farewell.

ANDRES CASTILLERO.

Respects to Don Salvador, and tell him that I shall not forget his commission.

[Endorsed.]

To the Commander of the Line of the North, D$^n$ M. G. Vallejo.

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## TRANSLATION OF EXHIBIT VALLEJO, No. 2.

(Received, January 31, 1846.)

SANTA CLARA, December 21, 1845.

Col. Don Mariano G. Vallejo—My dear Compadre: It is a week to-day since, having received dispatches by two express couriers in succession, I set out for Monterey, in consequence of the Governor, Don Pio Pico, having shipped off to Mexico, in the Clarita, Don Antonio Carillo, and one of the Varela's; the Governor having discovered that they had formed a conspiracy against him. Santa Barbara disowned the political government, made prisoners the authorities, took possession of the rincon, and sent commissioners to the Commandant-General, who sets out for that place to-morrow. From his correspondence, he does not approve of the step taken, neither does he uphold the Governor in the measure of defying the military authority. We shall see the results, of which I will inform you.

To another matter. We have much quicksilver, which is found in such abundance that from twenty arrobas of ore we have extracted thirty pounds of liquid quicksilver, and I estimate that the yield is one quintal (100 pounds) per day. We have also discovered mines with ley of silver.

I cannot undertake my voyage as I wish, for want of a conveyance.

The Assembly has decreed the sale of the Missions in the following terms: San Luis Rey, San Fernando, Santa Barbara, to be leased; Santa Clara and San José, suspended till the liquidation of their accounts; and the others to be sold by auction next month. I believe that the revolt in Santa Barbara was in consequence of that decree, and that the ecclesiastical authority took part in it. This is what I suspect, it is only a suspicion, but with some foundation.

Please give my respects to my comadrita, and a kiss to my god-son, and send your commands to your affectionate compadre and obedient servant.

ANDRES CASTILLERO.

P. S.—Respects to Don Victor. Tell me if a good mine should be found whether you will take a share in it. We have one of tin.

[Endorsed.]

To the Military Commander of the Line of the North, Col. M. G. Vallejo.

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## TRANSLATION OF EXHIBIT VALLEJO, No. 3.

MISSION OF SANTA CLARA, February 21, 1846.

*Colonel-Commander of the Line of the North,*

Don Mariano Guadalupe Vallejo—My Dear Compadre: I have the pleasure to transmit to you a letter from His Excellency, the President, in which he informs me of the reasons why the expedition should not have come here, but in an official communication received by Don José Castro, he is advised by the Ministry of War that Colonel Don Ygnacio Yniestra had set out.

By the brigantine schooner which brought these communications, we have received information that the Republic is in perfect peace. This vessel sails shortly and will carry communications of what has occurred lately.

Myself or Piña will leave in it, or both together. I am only detained waiting the arrival of the division which may touch here in a day or two.

Tell me what commands you have for the Capital, and I shall execute them faithfully in person, or order Piña to do so, as the circumstances may be.

Nothing has been done regarding the uniting of the Government to the Commandancy-General, and this matter will not be decided until I have an interview with the Supreme Government, or communicate with it.

Do not fail to reply to this soon, and write to me with the frankness which is congenial to you.

Respects to my comadrita, and a kiss to my god-son, and order your affectionate compadre and obedient servant.

ANDRES CASTILLERO.

[Endorsed.]

To the Commander of the Line of the North, Col. M. G. Vallejo.

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## TRANSLATION OF EXHIBIT VALLEJO, No. 4.

Mission of Santa Clara, March 11, 1846.

Colonel Don Mariano Guadalupe Vallejo—My Dear Compadre:—In the mountain range of the Gabilan, over against the Natividad, Captain J. C. Fremont has fortified himself, and he has been joined by some foreigners; but the Commandant-General is upon them, and I set out immediately to accompany them. This I advise you of for your information.

Piña embarked on the fourth of this month, in Monterey, and was dispatched in perfect order. He will travel post to Mexico.

Respects to my comadrita and family, and order your affectionate compadre and obedient servant.

ANDRES CASTILLERO.

P. S.—Expressions to Don Salvador and Don Victor.

[Endorsed.]

To the Commander General of the Line of the North, Col. M. G. Vallejo.

## DEPOSITION OF

# JOSE MARIA COVARRUBIAS.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, November 23d, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c., &c., came José Maria Covarrubias, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter:

Present: A. C. Peachy, of counsel for claimant, and Edmund Randolph, for the United States.

Questions by Mr. Peachy.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. My name is José Maria Covarrubias; I am fifty-one years of age; my residence is in Santa Barbara county.

Q. 2. What public offices have you held in California under the Mexican and American Governments?

A. I have held a great many; I have been Secretary of the Departmental Government, Commissioner to Mexico, Judge of the Superior Court in Territorial times, Member of the Constitutional Convention and of the Legislature for seven or eight years. I also hold the office of Major General.

Q. 3. When did you leave California as Commissioner for Mexico; from what port, and on what vessel did you sail; who were your fellow-passengers; when did you reach San Blas; when the city of Mexico; how long did you remain there, and when did you return to California?

A. I sailed from San Pedro on the 14th February, 1846, in the schooner "Juanita," (Capt. Snook,) Messrs. Francis Mellus, McKinley, Pacheco, Scott and John Young (who was an officer of the ship) were my fellow-passengers.

I don't remember the date of my arrival at San Blas, nor the date of my arrival at the Capital.

I don't remember the exact number of days I was in the Capital, but I think it was about twenty, in the months of March and April.

I returned to California on the same vessel, and arrived at Santa Barbara on the 2d July of the same year.

Q. 4. To what officers of the Mexican Government did you bear dispatches?

A. To the Minister of Relations.

Q. 6. Did you deliver your dispatches to him; did you make his acquaintance; what was his name?

A. I delivered the dispatches to him; I became acquainted with him; and his name was Castillo y Lanzas.

Q. 6. Were you acquainted in 1845, and 1846, with Andres Castillero?

A. Yes, sir.

Q. 7. Do you remember to have taken down any dispatches relating to him, or any business of his; if yea, describe fully all you recollect about it?

A. I don't remember having taken any dispatch relating to Castillero.

I can state, however, that Don Pio Pico, who was then Governor of California, delivered to me a bottle of quicksilver which he had received from Castillero (together with a letter), and instructed me to present it to the Cabinet at Mexico.

The letter written by Castillero to Pio Pico I did not receive; I saw it, but did not take it with me.

Q. 8. Did not Governor Pico, in the communication to the Mexican government, refer to the bottle of quicksilver which he sent by you?

[Objected to as leading, because it don't appear that the witness had read the communication of the Governor.]

A. He did.

Q. 9. Examine the document in "Exhibit Bassoco No. 9, O. H.," purporting to be a traced copy of a letter addressed by Governor Pico to the Minister of Relations, dated "Angeles, Feb. 13th, 1846," and also, another document, purporting to be a traced copy of an original letter addressed by Andres Castillero to Governor Pico, dated, "Santa Clara, December 10th, 1845;" and state whether your memory is refreshed as to the events of which you have been speaking.

A. They do. With regard to the first letter mentioned, I am convinced that I took the original to Mexico myself; I remember that Don Pio Pico instructed me to take that original and the quicksilver with me to Mexico.

I also remember that when I was Secretary to Governor Pico, he told me of the great discovery of the quicksilver mine, now called New Almaden.

[The question to which the foregoing answer is given is objected to as leading.]

Q. 10. To whom did you deliver the bottle of quicksilver, and the original letter of which you have spoken?

A. I delivered the bottle of quicksilver and the communications which I had for the Mexican government, to Mr. Castillo y Lanzas, Minister of Relations, etc.

Q. 11. Do you remember to have had any conversation with Mr. Castillo y Lanzas, Minister of Relations, on the subject of quicksilver in California?

[Objected to as irrelevant and inadmissible.]

A. I do.

Q. 12. Do you remember what was said?

[Objected to as above.]

A. Mr. Castillo Lanzas and me were boarding in the same house, and I dined with him and his sons every day at Zurutuga's house, a hotel called "Casa de Diligencias," and we were in the habit of talking over the discovery of this mine, among other matters relating to California.

Direct examination closed.

No cross examination.

J. M. COVARRUBIAS.

Sworn to, and subscribed, November 23d, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed Nov. 23d, 1859.
W. H. CHEVERS, Clerk.

# DEPOSITION OF AGUSTIN OLVERA.

UNITED STATES DISTRICT COURT,<br>
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, November 30, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Agustin Olvera, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter: to wit, by Richard Tobin.

Present: Frederick Billings, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Questions by counsel for the claimant.

QUESTION 1. What is your name, age, and place of residence?

ANSWER. My name is Agustin Olvera; I am 39 years of age, and I reside in Los Angeles county.

Q. 2. How long have you resided in Los Angeles, and what places or offices of trust have you held under the Mexican Government?

A. I have lived there 22 years; I was Secretary of the Departmental Assembly in the years 1845 and 1846; and was also a member of that body during the latter year.

Q. 3. What places of trust have you held under the American Government?

A. I was civil judge of the Frst Instance—first county judge of Los Angeles county, and Presidential elector at the last Presidential election.

I am at present Receiver of public moneys for the Los Angeles district.

Q. 4. Did you know Andres Castillero, claimant in this case; if so, when and where?

A. I knew him in Los Angeles, in the year 1837 or 1838. I saw him at Los Angeles afterwards, but I do not know at what time; but I think it was in the year 1845.

Q. 5. Look at this document, produced from the office of the United States Surveyor General for California, purporting to be a borrador or rough draft of a communication, addressed on the 13th of February, 1846, to the Minister of Exterior Relations of Mexico, in which is made known to him the discovery of a quicksilver mine in California, a copy of which borrador is on file in this case, marked "Exhibit Pio Pico No. 1, W. H. C."—and state in whose handwriting is said document.

[The counsel for the United States admits that said document is found on file among the archives, in the office of the United States Surveyor General.]

A. It is my own handwriting.

Q. 6. When was it written?

A. I don't know; but I suppose that I wrote it on the day it bears date.

Q. 7. How came you to write that borrador?

A. Because I was Secretary of the Assembly at that time; and it was also my duty to assist in the office of the Governor's Secretary, when called upon; and I suppose the Governor directed me to write it.

Q. 8. Look at the document now shown you, on pages 2 and 3 (in red ink) in "Exhibit Bassoco No. 9, O. H." and of which the borrador referred to, with the exception of the signature of Pio Pico and the marginal note, is a copy, and say whether you can tell from the traced copy in said exhibit, in whose handwriting is the original, and whose the signature.

A. The original is in my own handwriting. The signature to it is Pio Pico's.

Q. 9. When was the original written?

A. I don't know; but I must have written it at the time I wrote the borrador or rough draft.

Q. 10. State what knowledge you had, if any, at that time or before, of the discovery of a quicksilver mine by Andres Castillero?

A. I heard a rumor in Los Angeles, prior to the date of those papers, that Castillero had discovered a quicksilver mine near Santa Clara.

Q. 11. Did you see any specimens of the ore, or any quicksilver from the mine?

A. I have an idea that I saw some specimens of the ore, but my recollection of it is not clear.

Direct examination closed.

No cross-examination.

AGUSTIN OLVERA.

Sworn to, and subscribed this 30th November, 1859, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed November 30, 1859.
W. H. CHEVERS, Clerk.

# DEPOSITION OF JOSE CASTRO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, Cal., November 28, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came José Castro, a witness produced on behalf of the claimant, Andres Castillero, in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Questions by counsel for claimant.

QUESTION 1. What is your name, age, and place of residence?
ANSWER. José Castro; my age is fifty-one years, and I reside in Lower California.

Q. 2. Where were you born, and what offices have you held under the Mexican Government?

A. I was born in the Mission of Soledad, near Monterey.
I have held the office of Deputy in the Territorial Junta, Political Chief, Prefect, Lieutenant-Colonel in the Militia, Permanent Captain and Colonel in the regular army, Comandante-General of California in 1846. At present, I am Comandante Militar and Political Chief of Lower California.

Q. 3. Did you know Andres Castillero, the claimant, and when?

A. I first knew him in the year 1834 or 1835, as well as I can recollect, when he came here as Secretary to General Chico.

Q. 4. When did Castillero leave California the last time?

A. I think it was in April, 1846.

Q. 5. Do you remember to have accompanied Castillero on a visit to Sutter's Fort in 1845; if yea, please state what month the visit was paid, for what object, with what result, who composed the party, how long you remained at Sutter's Fort, and where you went on leaving it?

A. I remember that we did make such a visit to that place in that year. I think it was in the month of November. The party was composed of Castillero, Juan Soberanes, Felipe Butro, Manuel Castro, Francisco Arce, fifteen or twenty soldiers, and myself. My object in going there was to adopt some measures in concert with the Military Commandant (Don Mariano Vallejo) for the security of the country. I went from here to Sonoma, to see the Military Commandant, and from there I went to Sutter's Fort and Santa Clara. Castillero's object was to see the country, and he also spoke to Sutter about purchasing his establishment from him while we were at Sutter's Fort, for the Government. I believe he was then a Commissioner from the Mexican Government. Messrs. Leese and Prudon accompanied us from Sonoma to Sutter's Fort.

I did not learn what was the result of Castillero's proposal to purchase the establishment. We remained there one or two days. We went from there to the Mission of San José, crossing the San Joaquin and Cosumnes rivers, and from the Mission, we went to Santa Clara.

Q. 6. What was Castillero's profession?

A. He was a Captain in the army, and was also a Surgeon and Chemist.

Q. 7 Will you please to state all you remember concerning the discovery of what is now called the mine of New Almaden, by Andres Castillero?

A. Castillero started with us from Monterey, to go to the places that I have named at the time that we made the visit to Sutter, and as we traveled along, he occasioned some delay by looking for minerals in the hills, on either side of the road. When we came near Santa Clara, I remembered having heard, since I was a child, that there was a mine near there, not knowing what kind of a mine it was. I told Castillero of having heard about that mine, and suggested that he might examine it then, or on our return. In consequence of this, immediately upon our arrival at Santa Clara, he took a little cart and went to the mine, (which had been called Chaboya's mine). He got some minerals, and made an assay. He found a little gold and silver, and a very small quantity of quicksilver, but he considered this latter of no importance, there was so little of it. We then continued our journey to Sonoma and Sutter's Fort as I have stated, and upon our return to Santa Clara, Castillero made further assays. He remained at Santa Clara, and I went on to Monterey. It was then that Castillero discovered the large quantities of quicksilver. He denounced the mine as a quicksilver mine, and established a company to work it, of which I was a member, having four shares in the mine. The Alcalde of San José put him in possession of the mine, and three thousand varas in all directions, as discoverer. The Alcalde was Antonio Maria Pico. He placed the mine in working order, and as I found it necessary to send him to Mexico, he left the mine in charge of Padre Real and myself. I remember that, after Castillero's departure, I drew up a representation to the Alcalde, touching the mine, and also a power of attorney to Padre McNamara, authorizing him to contract for the habilitacion or working of the mine.

Q. 8. Did you ever see the original article of partnership between yourself, Castillero, Padre Real, and the two Robles; do you know where it is; when did you see it last?

A. I never saw it; but I gave Castillero authority to enter into the contract on my behalf, and I learned from him that he had done so, and that the contract was in possession of Padre Real.

Q. 9. Look at the document now shown you purporting to contain two representations made by Castillero to the Alcalde of the Pueblo of San José, dated respectively the 22d November and 3d December, 1845, making known the discovery of this mine, asking that the fact of the discovery should be noticed as required by the ordinances, and that possession of the mine be given. This document also contains what purports to be the record of the act of juridical possession, given by Alcalde Pico to Castillero in December, 1845; and it contains further what purports to be a petition to the first Alcalde of San José, made and signed by you on the 27th June, 1846:

Please to say in whose handwriting are these various documents, whose the signatures to them, and when the same were written and signed, as far as you know?

A. Castillero's first representation, dated 22d November, 1845, is in the handwriting of Castañeda, with the signature of Castillero. The second, dated 3d December, 1845, is written and signed by Castillero.

I do not know the handwriting of the act of possession, but I do know the signatures to it. They are the genuine signatures of Suñol, Pico, and Noriega.

My petition to the Alcalde is in the handwriting of one of my officers, Diaz, Soberano or Soto; I cannot say which. The signature to it is mine. I signed it on the day of its date.

I have no reason to believe but what the other documents were signed on the day of their date. I believe they were so signed.

Q. 10. I draw your particular attention to the day on which your petition was actually signed by you, because Benito Diaz, a witness produced by the Government in this case, has sworn that he wrote that petition somewhere about April or May, 1847, under the dictation of Padre Real, and that at that time your name was not signed to it. With this statement of Benito Diaz made known to you, please answer my question again with reference to the day on which you actually signed that paper.

A. This statement of Benito Diaz is false. I have the best reason for knowing that I signed this document on the day of its date; and after having examined it again, I repeat that I did so sign it.

I remember that when I sent Castillero to Mexico, he told me when he was about leaving, that this requisite was wanting, and gave me a rough draft (borrador) of this petition, and told me to attend to it; and when I got back to Santa Clara, I gave it to Padre Real, and told him to have the petition drawn from it by one of the officers there. It was so drawn, and I signed it, and sent it to the Alcalde of San José.

I afterwards left Santa Clara, and on my return I met the Alcalde, and he told me in presence of Juan B. Alvarado and Manuel Castro that my petition had been granted as prayed for.

Q. 11. Are you acquainted with the handwriting and signature of Alcalde Pacheco.

A. I am.

Q. 12. In whose handwriting is the marginal note on your said petition, and whose the signature to it?

A. The handwriting of the marginal note is the handwriting of Salvio Pacheco, and the signature to it is that of Dolores Pacheco.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, NOV. 29, 1859.

Drect Examination of José Castro resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 13. Did you leave California in 1846; where did you go, and when did you return?

A. I started from Los Angeles on the 10th August, 1846, and traveled through Sonora and Sinaloa to Tepic. I returned to California in about two years. I think it was in the early part of 1848.

Q. 14. While you were in Tepic, did you sell the whole or any part of your interest in the mine to any person?

A. Whilst I was there, I sold all my interest in the mine, four shares, to Mr. Forbes.

Q. 15. I observe in the acts of sale to Mr. Forbes, you state that the mine consists of three pertenencias: Please to state why you used that expression; what you meant by it.

A. At that time I had no knowledge whatever of mining matters—being only a soldier, and I got that expression from the borrador which Castillero gave me when he was leaving here for Mexico. I did not know how many barras there were in a pertenencia; Castillero, himself, was the only person who knew anything about mines.

Q. 16. Do you know James Alexander Forbes, of Santa Clara, and how long have you known him?

A. I do know him; I have known him about twenty-five years.

Q. 17. When did you leave Lower California on your present visit to this State?

A. On or about the 20th of last June. I came up here from San Diego on the steamer "Senator."

Q. 18. Just before you left Lower California on that occasion, had not James Alexander Forbes been there on a visit to you?

A. Yes, sir; he was there about the latter part of April, or the early part of May.

A. 19. Please to state what was the object of Mr. Forbes' visit to you, as disclosed by himself, and what passed between you in your interviews; and under what circumstances Mr. James Alexander Forbes left Lower California.

A. At my residence (the Sausal de Camacho) I received a letter from James Alexander Forbes, dated at Don Juan Bandini's rancho, in which he stated that he had a matter of great importance to consult me about, and requested me to come at once to see him. I did so, and took my Secretary with me. When we arrived, after the usual salutations had passed, Mr. Forbes and myself walked out together from the house, and he then stated to me that he was authorized by a powerful company of speculators (empresarios) in San Francisco to furnish me with the necessary means, if I would consent to detach Lower California from Mexico, to make it independent, and that subsequently it should be annexed to the United States. I listened to this calmly, and told him to go on. He then said, there is another matter of importance to you. If you will give your testimony against the owners of the Almaden mine, the Government will pay you a considerable sum—more than ten thousand dollars. I answered, "with regard to what you first proposed, I am an officer of the Mexican Government, and will not be guilty of treason; and as to the other matter, I cannot be bought with money to do an infamous action; say nothing further to me on the subject." We then returned to Mr. Bandini's house.

I then went home, leaving Mr. Bandini an order, directed to Forbes, stating that my duty, and his own personal safety, required that he should immediately leave the country. A few days afterwards I heard from Mr. Bandini that Forbes had left the day after he received my order.

Q. 20. Then I am to understand that this rancho of Bandini's, where you met Mr. Forbes, is in Lower California?

A. Yes, sir.

Q. 21. In the course of Mr. Forbes' conversation with you, did he refer to the testimony which he had given in this case?

A. I remember that he did mention that he had given testimony against the owners of the mine, being dissatified with them on account of their having refused him a sum of money.

He spoke at considerable length about this, and of his having deposited a box of papers, but I did not pay much attention to what he said about that.

Q. 22. Did he assign no other reason than what you have mentioned, for giving his testimony against the owners of the Almaden mine?

Did he not also tell you that he had received ($20,000) twenty thousand dollars from Henry Laurencel and James Eldridge, the owners of the Fossat claim, for giving that testimony?

[Question objected to as leading.]

A. I did not give him an opportunity to enter into further details. He was speaking about being dissatified with the house, etc., as I stated before, when I stopped him, saying that I did not wish to hear any further explanations about his affairs.

Q. 23. Did he mention the names of any members of this powerful company of speculators in San Francisco, who were desirous of detaching Lower California from the Mexican Republic, and of annexing it to the United States?

A. He gave no names.

Q. 24. Did he tell you by what authority he spoke for the Government, when he promised you ten thousand dollars and more, if you would give your testimony in its behalf, and against the owners of the mine?

A. He did not state how he was authorized to make the offer; he only said the Government would pay me.

Q. 25. Did he exhibit to you any written authority from the Government to treat with you about this matter?

A. No, sir.

Q. 26. Did he tell you who defrayed the expenses of his mission to Lower California?

A. He said that there was a fund here in San Francisco, out of which his expenses were paid.

Q. 27. Do you know how long he had been in Lower California before he addressed you the note, of which you have spoken?

A. I think about three or four days.

Q. 28. Then his stay in Lower California must have been very short. Did he have any business in that country besides that which you have mentioned?

A. His stay was very short. That was the only business I knew of that he had there. He spoke to me of no other business.

Q. 29. Where were you on the 12th June, 1846?

A. In Monterey; I left there about 4 o'clock on the afternoon of that day for Santa Clara.

Q. 30. Do you remember to have given a power of attorney to the Padre McNamara, to negotiate a contract of habilitacion of the mine?

[Objected to as leading.]

A. I remember that I left such a power of attorney for Padre McNamara, with Mr. Antonio Maria Osio, in Monterey, to be delivered by him or Padre Real to Padre McNamara.

Q. 31. Examine the document now shown you, purporting to be a power of attorney, such as you have described, and to be signed by yourself as principal, and by David Spence, Manuel Diaz, Antonio Maria Osio, and Juan Malarin, as subscribing witnesses:

State whether your signature and those of the subscribing witnesses are genuine; and if you signed it on the day on which it bears date?

A. The body of the instrument is in the handwriting of Antonio Maria Osio, one of the subscribing witnesses. My signature and the signatures of the witnesses to it are genuine. I signed it on the day of its date.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. Chevers,
U. S. Commissioner.

SAN FRANCISCO, Cal., Nov. 30, 1859.

Direct Examination of José Castro resumed from yesterday.

Present: Frederick Billings Esq., counsel for the claimant; and Edmund Randolph, Esq., for the United States.

Examination adjourned by consent, until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., December 1st, 1859.

Direct Examination of José Castro resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 32. In answer to question 8, you said you never saw the original article of partnership between yourself, Castillero, Padre Real, and the two Robles; that you gave authority to Castillero to enter into the contract on your behalf, and that you learned from him that he had done so, and that the contract was in possession of Padre Real: you did not answer that part of the question which asked if you knew where said original article of partnership is now: please answer that.

A. I understand that it is in possession of Mr. Leonidas Haskell, of this city.

I learned this from a conversation which occurred between Don Manuel Castro and Don Maximino Barragan, in my presence. Mr. Castro said that a Mr. Soza had arrived here from Mazatlan, with power from Padre Real to sell the Guadalupe mine, and that among the papers which he had brought was the original contract of partnership referred to, and that Mr. Haskell, and a Frenchman whose name I do not recollect, had deceived him, and got it from him by some trick.

Castro said that Soza stated that they (Haskell and the Frenchman, whose name I now recollect as Laurencel) had deceived him, and made a fool of him in getting the paper from him. Castro said he believed that Haskell had relations with Laurencel.

[Counsel for the United States objects to all the foregoing as hearsay and irrelevant.]

Q. 33. Have you in your possession and can you produce the letter which you say, in answer to question 19, you received from Alexander Forbes?

A. No, sir. I showed it to Mr. Barragan, but I don't know what I did with it afterwards; whether I left it among my papers at home, or not.

Q. 34. Who is Mr. Barragan?

A. He is my secretary, who accompanied me when I went to see Mr. Forbes at Bandini's rancho; he is now here.

[Counsel for claimant offers in evidence the power of attorney of José Castro to Eugene McNamara, dated Monterey, 12th June, 1846, referred to in question 31, and marked "Exhibit Castro No. 1, W. H. C."]

Direct Examination closed.

[The witness desires to state, that he would like to read over his testimony so far, before the cross-examination commences, so that he may correct whatever errors there are in it; he remembers having made one mistake in stating that Forbes' visit to him in Lower California, was in April or May—it was in January or February, and not in April or May.

Counsel for the United States informs the witness that he can read his testimony when he gets through; moreover, it has been printed every morning in the newspapers, in English.

Witness says he may have made some other mistakes with regard to dates, and therefore would prefer to read his testimony; he is unable to read the newspapers, and does not read English at all; still, he is willing to go on if desired.

Counsel for the claimant desires the Commissioner to allow Mr. Castro to read and correct his testimony.]

The Examination adjourned until to-morrow at 12 o'clock, M., for the purpose of allowing the witness to read and correct his testimony.

W. H. Chevers,  
U. S. Commissioner.

San Francisco, Cal., December 2d, 1859.

Examination of José Castro resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 35. When did you leave Lower California on your present visit to San Francisco?

A. I think it was on the 17th of June last.

Q. 36. How came you to make such a mistake in so recent a matter, as to say that you saw James Alexander Forbes at Bandini's ranch, in Lower California, in the month of April or May last, when in fact it was in January or February?

A. Because I was mistaken in the date.

Q. 37. Have you got a very bad memory for dates?

A. I have not a good one.

Q. 38. Then how could you venture to fix the precise day, or even the month, of those things which you have sworn to as happening in 1846?

A. I remember the dates of events that happened in that year, and shall remember them until I die, because that year is one that is very marked and distinct in my memory, for the reason that I was then Comandante Generál of California, and responsible for the integrity and defense of the country; I defended it to the best of my ability. Those are well marked days in my memory.

Q. 39. Don't you think that those very important public transactions in which you were engaged at that time, would be a reason why you should forget, rather than why you should remember, the precise day when you signed a petition to an Alcalde for three more pertenencias in a mine, in addition to the one which you said you already had; and the day when you signed a power of attorney to a foreign priest, that he might hunt for capital to work the mine?

A. No, sir.

Q. 40. About this date of your interview with James Alexander Forbes in Lower California, what had happened in the two or three days which had elapsed to enable you, on yesterday, to remember more accurately what the date was?

A. Because I thought the matter over, and came to that conclusion in my own mind; but I am not even now absolutely certain about the date.

Q. 41. Had not Forbes been to see you, and told you that he could prove your statement was false, and that he was not in Lower California at all, at the time that you had mentioned?

A. It is not true that Forbes ever told me that any statement of mine was false. I allow no one to tell me personally that I am a liar, and I have never received such an insult from any one in my life. Forbes came to me in a friendly manner, saying that he regretted I had revealed what had passed between us, that it was a secret, and so on, and endeavored to make excuses about it. I told him that being under oath I had to tell the truth.

Q. 42. How much have you received, or are you to receive, for testifying in this case?

A. Not a cent.

Q. 43. What are your circumstances; are you a rich man, or, on the contrary, are you not a poor man?

A. I am a poor man; I have a pension from the government amounting to about $225 or $250 per month.

Q. 44. Am I right in supposing that that salary is but nominal, and that the government does not pay at all, or very badly; also that you do not draw it all the time that you are absent in San Francisco?

A. You are not. It is true that the government does not remit to me on that distant frontier, but the revenues of the country are more than sufficient to pay twice that amount.

I have received six thousand dollars for guano, about four thousand dollars taxes on cattle, about four thousand or five thousand dollars for the duty of twenty per cent. upon imported foreign goods; and since I have been here, I have received fourteen hundred dollars from Mr. Alviso, and twelve hundred dollars from Mr. Castro, for lands granted to them in Lower California. I have also received from my son part of two thousand dollars for lands sold by him up here (300 dollars), and I have friends in this State who would lend me 500 or 1,000 dollars if I should need it at any time; so that I am not without means.

Q. 45. Who proposed to you to come from Lower California to San Francisco, to testify in this case?

A. Nobody.

Q. 46. Who proposed to you to come for any purpose?

A. No one proposed to me to come for any purpose, except Forbes, as I stated before; I came of my own accord, and on my own private and public business.

Q. 47. Then you left your government of Lower California, and are here testifying in this case without any solicitation on the part of the claimants, without having received any money from them, without any promise of any, and without any expectation of any; and you have remained here all this summer and fall, only for the purpose of making grants of land, and attending to your affairs, as you have just said?

[Objected to, on the ground that the witness has not stated that he was here for the purpose of making grants of land, but that he was here simply on his own private business.]

A. I left Lower California in obedience to instructions from my government, directing me to take command of La Paz, the capital of the territory; and I came here to San Francisco to leave and go to see my wife and children who live in Monterey, and whom I had not seen for four years, with the intention of sailing on some vessel from here to La Paz.

In the early part of July, Mr. Campbell called to see me at the California Hotel, where I was stopping, and after saluting, inquired if I had owned some shares in the Almaden mine. I said I had. He asked me if I knew anything about this matter, and I said I did; that I had owned shares in it, and was well acquainted with it from the beginning. He then said, you will be willing to give your testimony? I replied that I had no objection. I could not refuse, because I had received many favors from Mr. Forbes, of Tepic. He said that my testimony could not be taken immediately, for a month or two, because the testimony of the witnesses from Mexico was being taken. I told him that I had to leave here first, to see my family, and then to go to La Paz. He then told me that if I were delayed here for the purpose of giving my testimony, my expenses would be paid. I have been detained here, but not for that purpose solely; I have other good reasons for having remained here.

This is how I came to be a witness in the case.

It would be entertaining a very poor opinion of me to suppose that I was here for the purpose of making titles; that I, an officer of the Mexican Government, in a foreign country, would make titles to land. I have never done so, nor even thought of doing so.

Q. 48. What other person have you spoken with about the compensation you were to have, or the expense you would be put to in remaining here?

A. With no other person.

Q. 49. Have you not spoken to any other person all this time on this subject?

A. No, sir.

Q. 50. Have you received nothing on account of your expenses?

A. Not a cent.

Q. 51. What is the amount of these expenses which you are to receive?

A. They may pay what they please. I will receive whatever they may give. I have not remained here solely for this purpose.

Q. 52. When are you going away?

A. As soon as I get well.

Q. 53. Why did you say you had received no promise of any compensation, and yet had this agreement all along with Mr. Campbell?

A. Because it is at their discretion to pay my expenses or not, as they please.

Q. 54. Did nobody else in Lower California ever speak to you about the revolution you were to make, except James Alexander Forbes?

A. No.

Q. 55. Did not Bandini?

A. No.

Q. 56. Bandini is dead now, is he not?

A. I am sorry to say that he is.

Q. 57. Was not this project of separating Lower California from Mexico entertained by a good many persons in Lower California, and by the Mexican population on our side of the line?

A. No, sir; I would have had anybody shot that thought of doing so.

Examination adjourned until to-morrow, at 12 o'clock.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Dec. 3, 1859.

Cross-Examination of José Castro resumed from yesterday.

Present: Mr. Billings, of counsel for claimant, and Mr. Randolph, for the United States.

Examination adjourned until Monday next, at 11 o'clock A.M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., Dec. 5, 1859.

Cross-Examination of José Castro resumed from Saturday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 58. Did James Alexander Forbes mention the names of any present who desired you to revolutionize Lower California?

A. No, sir.

Q. 59. Did you not ask Forbes whether he was authorized by some persons in Lower California, and who they were?

A. I did not.

Q. 60. What was the reason, when this treasonable proposition was made to you, that you did not endeavor to find out whether it had any ramifications in the country, or not. Why did you not ask Forbes whether he expected you to do such a thing alone and unaided, and what backing he meant to give you, so that you might ascertain the full extent of the plot?

A. I despised his proposition. I did not think it worth while to make inquiries about it.

Q. 61. As Forbes was a guest of Bandini, had you no suspicion that Bandini was associated with him in the scheme, not enough to induce you to mention the matter to Bandini?

A. No, sir. Bandini only told me that he was tired of Forbes, and I told him that I would remove him from there by an order which I was going to give, requiring him to leave the country. He said other things against Forbes which I might state if Bandini were not dead.

Q. 62. Did you attach any more importance to what Forbes said about the United States giving you more than $10,000, if you would come forward and give your testimony against this company?

A. I despised both equally.

Q. 63. Did you ask him no questions as to his authority for making this proposition about the money?

A. No, sir.

Q. 64. You seem then to have treated all that he said as if it came from a drunken man or a fool?

A. No, sir.

Q. 65. How then did you regard it?

A. I considered what he said as the statement of a rational man.

Q. 66. From your long acquaintance with Forbes in the respectable office of British Vice Consul in this country, your long continued friendly intercourse with him, and many favors which you received at his hands when you were in need of them, you did not feel justified, I suppose, to consider his statements as idle falsehoods, unworthy of attention?

A. I despised his proposals; and I never received any favor whatever from him, but on the contrary, as Governor of this country, I have done him favors.

Q. 67. The result of the whole then is that when this man proposed to you to commit treason to one government, and to accept a bribe from another, you thought so little of the matter that you did not even mention it to your friend Bandini, at whose house you were stopping.

A. That is true.

Q. 68. You have said that when Forbes came to you the other day and complained that you had revealed his secrets, that you answered you were under oath and obliged to tell the truth: how do you suppose that the counsel for claimant in this case got their information as to what Forbes had been about, so as to be able to ask you the question, which compelled you to reveal the secret?

A. I don't know how they got it, but it is very generally known here that Forbes went to Lower Culifornia to see me.

Q. You had not revealed any of these secrets to anybody before you were put under oath, had you; neither to Mr. Campbell, Mr. Peachy, Mr. Barron, or anybody else interested in this claim?

A. No, sir.

Q. 70. How was it possible then for counsel for claimant to have asked you such a precise question as to your interviews with James Alexander Forbes, and as to something peculiar in the circumstances under which he left the country; referring obviously to your meeting, away down in Lower California, without witnesses, in a solitary place, and to your order requiring him to leave Lower California immediately?

A. He asked me questions as a lawyer, and I answered.

Q. 71. I ask you again, whether instead of its being an involuntary disclosure made, as you have pretended, under the compulsion of an oath, you have not mentioned the matter to somebody or other, and in this way furnished the opportunity for counsel to hear of it, and to be able to ask questions, accordingly?

[Counsel for the claimant objects to the use of the word "pretended," in the above question.]

A. I did not mention it to any one.

Q. 72. How far north did you march from Santa Clara to meet Col. Fremont and his men, under the the Bear flag?

A. As far as the Arroyo San Leandro, on the rancho of the Estudillos, at a place were there were some trees at the foot of the hills.

Q. 73. What day did you leave Santa Clara, on that occasion?

A. About sundown on the 27th June, 1846.

Q. 74. What day did you counter-march from the Estudillo Rancho?

A. I got back to Santa Clara on the 29th of the same month.

Q. 75. Where were you on the 25th of that month?

A. In Santa Clara.

Q. 76. What had you been doing since the fourteenth of that month?

A. I was taking all measures that I deemed necessary under the circumstances, as Comandante-Generál.

Q. 77. When did you first hear of Fremont's insurrection?

A. I heard of it by a special courier on the 12th June, 1846, at Monterey River, as I was on my way to Santa Clara. The courier was sent by Lieut. Arce, informing that he had been surprised and taken prisoner by what he called a party of adventurers. A large number of horses which he had collected for the head-quarters at Santa Clara were also taken.

Q. 78. From that time until you left the country, was for you a very busy and most anxious period; was it not?

A. Certainly. They were the gloomiest days of my life; my spirit was very much afflicted.

Q. 79. Did you not in those times send dispatches to sundry officials, publish some addresses to the people, and write letters to various individuals?

A. I availed myself of every possible means of defending the country. I wrote letters, made speeches until I was scarcely able to speak at all, issued proclamations, wrote dispatches, and did everything I could.

Q. 80. Mention the day on which you issued some proclamation, or the day on which you sent a dispatch tó the Governor, or some other official?

On the 12th June, I wrote to Don Manuel Castro, who was then Prefect of Monterey, stating that it was time to lay aside our private differences and unite for the defense of the country. I requested him to collect all the men he could and join me. The letter was written by Juan B. Alvarado, and issued by myself. Mr. Castro may have that letter yet. I don't remember precisely the date of my proclamation, but it was about the 15th or 16th.

Q. 81. Mention the precise date of a dispatch to the Governor, or other documents which ought to be found in the archives?

A. On the first of July I sent from Santa Clara a commission, composed of Don Manuel Castro and Don José Maria Villa, to the Governor at Los Angeles, for the purpose of putting an end to the dissensions existing between us.

Q. 82*a*. Mention some other document and its date, which you wrote during the same period, and which ought to be now in the archives?

A. I don't remember any other documents signed by me as Comandante-Generál, on public business.

I sent a dispatch and private letter with the commission to the Governor.

Q. 82*b*. How does it happen that when you remember the date of so few of the multitude of communications, which in those times of invasion, you, the commanding general on the frontier, wrote upon public affairs, you can yet be so precise about an insignificant petition, addressed to an Alcalde on the subject of your private interests?

A. I remember that private matter, because it involved my personal interests, and I had been requested to attend to it by my partner and friend who gave me the borrador.

Q. 82*c.* When was it that Castillero gave you that borrador of the petition to the Alcalde, asking for three more pertenencias in addition to the one which had already been granted?

A. He gave it to me at my house in Monterey, about the middle of April.

Q. 82*d.* Your recollection of dates is not good, is it?

A. It is not.

Q. 82*e.* It might have been the first of April instead of the middle of April, that Castillero gave you that borrador, might it not?

A. It was a day or two before he left—when he was preparing for his departure—about the middle of April.

There are many persons living who were present at the table when he gave it to me.

Q. 82*f.* You don't mean to be positive, do you, that Andres Castillero left here about the middle, and not the first of that month?

A. I cannot state the date positively, but I believe that it was about the middle of April.

Q. 83. Why can't you remember the day on which he gave you the borrador, as well as you can remember the day on which you gave the petition to the Alcalde?

A. Because there are special circumstances which enable me to remember the one and not the other.

Q. 84. After Castillero went away, where were you all the time until the 12th June?

A. It was at and around Monterey and Santa Clara, which was head-quarters.

Q. 85. During the three months which had elapsed since Castillero gave you the borrador, why had you not presented this petition to the Alcalde. From what motive did you defer it until the very crisis of the public disorders, and the eve of your marching against the public enemy; how should it come to your mind just at that moment?

A. Castillero, when he left me, said that he would return about the month of July, and requested me to attend to the petition, which he said was necessary for my interest and the interest of us all, if he should not return as intended; and I did not attend to it sooner, because I expected he would return, and that the difficulty between the two Republics would be settled. But finding that he did not return, that I had to encounter the enemy, and perhaps I might be killed, as some of our people had been already, I gave the borrador to Padre Real to have it attended to, as I have stated.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., December 6th, 1847.

Cross-Examination of José Castro resumed from yesterday.

Present: Gregory Yale, Esq., of counsel for claimant, and Mr. Randolph, for the United States.

Q. 86. Who was present when Castillero gave you the borrador of that petition of which you have spoken?

A. Don Manuel Castro, Don Juan B. Alvarado, Don Francisco Rico, Don Guadalupe Soberanes, Don José Maria Soberanes, and some others who are dead.

Q. 87. How long after you received that paper did you remain in Monterey?

A. A few days.

Q. 88. Then, I suppose you went up to Santa Clara, your head-quarters?

A. Yes, sir. I remained in Monterey about eight or ten days before I started for Santa Clara.

Q. 89. What were you doing in Monterey on the 12th June?

A. I frequently visited my family in those days, there. My home was there; that being the Capital also, I used to go there to meet the authorities—give them instructions—being constantly apprehensive of danger to the country.

We were at war, but desirous of making peace.

Q. 90. Where was the power of attorney to Father McNamara, of which you have testified, which is filed in this case as Exhibit Castro, No. 1, W. H. C., signed by you; in what house?

A. In my house in Monterey.

Q. 91. What is the reason that you gave this power of attorney to Osio, that he or Padre Real might give it to Padre McNamara?

A. What I stated was, that I gave it to Osio, for him to give it to Padre Real, and for him to give it to Father McNamara. I did so because Father Real and myself considered him an influential person. I could not give it to him personally, because I did not know where he was—whether in the north or the south.

Q. 92. How many copies were made and signed by you of this power of attorney to Padre McNamara?

A. Only one.

Q. 93. When you signed, was the power of attorney already written out, or did you sign in blank, and leave Osio or some one else to write out the power of attorney over your signature?

A. It was written before I signed.

Q. 94. After you signed it, did the witnesses then sign, or were their names already signed, leaving a blank for you to fill up when the paper was handed to you; I mean did they attest your signature before you had affixed it to the paper?

A. They signed it after I did. After I had signed, and Osio had signed as a witness, I told him to take it, have it properly attested, and deliver it to Father Real.

Q. 95. Did not the other witnesses see you sign it?

A. Osio was the only one that saw me sign it.

Q. 96. Why did you not call in all the witnesses to see you sign?

A. It was not necessary. In those days things were done in good faith; contracts were not made with scrupulous or rigorous care. It was usual among the inhabitants to do just as I did—to sign documents in presence of one or more of the witnessess, and then give it to one of the witnesses who had signed, to go and get the signatures of the other witnesses named in the contract, and to remit it to its destination.

Q. 97. How did you know that Osio would be able to find, or would select just those particular persons, who afterwards signed as witnesses?

A. Because those persons were named as witnesses in the instrument, and lived in town.

Q. 98. Is it possible that those persons would have signed as witnesses without having seen you sign, or having had your acknowledgment that the signature was yours?

A. Yes, because they knew my signature very well, and because they knew Osio, who was a person of character.

Q. 99. But they might know your signature, without knowing whether you had affixed it to this power of attorney or not, or whether you had not given it to Osio in blank, for some other purpose?

A. Our contracts and intercourse were governed by good faith in those times.

Q. 100. When this power of attorney says, then,

"I José Castro, in the presence of the witnesses, who will be named at the end," have given this power of attorney, etc., it was untrue; only one of the four, Antonio Maria Osio, being really present?

A. That is true, there was but one present when I signed it; but it was common to execute documents in that way, in those times.

Q. 101. Well, if those witnesses, as was common in those days, were willing to attest your signature to a contract which they had not seen you sign, or heard you acknowledge that you had signed, they would doubtless have been willing to attest your signature to a contract to which it was not affixed at all, but which was in blank, and in anticipation that you would sign it at some other time when it might be presented to you for your signature—would they not?

A. No; that would not be done; they could not possibly do that.

Q. 102. Why might they not do that as well as the other?

A. Because that would not be good faith. It was done in cases of this kind, for instance,—If I should buy a man's house, I, who was well known, would go to the witnesses with the contract, and say "I have bought Mr. such a one's house, and I want you to sign this contract as witnesses," and they would do it, though they did not see the party sign.

Q. 103. Explain fully what you mean, when you say it would be bad faith for witnesses to attest a contract which had no signature to it: Do you mean that it would be criminal and dishonest?

A. It would be dishonest and wrong to do so.

Q. 104. Did you see Osio deliver this power of attorney to Father Real?

A. No, sir.

Q. 105. Did you see Father Real deliver it to Father McNamara?

A. No, sir.

Q. 106. When did you next see it, after giving it to Osio on that occasion?

A. I am doubtful whether I saw it or not at Tepic before I sold my shares, whether I did not ratify it, or something of the kind, there. But I am certain of having seen it lately, in July last, in the office of the County Recorder of Santa Clara county. I have seen it here also.

Q. 107. What do you mean, when you speak of having possibly ratified this paper in Tepic; what do you mean by ratifying your own contract?

Might it not be, after all, that instead of ratifying this power of attorney at Tepic, you actually signed it there, with all the names of the witnesses already attached to it before you signed it, and awaiting your signature when it could be got?

A. I did not sign it at Tepic. I would not have done so.

Q. 108. What was this paper doing in the County Recorder's office of Santa Clara county, last June; how came it there?

A. When I was on my way to Monterey, I was called upon by a lawyer in Santa Clara, to go and acknowledge some signatures of mine, and I went to the office, and recognized my signatures to the document shown me here.

Q. 109. Your signature to this power of attorney, now shown you (Exhibit Castro No. 1, W. H. C.)?

A. Yes, I think so.

Q. 110. How could that be, when this power of attorney to Father McNamara is not kept in that office, but is a private paper kept by the parties, I presume?

A. I think I saw it there with the petition which I sent to the Alcalde, in the form of an expediente.

Q. 111. Who was the attorney that took you to the Recorder's office to acknowledge your signatures?

A. Mr. Billings.

Q. 112. Did you not say anything to Mr. Billings about Forbes' visit to Lower California, and your interviews with him, and your ordering him to leave the country?

A. Not a word.

Q. 113. What was the reason that you gave Father Real the borrador of your petition to the Alcalde, that he might have it copied by one of your own officers?

Why did you not give it to your own officer yourself, and tell him to copy it?

A. Padre Real was a partner with me in the mine, and it was proper for me to consult with him about that business at the time.

Q. 114. Had you never spoken before to Father Real about that borrador, and exhibited it to him?

A. No.

Q. 115. Never until the 26th day of June—three months after you had received it, and you were just going to meet Colonel Fremont?

A. No, sir.

Q. 116. Was not this very strange, as you were living at head-quarters in Santa Clara, Father Real was living there, and you were partners in the mine?

A. It was not, because I had hopes that Castillero would return.

Q. 117. Still, as you were partners, and Castillero had told you that the borrador was of much importance, and you would naturally have a great deal of conversation with Father Real about the mine, would you not have even told him that you had this borrador?

A. I did not do so.

Q. 118. Were not you and Father Real very intimate; did you not regard him as a friend, and have a great deal of confidence in him?

A. He was my friend, and I considered him a respectable, honest man, but he was not a very intimate friend of mine. I had confidence in him as an honest man, but I had not such a peculiarly blind confidence in him as you seem to think.

Q. 119. When you retired from Santa Clara towards the southern country, about the 8th or 9th July, 1846, did you not leave with Father Real your signature in blank, to be used in and about your interest in this mine?

A. I left him not merely one, but three signatures in blank; with one, I told him to secure my rights in this mine, and with the other two I told him to secure all my property, cattle, ranchos, etc., to my wife in her own right.

I have seen one of those signatures since, and condemned it. (Father Real had made a grant of the orchard of Santa Clara with it.) The others I have not seen; if I had I would have condemned them also.

Q. 120. You have no idea then what use Father Real had made of the other two signatures you gave him?

A. No, sir.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., December 7, 1859.

Cross-Examination of José Castro resumed from yesterday.

Present: Mr. Yale, of counsel for claimant; and Mr. Randolph, for the United States.

Q. 121. When was the last time that you saw Father Real?

A. About four years ago, in Mazatlan.

Q. 122. Is that the first time that you had seen him since you retired from Santa Clara, in July, 1846?

A. I saw him in the mines in 1848. That was the first time I saw him after I left him in Santa Clara.

Q. 123. Is he alive now; if yea, where does he live?

A. He is alive, and I think at Guadalajara.

Q. 124. How long did it take you to make the round trip, when you went with Castillero, in 1845, to Sutter's Fort?

A. Six or seven days from the time we left until we returned to Santa Clara. It took some two or three days more, counting from Monterey.

Q. 125. In what month was it that you made this trip?

A. In the latter part of October, I think.

Q. 126. What time in October did you leave Monterey on that trip?

A. About the middle of the month of October, as well as I can remember; probably nearer the end than the middle of the month.

Q. 127. Did you get back to Monterey, and of course to Santa Clara, in October?

A. I got back to Monterey about the first of December.

Q. 128. How can that be, when you have just said that you left Monterey some time in October, and got back there again in seven or eight days; if the round trip had taken twice that time, don't you see that you would have been back to Monterey by the middle of November at the furthest?

A. My answer referred to the round trip from Santa Clara until I got back there.

To be more specific about this, I will say—

[NOTE BY THE COMMISSIONER.—At this time Mr. Tobin, the interpreter, was compelled to leave, and Mr. A. G. Randall was sworn as interpreter in his place, by consent.]

I left Monterey somewhere about the last of October, and we remained in Santa Clara until the 22d or 23d of November, at which time I left Santa Clara for Sonoma, from there I went to Sutter's Fort, and arrived back in Santa Clara about the last of November, and from there I returned immediately to Monterey.

Q. 129. It was after you got back to Monterey then, that Castillero made the discovery that the mine was a quicksilver mine?

A. He had an idea previously, but after my return to Monterey (Castillero remaining in Santa Clara) he continued his assays, and discovered quicksilver in abundance.

Q. 130. What is the reason then, that Castillero signed the writing of partnership for you; why did you not sign it yourself?

A. I was not present, and had previously given my power of attorney to Castillero, and had treated it as a matter of little importance.

Q. 131. When had you given your power of attorney to Castillero, and where were you when the writing of partnership was signed?

A. At the time previously stated, when I last left Santa Clara for Monterey, about the last of November. I was in Monterey at the time it was signed. This is the best of my recollection; I cannot say positively. I gave him this power verbally; not in writing.

Q. 132. Was it some time after you returned from Sutter's Fort that you gave this authority to Castillero?

A. I will state as before, that I am not positive; but I think when I left Santa Clara for Monterey, I told Castillero to sign for me, or do anything that he pleased in representing me.

Q. 133. You would hardly have asked your traveling companion to sign your name for you to a paper executed when you were personally present, would you, and that to a contract with himself?

A. At the moment I told Castillero to do what he pleased for me, I did not consider my four shares of any value; and if I had been offered five dollars for them, I should have said "take them," I treated the matter with that indifference. It was only after some days that the richness of the mine was demonstrated, that I began to treat the matter seriously, and appreciate its value.

Q. 134. Where were you during the month of December of that year, 1845, particularly from the 25th to the 1st January?

A. I was in Monterey, and may have made a trip to Santa Clara and San José. The most of that time I was in Monterey. I might have been to some other place; I don't recollect distinctly.

Q. 135. Was not Castillero also in Monterey during the same time?

A. No, he was not there. He came there in February. He was in Santa Clara in December and January, and if he was in Monterey, it was for but a very short time.

Q. 136. You sent Castillero to Mexico in April, 1846, to carry a dispatch to the Government, giving information of what had passed between Fremont and yourself when he was encamped on the "Gavilan," did you not?

A. I did.

Q. 137. At what time in the month of June, 1846, were you at Sonoma?

A. I was not there, as I remember.

Q. 138. Or at San Rafael, or at any other place on the north of the bay?

A. I don't recollect.

Q. 139. Had you not been at San Rafael, Sonoma, or somewhere on the north of the bay, a short time before Lieut. Francisco Arce left Sonoma with his band of horses, and was intercepted on the route by the Americans, as you have testified above?

A. In the first part of June I left Santa Clara, and reached San Rafael the same day; I there collected a band of horses, and immediately returned to Santa Clara. I am not certain whether I crossed from Saucelito, or to San Pablo. I arrived back in Santa Clara in four days, the trip having been made as by express.

Q. 140. Did not Lieut. Arce accompany you and take the band of horses from San Rafael, and those collected at Sonoma, and proceed immediately with them, by the way of Sacramento, on his return to join you at Santa Clara?

A. I gave Lieut. Arce orders to collect these bands of horses and proceed with them to Santa Clara. I gave this order either at San Rafael or on the road.

Q. 141. Did you tell Arce in what time he was to execute this order, that he should act promptly and without delay?

A. I told him to execute it as quick as possible.

Q. 142. Do you know about how long after you gave this order to Arce it was before he was captured by the Americans?

A. He was captured about the 10th or 11th; perhaps I gave him the order about six or seven days before that, I don't remember exactly.

Q. 143. Would it take him all that time to execute such an order, being merely to march with a band of horses?

A. It was a large expedition, fifteen soldiers, seventy or eighty horses, and many mares. They were obliged to cross the Sacramento river (owing to the want of facilities) on rafts, which necessarily involved delay.

Q. 144. For what purpose were those horses wanted?

A. They were to be used for cavalry. It was feared at that time that there was to be war, as the Californians were always fighting among themselves, and the relations between the United States and Mexico had been interrupted, and we had some idea of a war with them.

Q. 145. Were you not collecting those horses in anticipation of a conflict with Governor Pico?

A. I was expecting to defend myself from Governor Pico's forces. I heard that he was going to invade my authority.

Q. 146. Did you not remain at Santa Clara, waiting for Arce, until you heard the news of his capture; did you not hear the news at Santa Clara from Arce himself?

A. No, sir; I first heard it at the river of Monterey (Salinas), and from there I sent the letter to Manuel Castro, the Prefect at Monterey, which is in the handwriting of Juan B. Alvarado, signed by myself; and I presume Manuel Castro has it now.

Cross-examination closed.

Deposition closed.

JOSÉ CASTRO.

Sworn to and subscribed before me, this 12th December, A. D. 1859.

W. H. Chevers,
U. S. Commissioner.

Filed December 12, 1859.

W. H. Chevers, Clerk.

## EXHIBIT CASTRO No. 1, W. H. C.

En el puerto de Monterey á las doce dias del mes de Junio de mil ochocientos cuarenta y seis yo José Castro con presencia de los testigos que al fin se nombraran : usando del derecho que me han otorgado mis sosios, para celebrar cualquier contrato que se pudiera ofrecer con respecto a las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue situada en la comprehencion de St^a. Clara y favoreciendoles las ordenanzas de Mineria y leyes concernientes especialmente el soberano decreto de siete de Octubre de mil ochocientos veinte y tres para que se proporcione el grande provecho y utilidad al lavorio de esta clace de minas, y siendo la que poseen en la actualidad, la primera, unica y principal por su ley que se ha descubierto en la Nacion Mejicana, y que no pudiendo el Gobierno supremo darles los aucilios que les corresponde por hallarse en una distancia inmensa y ultramarina, sin esperansa que este paiz por si mismo fomente este interesante ramo por no tener ningunos fondos de que disponer y sin encontrarse al mismo tiempo un facultativo mineralogico, ni haber brasos para el lavorio continuo que se requiere para el adelanto de esta industria desconocida en este departamento : ha combenido y combiene dar poder especial amplio bastante y por cuanto por derecho se requiere mas pueda y deba valer al presvetero D^n. Eugenio Macnamara para que representando su persona y la de sus sosios contrate con una compañia inglesa con esclucion de cualesquiera otra nacion para que se haga cargo del lavorio de las tres pertenencias de dicha mina por el tiempo de nueve años con el fin de proporcionar los avios, hacer los gastos necesarios y mantenerla en buen giro y con arreglo a los mencionadas ordenansas de mineria siendo los productos de las tres pertenencias de la mina para los dueños una mitad y la otra mitad para la compañia inglesa y cuando no se pudiera combenir á ello se ofrecera á la compañia inglesa las dos terceras partes para que los dueños reciban la otra tercera parte entendiendose que la parte que corresponde a los dueños sera libre de gastos, y si aun en esto no hubiere combenio se haran otras estipulaciones de acuerdo con D^n. Andres Castilleros para facilitar la realizacion de un contrato, y concluido el tiempo mencionado de nueve años se prorrogaran otros siete años mas en los mismos terminos que se celebre la primer contrata quedando la negociacion despues de todo este tiempo a disposicion absoluta de los dueños de la mina, como tambien todos los materiales, fabricas y demas pertenencias que ha ella le correspondan como maquinas y demas utiles aderentes á este beneficio sin que por causa alguna tenga la compañia inglesa derecho a reclamar cualesquiera otro clace de gastos que para su beneficio y propia utilidad llegare á originar.

Y á la firmera y valedacion de lo que en virtud de este poder se ejecutare se obliga el otorgante en toda forma de derecho a su cumplimiento y para lo cual se somete a los Sõres. Jueces que del caso deban conocer: en cuyo testimonio lo firmo con los cuatro testigos que lo son D$^n$. David Spence, D$^n$. Juan Malarin, D$^n$. Manuel Diaz y D$^n$. Antonio M$^a$. Osio, en el dia mes y año ya mencionado.

ANTONIO M$^a$. OSIO.
[Rubric.]

DAVID SPENCE.

JUAN MALARIN.
[Rubric.]

MAN$^L$ DIAZ.
[Rubric.]

JOSE CASTRO.
[Rubric.]

—

SELLO CUARTO [SELLO.] UN REAL.

Jesus Vejar Escribano Publico, en esta Cuidad.

Certifico y doy fé que la firma del Señor Don José Castro con que se halla subscrito el presedente poder que otorgó al Presbitero Don Eugenio Magnamara ante los cuatro testigos que tambien se subscribieron cuya constancia dejo rubricada, dicha firma es la que usa y aconstumbra dicho Senor, y es igual á otras que en mi protocolo ha puesto por actos que ante mi ha otorgado.

Y á pedimento de los Señores Barron, Forbes y Compañia signo y firmo el presente en Tepic, á diez y ocho de Marzo de mil ochocientos cincuenta.

†
JESUS VEJAR.
[Rubric.]

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El Alcalde 1°. Constitutional y Escribano Publico que firmamos, Certificamos y damos fé que el signo y firma que antecese autorizando el presedente Certificado es del Escribano Publico en este Ciudad Don Jesus Vejar quien se halla en el ejercicio de su profecion. Asi lo comprovamos en Tepic, á diez y ocho de Marzo de mil ochocientos cincuenta.

†
EUSEBIO FERNANDEZ.
[Rubric.

LORETO CORONA.
[Rubric.]

CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America for this district, hereby certify that the signatures attached to the foregoing document, are in the true handwriting of the subscribers, who legally hold the situations therein represented and are worthy of all faith and credit.

[SEAL.] In testimony whereof, I have hereunto set my hand and seal of office, in the city of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

G. W. P. BISSELL,
U. S. Consul.

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## TRANSLATION OF EXHIBIT CASTRO, No. 1.

In the port of Monterey on the 12th day of the month of June, 1846, I, José Castro, in the presence of the witnesses who are named at the end, by virtue of the right which has been given to me, by my associates, to make whatever contract that may be offered in relation to the three pertenencias that, by just titles, and as discoverers, we hold in the quicksilver mine situated in the jurisdictional limits of Santa Clara; and favored by the mining ordinances and the laws concerning the same, especially the sovereign decree of the 7th October, 1823, for the profit and utility of the labor in this class of mines; and that which they now possess, being the first, only and principal one which, by the law, has been discovered in the Mexican Nation; and that the Supreme Government not being able to give them the assistance which they require, by reason of its being at an immense distance and beyond the sea; without hope that this country within itself will improve, having no funds at its disposal, and at the same time being without any professor of Mineralogy, nor having the necessary means to carry on the continual labor which is required for the advancement of this branch of industry, which is unknown in the Department; have agreed and do agree to give special, ample and sufficient power, as required by law, to the Presbyter Don Eugenio McNamara, in order that, representing my person and that of my associates, he may contract with an English company, to the exclusion of every other nation, in order that it may take charge of the labor of the three pertenencias of the said mine for a term of nine years, for the purpose of furnishing supplies and making the necessary expenditures and maintaining the same in good condition, and in accordance with the said mining ordinances; the products of the three pertenencias of the mine being one-half for the owners, and the other half for the English company, and if this cannot be agreed upon then there will be offered to the English company the two-thirds part, and the owners will receive the other one-third part, it being understood that the part which may belong to the owners will be free from charges; and if they should not even agree to this, other stipulations will be made, with the consent of Don Andres Castillero, in order to facilitate the completion of a contract; and after the said term of nine years shall have been completed, there shall be an extension of another seven years in the same terms agreed upon in the first contract. The matter to remain after the completion of all this time at the absolute disposition of the owners of the mine, as also also all the materials, houses, and other appurtenances belonging to the same, such as machinery and other useful articles belonging to the business. The English company by no means to have any right to claim any other class of expenses than such as are for the proper benefit and utility of the mine.

And for the ratification and fulfillment of whatever may be executed under this power, the maker of this obligates himself in due form of law, to which end he submits himself to the justices who may have jurisdiction in the matter.

In witness whereof, I sign it with the four witnesses, who are David Spence, Don Juan Malarin, Don Manuel Diaz, and Don Antonio Maria Osio, on the day, month and year already mentioned.

JOSÉ CASTRO.

DAVID SPENCE, ANTONIO M$^{A}$. OSIO,
MANUEL DIAZ, JUAN MALARIN.

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FOURTH SEAL, [SEAL.] ONE REAL.

I, Jesus Vejar, Notary Public in this city, certify that the signature of Don José Castro, which is found subscribed to the foregoing power which he made to Don Eugenio McNamara, before the four witnesses who also subscribed the same, and which power remains rubricated, is the signature which he is accustomed to use, and is the same as others which he has placed in my protocol in other acts which he has made before me.

And at the request of Messrs. Barron, Forbes & Co., I affix my sign and subscribe this, in Tepic, the 18th day of March, 1850.

JESUS VEJAR.

The First Constitutional Alcalde and Notary Public who subscribe, certify that the foregoing sign and signature authorising the preceding certificate is that of the Notary Public in this city, Don Jesus Vejar, who is now in the exercise of his profession.

This we witness, in Tepic, on the 18th day of March, 1850.

LORETA CORONA, EUSEBIO FERNANDEZ.

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CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America for this district, hereby certify that the signatures attached to the foregoing Document, are in the true handwriting of the subscribers, who legally hold the situations therein represented, and are worthy of all faith and credit.

[SEAL.] In testimony whereof, I have hereunto set my hand and seal of office, in the City of Tepic, this first day of December, in the year one thousand eight hundred and fifty.

G. W. P. BISSELL,
U. S. Consul.

# DEPOSITION OF JOHN BIDWELL.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, December 31st, 1859.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came John Bidwell, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of said Board of Commissioners, and was duly sworn and testified as follows:—

Present: Frederick Billings, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for claimant: What is your name, age, and place of residence?

Answer. My name is John Bidwell; my age is 40 years, and I reside in Chico, Butte county. I am a farmer by occupation.

Q. 2. When did you come to California, and what generally has been your business?

A. In 1841, and from that time till the spring of 1846, I was generally in the employ of Captain Sutter. At that time the war broke out between the United States and Mexico, here in California. I engaged in the service of the United States, and continued in it until the end of the war in California. Since then I have been engaged in mining and farming.

Q. 3. Do you know the claimant in this case, Andres Castillero; if so, when and where did you make his acquaintance?

A. I do. I became acquainted with him at Sutter's Fort, on the 11th of November, 1845, where he arrived on that day in company with Jacob P. Leese, Victor Prudon, and Gen. José Castro, and an escort of about fifteen men. On the next day, the 12th, Wednesday, they left Sutter's for Santa Clara, by way of San Joaquin. This was the only time that I ever saw Castillero.

Q. 4. State, if you know, what was the object of Castillero's visit to Sutter's Fort?

A. Castillero was in California as a commissioner of the Mexican Government; his object in visiting the Fort was to make the acquaintance of Captain Sutter, and as I understood to urge him to continue faithful to the Mexican Government; and to make propositions on behalf of the Government to purchase Sutter's establishment, including the Fort.

Q. 5. What was your particular employment with Sutter at this time, and how are you able to fix so definitely the dates of the arrival and departure of Castillero and the gentlemen with him?

A. I was at that time Sutter's secretary and book-keeper, and I kept a journal in which were noted the principal arrivals and departures, and other matters of interest occurring at the Fort; and it is by reference to that journal which I have here in my hand that I am enabled to fix the exact dates. Without reference to the journal I could swear positively that Castillero, with Castro and others, was at Sutter's Fort in the fall of 1845.

Q. 6. What are the entries in the journal for the 11th and 12th of November, 1845, and in whose handwriting are they?

A. The entry for the 11th is as follows:

"Tuesday, 11th, arrived José Castro, Prudon, Leese and Mexican Commissioner, with an escort of about fifteen men—fired a salute of seven cannon."

The entry for the 12th, is as follows:

"Wednesday, 12th, departed José Castro, for Monterey by way of San Joaquin; arrived the whale boat from the Yerba Buena, with Maintop, Kanaka. John Williams bought the National horses and mares. Arrived Marcos Baca from Sonoma."

They are both in my handwriting.

Q. 7. What time is covered by this journal which you have brought here?

A. From the 9th day of September, 1845, to the 25th of May, 1848.

Q. 8. From whom did you get this journal?

A. From General John A. Sutter, in whose possession I suppose it has always been.

It is principally in my handwriting to February, 1846, and after that more or less to June, 1846. After which time to the close it is in Captain Sutter's handwriting.

Q. 9. State if you had any knowledge; if so, what, and when, of the discovery of any quicksilver mine by Castillero in California?

A. I remember hearing of the discovery of what is now called the New Almaden mine, by Castillero, after he left Sutter's Fort, the same fall. It was a matter generally known. I have no other knowledge of it.

No Cross-Examination.

J. BIDWELL.

Sworn to, and subscribed before me, this 31st December, 1859.

W. H. CHEVERS,
U. S. Commissioner.

Filed Dec. 31, 1859.
W. H. CHEVERS, Clerk.

# DEPOSITION OF MILO CALKIN.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero,

San Francisco, May 21, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Milo Calkin, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Milo Calkin; my age is fifty years, and I reside in San Francisco.

Q. 2. Did you ever reside in the Sandwich Islands; if yea, state during what time, and in what capacity?

A. I resided in the Sandwich Islands from the fall of 1836, until the last of December, 1846. During the years 1843, '44, and 1845, I occupied the position of vice-consul of the United States at Lahaina.

Q. 3. Were you during that time familiar with a newspaper called the Polynesian?

A. I was from the time the first number was printed until I left the islands; I subscribed to it, received it, read it, and frequently contributed to its columns.

Q. Would you recognize a copy of that paper if you were to see it now?

A. I would.

Q. 5. Look at the newspaper now shown you, entitled "The Polynesian," and marked "Sandwich Island paper, W. H. C." and filed as an Exhibit in this case, September 27th 1859; paper shown you being No. 10 of the 3d volume, and published at Honolulu, Saturday, July 25th, 1846; and state if you recognize it to be a copy of the "Polynesian" newspaper, of which you have spoken.

A. I do recognize it as such copy. I find in this paper a note from Mr. G. P. Judd to the editor, in which Mr. Judd says that he forwards for publication the letter from Thomas O. Larkin, United States Consul at Monterey, and sends also specimens of the precious ore mentioned in Mr. Larkin's letter; Judd's note is dated 20th July, 1846.

Q. 6. Examine the note and also the accompanying letters from Thomas O. Larkin, and state if you remember to have read them on or about the 23d July, 1846, and whatever else you may remember about the matter to which they relate.

A. I was in Honolulu at the time this paper was printed, and read it at or about that time. I remember the article to which my attention has been drawn in the question, and I also remember to have seen the samples of ore, referred to in Mr. Judd's note. I took some interest in the matter at the time, as I had half a notion to come over myself at that time to benefit myself. It was also a matter of some interest in the mercantile community. The specimen also excited my curiosity, because it was the first specimen of cinnabar I had ever seen, very rich and very heavy.

Q. 7. Who was the editor and who the printer of the "Polynesian," in 1846?

A. J. J. Jarvis was the editor, and C. E. Hitchcock was the printer.

Mr. Jarvis I believe is now traveling in Italy, and Mr. Hitchcock I am told is at present in this city.

Cross-Examination waived.

MILO CALKIN.

Sworn to, and subscribed, this 22d May, 1860, before me.

W. H. Chevers,
U. S. Commissioner.

Filed May 22, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF CHARLES E. HITCHCOCK.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero

San Francisco, May 21, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Charles E. Hitchcock, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for claimant. What is your name, age, and place of residence?

Answer. My name is Charles E. Hitchcock; my age is 36 years, and my residence is San Francisco.

Q. 2. Did you ever live in the Sandwich Islands; if so, during what time?

A. I did live there from about September, 1845 until December, 1848. I lived at Honolulu during the whole of that time. For the first two years I was printer of the "Polynesian" newspaper, and for the last year editor.

Q. 3. Would you know a copy of the "Polynesian" if you were to see it?

A. I would.

Q. 4. Look at the paper now shown you, purporting to be the 10th number of the 3d volume of the "Polynesian," published at Honolulu on the 26th July, 1846, filed by the claimant as an Exhibit in this case September 27th, 1859, marked "Sandwich Island paper, W. H. C." and state if you recognize it to be a true copy of said paper.

A. I do.

Q. 5. I find in this number of the "Polynesian" a letter from G. P. Judd to J. J. Jarvis, editor, dated July 20th, 1846, in which Mr. Judd informs the editor that he forwards for publication a letter from Thomas O. Larkin, U. S. Consul at Monterey, and that he also sends him a specimen of the precious ore mentioned in Mr. Larkin's letter. Do you remember anything about this note of Mr. Judd and the accompanying letter of Mr. Larkin, and the specimens sent by Mr. Larkin?

A. I was at that time printer of the paper, and remember receiving the note of Mr. Judd, the letter of Mr. Larkin, and the sample of quicksilver ore. It was printed at that time, and the letter, as printed in this paper, is a copy of the letter sent by Mr. Judd to the office. I think Mr. Judd sent the original letter from Mr. Larkin, which I think I returned to Mr. Judd. Mr. Jarvis, the editor, was absent from Honolulu, and I edited this number of the paper.

Cross-examination waived.

CHARLES E. HITCHCOCK.

Sworn to and subscribed this 22d May, 1860, before me.

W. H. Chevers,
U. S. Commissioner.

Filed May 22, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF WILLIAM J. LEWIS.

District Court of the United States,
Northern District of California.

The United States
v.
Andres Castillero.

San Francisco, Cal., June 18, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came William J. Lewis, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of said Board of Commissioners, and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1, by counsel for the claimant: What is your name, age, place of residence and occupation?

Answer. My name is William J. Lewis, my age is 48 years, my residence is in San Francisco, and my occupation is that of surveyor and civil engineer.

Q. 2. How long have you resided in California; what has been your profession or employment here?

A. I have resided in California since June, 1849; I have lived in Santa Clara and San Francisco counties ever since, with the exception of four months that I was in the mining districts, in the year 1849. I resided in Santa Clara county from November, 1849, to June, 1855; during that time I was engaged in surveying private ranches, claimed under Mexican grants; pre-emption claims and public roads. I was county surveyor from July, 1850, to June, 1855.

Q. 3. Do you know where the Almaden mine is situated, and where the ranchos of Berreyesa and Justo Larios?

A. I do; the Almaden mine is situated in Santa Clara county, about fifteen miles southwardly from the City of San Jose. The ranchos of Berreyesa and Justo Larios adjoin the Almaden mines.

Q. 4. Did you ever make a survey of these ranchos? if yea, state under what circumstances, and when: Whether you have a map of said survey, and can produce it to be filed with this deposition: What knowledge you have of the country around about those ranchos, and of the names and localities of the natural objects referred to in the concession and diseños in the expedientes of those two ranchos, as the boundaries thereof.

A. I made a survey of the Berreyesa rancho in September, 1850, and of the Justo Larios rancho in December, 1854, and January, 1855; I have a map of those surveys and the country in the vicinity of the Almaden mines.

[Witness here produces a map, which is marked by the Commissioner, "Exhibit Lewis' Map, W. H. C."]

This map was made under my direction; the lithographic lines and printed portions by Henry Steineger, from an original drawn by Vitus Wackenrender; the coloring, the explanation of the colors, and the letters and lines in india ink were made by Samuel W. Newhall; the whole was done under my supervision, and is a correct map of my surveys, and the country delineated. The surveys shown on the map by numbered stations were made by me. Besides the surveys of the boundaries of the ranchos as delineated, surveys were made along the summit and northern base of the Pueblo hills, along the summit of the Laurel hills, and of the ridge east of the hacienda; triangulations to a large number of points outside and inside of the boundaries of the ranchos, and angles of elevation and depression; and topographical sketches of the features of the country, at various dates, from December, 1854, to May, 1855.

I have a knowledge of the country and the natural objects referred to in the question.

The lines of the Berreyesa ranch were run as follows: Commencing at a sycamore stump, which I marked "O," at the junction of the Arroyo Seco with the Alamitos Creek, thence N. 10° 23′ E., 1.17 chains to the Pueblo Hills; thence following the foot of said hills S. 74° 37′ E., 24 chains; S. 55° 32′ E., 99.92 chains; N. 84° 47′ E., 56.80 chains; S. 25° 28′ E., 79.22 chains; S. 66° 50′ E., 52.74 chains; N. 86° 20′ E., 38.51 chains; S. 30° 59′ E., 45.67 chains; S. 65° 18′ E., 78.34 chains, to an oak tree which I marked 24 at station 9, at the juncture of the Pueblo with the Laurel Hills; thence following the foot of the Laurel Hills S. 28° 22′ E., 39.54 chains; thence S. 32° 30′ W., 136.87 chains, to a marked oak at the foot of the Sierra; thence crossing a spur of the Sierra, N. 82° 35′ W., 366.83 chains, to a marked sycamore on the right bank of Alamitos Creek; thence up and along said Creek S.

83° 23′ W., 40.67 chains; thence N. 15° 23′ E., (magnetic North) 289.49 chains, to the eastern brow of the hill situated in the middle of the valley; thence N. 10° 23′ E., 45.61 chains to the place of beginning, containing 10,265 acres. By the regulations first adopted by the United States Surveyor-General of California, the vara was estimated at 33 inches, and the Mexican league at 4,340 $\frac{277}{1000}$ acres. The new regulations make the league 4,438 $\frac{682}{1000}$ acres; but as this testimony refers to surveys made several years since, the old standard is retained. Adopting this, 10,265 acres are equal to 2 $\frac{36}{100}$ Mexican leagues. My survey of the rancho was made by order of Court in the suit of the Widow Berreyesa and others against Forbes and Walkinshaw. In Neuman and Baretti's Spanish and English Dictionary (the only one in my possession in 1850), the word "falda" applied to ground is defined as "the brow of a hill," but the Dictionary of the Spanish Academy defines it in latin to mean *radix montis.* If this definition be correct, the western line of the Berreyesa ranch should have been run from station O, by the eastern base of the "Loma" or low hill, and continued in a straight line to intersect the southern boundary. This line on the map runs from O, by stations 64 and 65, to "A." Adopting this for the western boundary of the rancho, the area is 8,895 acres, or a little more than two leagues.

I made two surveys of the land claimed under the Justo Larios grant. The first survey commenced at the junction of the Arroyo Seco and Alamitos creek (at station O, already described); thence following the several courses of the Arroyo de los Capitancillos, to its junction with the Arroyo Seco, on the side of the establishment of Santa Clara, at station No. 24; thence up and along said Arroyo Seco, to the base of the mine ridge, at a station marked 44; thence along the northern base of said ridge to station 64, at Berreyesa's western line; thence in a straight line, along the eastern base of the "loma" (low hill) situated in the middle of the valley, to the place of beginning: containing 3529 acres, or 811$\frac{27}{100}$ acres less than one league. If a straight line were drawn from the point O (at the junction of the Arroyo Seco with Alamitos creek), to station 24, at the northwest corner of the rancho, and at the mouth of Capitancillos creek, the area contained between that line and the Capitancillos creek, would be 416 acres. Adopting this as the northern boundary of the rancho, and the other lines last described as the other boundaries, the tract would contain 3.945 acres, or 395$\frac{27}{100}$ acres more than one Mexican league. The line I. J. K. is drawn so as to include between it and the southern line of the last described survey 811$\frac{27}{100}$ acres, consequently the tract lying between the Capitancillos creek and the line I. J. K., and between Berreyesa's western line and the Arroyo Seco on the side of the establishment of Santa Clara, contains exactly one league.

I made another survey of land claimed under the Justo Larios grant: Commencing at station 64, on the western boundary of Berreyesa's rancho, the course of said boundary was continued southwardly across the mine ridge to the Arroyo de los Alamitos, at station 65; thence up the most northern branch of said Arroyo to station 90; thence to the summit of a high ridge or spur of Mount Umunhum at station 95, which is 1349 feet above the level of the sea; thence descending to a tributary of the Arroyo Seco, at station 98; thence along said tributary to its mouth, at station 101; thence down and along said Arroyo Seco, to station 44 of the survey already described.

There are included between the line of survey last described and the southern boundary of the previous survey (along the northern base of the mine ridge) from station 44 to station 64, 4504 acres, and in the two surveys 8.033 acres, or $1\frac{85}{100}$ leagues.

If the straight line from station O, to station 24, be taken for the northern boundary, and the lines from station 65 to station 44, for the southern boundary of the Justo Larios rancho, the area of the tract will be 8.449 acres, or $1\frac{95}{100}$ leagues.

Q. 5. What is the square colored in blue, represented by the letters A, B, C, D.?

A. It represents a tract containing two square leagues of land, having the old mouth of the Almaden mine in the centre, and the sides of the square correspond with the cardinal points.

Q. 6. What does the inner square marked "E, F, G, H," represent?

A. It represents a square, each side of which measures six thousand varas, with the old mouth of the mine in the middle; the courses of the sides correspond with the cardinal points.

Q. 7. How much of the land contained in the first named square lies within the general limits of the Berreyesa rancho, taking for the western boundary of that rancho the straight line from station O, by the base of the Lomita, to the point "A"?

A. About 2.786 acres, or $\frac{64}{100}$ of a league, which would leave $1\frac{36}{100}$ leagues within the general limits of the Berreyesa rancho.

Q. 8. How much of the square A, B, C, D, lies within the general limits claimed for the Justo Larios rancho, its southern boundary being from station 65 to station 44, and its northern boundary being a straight line connecting station O and 24?

A. It is about 3.418 acres, or $\frac{79}{100}$ of a league, which would leave within the said general boundaries $1\frac{16}{100}$ leagues.

Q. 9. Point out on this map what you regard as the southern boundary of the Justo Larios rancho, as it is described in his petition to the Governor, in the diseño or map which accompanied his petition, and in the concession made by the Governor.

A. It is at or very near the line marked in red from station 44 to station 64.

Q. 10. In Justo Larios' grant one of the boundaries is said to be the Sierra, and the grant proceeds to say, "the land herein referred to is one square league, a little more or less, as is explained by the map in the expediente."

Examine the copy of that map now shown you, filed by the Government in this case on the 30th January, 1858, marked "Expediente and grant (and translation) of Justo Larios," and say what mountains on your map correspond with those on Larios' diseño named "Sierra del Encino."

A. It is the ridge on which the Almaden mine is situated, marked X, Y, on the map.

Q. 11. What are your reasons for thinking so?

A. I see on the lower part of Larios' diseño a stream marked Arroyo de los Capitancillos, between that stream and the ridge designated Sierra del Encino no hills are represented, but the intervening ground is represented as a wide plain. I conclude, therefore, that the ridge X, Y, which is nearest the Arroyo de los Capitancillos, is the one intended to be represented in the Justo Larios diseño. I also perceive that on the Justo Larios diseño two arroyos are represented as issuing from the Sierra into the plains, in directions which correspond well with the general directions in which the Arroyo de los Alamitos and Arroyo Seco leave X, Y. Also, the distance of the two arroyos from each other, where they leave the mountains, as shown on the diseño, corresponds well with the distance where they leave the mine ridge, shown by my map.

Q. 12. You will perceive on Larios' diseño that his eastern boundary, as he first petitioned for it, ran across the cañada from a point a little to the east of the place where he represents the Capitancillos as issuing out of the Sierra. If you draw a line on his diseño from that point to the place where the Arroyo Seco is represented as issuing out of the Sierra, it would be the southern boundary of the tract described in the diseño, would it not?

A. It certainly would.

Q. 13. What, then, would lie on the north of that boundary line, and what on the south, as appears from the diseño?

A. On the north there would be an open plain, and on the south the Sierra.

Q. 14. How much of that southern boundary would lie in the Arroyo de los Capitancillos, and how much in the Arroyo Seco?

A. It merely crosses the Arroyo de los Capitancillos at nearly right angles, all the rest of the line is on dry land, as it stops when it reaches the Arroyo Seco.

Q. 15. Then that southern boundary line, after it crosses the Capitancillos, would run over dry land, having the plain to the north of it and the Sierra to the south of it, and would separate by its entire length the waters of the Capitancillos and the Arroyo Seco, would it not?

A. It would.

Q. 16. If the range of hills, represented on Larios' deseño as the Sierra del Encino, do not correspond with those represented on your map by the ridge X, Y, but are intended to represent the mountains lying to the south of the ridge X, Y, on your map, where would be the southern boundary of the tract which Larios petitions for, and describes on his diseño, as shown by your map?

A. It would be represented, as near as I can designate it, by the lines from station 65 to station 130.

Q. 17. On the supposition contained in the foregoing question, Larios' diseño would describe as a plain a tract of country which is partly a plain, and in part mountainous. Please describe the mountainous part of the tract which would be included.

A. It would be about five and a half miles in length, about two and a quarter in breadth at its widest part, and about three-quarters of a mile at its narrowest part; it would average about a mile and a quarter wide. At one point it would be 1707 feet above tide, at another it would be 1500 feet high, at another 1436 feet high, at another 1100 feet high, as shown by the map. It declines in height as it approaches the Arroyo Seco on the west.

Q. 18. As near as you can judge from Larios' diseño, how much valley land is contained in the tract for which he petitions, supposing the southern boundary to be the ridge X, Y, on your map?

A. Over one league; two or three hundred acres more. I cannot state accurately, for I cannot judge from the diseño how far to the east of the Alamitos (or the Capitancillos, as it is called on his diseño) his eastern line was intended to run.

[All the foregoing is objected to by U. S. counsel as irrelevant and incompetent, being the mere opinion of the witness respecting private surveys, made without any authority of law.]

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, June 19th, 1860.

Examination of W. J. Lewis resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Direct examination closed.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 19. Under what authority, and at whose request, did you survey the Justo Larios rancho in December, 1854, and January, 1855?

A. I made the two surveys of the Justo Larios rancho at the request of Captain H. W. Halleck, who, I understood, was Director General of the New Almaden Company, a member of the firm of Halleck, Peachy and Billings, in this city. They were made as private surveys, and paid for by Capt. Halleck.

Q. 20. Have you not been examined before in reference to these surveys, as a witness in behalf of the United States, in the case of Charles Fossat against the United States, No. 132, on the docket of the United States District Court?

A. I have.

Q. 21. You mean now in your testimony given in this case to make the same statements of fact, and to give the same opinion in reference to those surveys which you then gave; do you not?

A. So far as the questions have called them out, I mean to say the same things, as I am not conscious of any change of opinion.

Q. 22. How long did the examination and cross-examination last on the former occasion; and how many questions were you asked?

A. The examination commenced on the 19th of August, 1856, and concluded on the 18th of September following, with some adjournments of a few days, and three hundred and twenty-seven questions were asked. It occupies more than 68 octavo printed pages.

Q. 23. On that examination who asked the questions on behalf of the United States; was it not Mr. Peachy, the same who has now been examining you on behalf of the claimant in this case?

A. It was.

Q. 24. You have in your hand now a printed transcript entitled "United States District Court, Northern District of California; The United States v. Charles Fossat; Testimony on

Boundaries;" does it not contain in full your examination and cross-examination on the subject of these surveys of the Justo Larios rancho?

A. I have no doubt but that it does; and if there are any errors they are accidents, and can be corrected by comparison with the original on file in that case in this court, and which I now have before me.

Examination closed.

WM. J. LEWIS.

Sworn to, and subscribed, this 19th June, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed June 19, 1860.
W. H. CHEVERS, Clerk.

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## STIPULATION ADMITTING DEPOSITION OF LEWIS IN No. 132, AS EVIDENCE IN THIS CASE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
No. 420.

It is hereby stipulated that the deposition of William J. Lewis, taken on behalf of the United States in the claim of Charles Fossat No. 132, in this Court, may be read in evidence in this case with the same effect as if herein taken—but subject to all objections which might be made, if taken in this case and offered as evidence. June 19, 1860.

PEACHY & BILLINGS,
Atty's for Castillero.

EDMUND RANDOLPH,
Ass't Counsel of the United States.

Filed June 19, 1860.
W. H. CHEVERS, Clerk.

# CERTIFIED PAPERS FROM UNITED STATES STATE DEPARTMENT.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

*To all to whom these presents shall come, Greeting:*

I certify, that the extracts contained in the paper hereunto annexed, are true copies from the original despatches of Thomas O. Larkin, U. S. Consul at Monterey, dated 4th May, 1846, and March 28, 1848.

[SEAL.] In testimony whereof, I, Lewis Cass, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this 28th day of November, A. D. 1859, and of the Independence of the United States of America the 84th.

LEW. CASS.

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*Extract from despatch from Thomas O. Larkin, U. S. Consul at Monterey, California, dated 4th May,* 1846.

"From the town of San José, and near the mission of Santa Clara, there are mountains with veins of quicksilver ore, discovered by D. Andres Castillero (of Mexico) in 1845, which the undersigned has seen twice produce twenty per-cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed; the metal was then strained through a silk handkerchief; the red ore produces far better than the yellow; there appears to be no end to the production of the metal from these mountains; working of the quicksilver is but now commenced under great disadvantages from not having any of the materials generally used in extracting that metal; near the town of Sonoma, about sixty miles from the entrance of the Bay of San Francisco, there are other mines, the rock or ore of which appears of a greyish cast, and to be equal to the others." * * *

"By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine; the authorities will then, after the proper formalities, put the denouncer in possession of a certain part of it, or all, which is, I believe, according to its extent—the possessor must hereafter occupy and work his mine, or some other may denounce against him—in all cases the government claims a certain proportion of the products; up to the present time, there are few or no persons in California with sufficient energy and capital to carry on mining, although a Mexican officer of the army, a Padré and a native of New York, are, on a very small scale, extracting quicksilver, from the San José mine; it is considered doubtful whether a foreigner can hold a mine in this country."

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*Extract from despatch of same, dated March* 28, 1848.

"Messrs. Barron, Forbes & Co., of San Blas and Tepic, one of the richest English houses in Mexico, in 1846, became lessees for sixteen years, of a quicksilver mine, seventy miles north of this—since that period they have become part owners; they have had a few common laborers with some pick-axes, crow-bars, shovels and common whaling try-pots, at work four or five months, most of this time in making preparation, and every thing done very imperfectly—nevertheless they are now taking out near two hundred pounds per day, and are now shipping about $20,000 (said to be $30,000) worth of quicksilver to Mazatlan." * * * * * *

"Some of the ore now found is one half pure quicksilver."

* * * * * * *

"Several mines of quicksilver have in 1847–48, been discovered in this Territory—from every appearance California will soon supply all Mexico and South America, and be able to undersell any mines in the world. * * * Under the Mexican laws, if the owner of a mine was unable or unwilling to work it, any person could, before the nearest Alcalde denounce it and take possession of it, as his sole property, by carrying on operations on the place; many English, Americans and natives have of late been so much engaged on the lands of private persons, that Governor Mason has annulled the laws on this subject, securing to each private owner of land all he may have on it, by which means a purchaser of mineral land will obtain a fair compensation for his property, or retain it to suit his convenience or inclination, which he could not do by the former Mexican laws."

Filed June 22d, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF WILLIAM F. SWASEY.

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DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, June 21st, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came William F. Swasey, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant. What is your name, age, and place of residence?

ANSWER. My name is William F. Swasey; my age is 37 years, and I reside in San Francisco, California.

Q. 2. When did you arrive in California, how, and with whom did you come?

A. I came across the mountains, in company with Major J. R. Snyder, Judge Blackburn, and others, and arrived in California in September, 1845. Sutter's Fort was the first settlement we stopped at, at which place I arrived the 26th day of September, 1845.

Q. 3. How long did you remain, and what was your business there?

A. I was employed by Captain Sutter as clerk or bookkeeper, and remained there about two months.

Q. 4. Where did you next go?

A. I left the Fort in a whaleboat, in company with Captain Wm. A. Leidesdorff and Captain Wm. Hinckley, and came to Yerba Buena, now San Francisco, where we arrived in three or four days. It was about Christmas, 1845.

Q. 5. While you were at Sutter's Fort did you see Andres Castillero?

A. I did. He arrived at the Fort in company with General José Castro, Don Victor Prudon, and Mr. Jacob P. Leese.

Q. 6. How long did you remain in San Francisco at that time; with whom did you stay, and what was your occupation?

A. I remained about six weeks; I was not employed in any business while there. I was alternately the guest of Captains Leidesdorff and Hinckley.

Q. 7. Where did you next go, and what was your occupation?

A. I went to Monterey, where I arrived about the last of February, or first of March, 1846, and immediately engaged with Mr. Thomas O. Larkin as his Consular clerk.

Q. 8. What were your duties as such?

A. Writing and copying official and other dispatches. I also kept some of his private books.

Q. 9. Did he keep copies of all his official correspondence; if yea, in what books were they kept?

A. He did. They were kept in one book, entitled on the back "Correspondence with the Department of State, Thomas O. Larkin, Monterey." Also in another book, entitled "Copies of official letters, Thomas O. Larkin, Monterey." They are large record books, strongly bound in calf. These books are now here before me.

Q. 10. Where did you obtain them?

A. I obtained the book entitled "Copies of official letters" from Mr. Frederick Larkin; and afterwards, with Mr. Frederick Larkin, called upon Mr. Edmund Randolph at his office, and inquired for the book entitled "Correspondence with the Department of State;" he pointed to a safe in the office, saying that he believed Mr. Henry Laurencel had locked up the book, and that Mr. Sellier had the key of it. I went to Mr. Sellier, who came, unlocked the safe, and Mr. Randolph delivered the book to Mr. Larkin, who then delivered it to me. This was after Mr. Thomas O. Larkin's death. Mr. Frederick Larkin was his eldest son, and one of his executors.

Q. 11. Do you know whether any other person besides yourself was in the habit of recording Mr. Larkin's correspondence in these books; if yea, who?

A. There was. I was his clerk for about six months, that is, from February to July or August, 1846; during that time a Mr. Allen, who died I think before 1850, did most of the copying in these books. I did most of the original writing under Mr. Larkin's dictation, and also a part of the copying.

Q. 12. Are you acquainted with the handwriting of Mr. Allen; if so, how do you know it?

A. I am perfectly well acquainted with it; I having written in the same room with him constantly for some months.

Q. 13. Do you know who wrote in the books, after you left Mr. Larkin's employment, and do you know their handwritings?

A. I do know that Mr. E. L. Stetson and Mr. Stirling wrote in the books, and I am well acquainted with their handwritings, having often seen them write.

Q. 14. Examine the document now shown you, purporting to be an extract from Mr. Larkin's letter to J. C. Fremont, dated March 8th, 1846: Say whether you have compared this extract with the copy of the original in the book entitled "Copies of official letters," etc., how the comparison was made, and is it a faithful copy?

A. I have made that comparison; it was made in this way: a copy from the book was read to me while I compared it with the extract, and then the extract was read to me while I compared it with the book. This extract is a faithful copy. The copy in the book is in the handwriting of Mr. Allen.

Q. 15. Do you remember when the original was written?

A. Pefectly well, and am under the impression that it was in my own handwriting.

Q. 16. In this letter the brig Hannah is mentioned as being in the port of Monterey, and about to sail for Mazatlan; do you remember the fact of such a brig being in port at that time?

A. I remember distinctly that there was a vessel of that name in the port of Monterey, at that time. I recollect it from the fact that Mr. Larkin requested the captain or supercargo to wait a few days for the purpose of giving Capt. J. C. Fremont an opportunity of sending home his dispatches. I remember also that Mr. Larkin sent a letter and dispatches by her. She left Monterey some time between the 8th and 12th of March, 1846. I know this from the fact that Commodore Sloat received the news by her, at Mazatlan, of Fremont's difficulties, which caused him to send up the sloop of war Portsmouth, Captain Montgomery, which vessel arrived at Monterey some time in the latter part of April, 1846.

Q. 17. I call your attention particularly to the facts detailed in your foregoing answer, because they contradict the testimony of Wm. P. Reynolds and Lewis Warrington Sloat, witnesses examined in this case, on behalf of the Government, in the year 1858. Mr. Reynolds has testified that during the months of January, February and March, 1846, no vessel sailed from Upper California for a Mexican port. Mr. Sloat testifies that from the first of January to the first of June, 1846, he was on board the Frigate Savannah in the harbor of Mazatlan, Mexico, and was Secretary to Commodore Sloat, Commander of the Pacific Squadron. That the Savannah sailed for California on the 8th June, 1846, arrived at Monterey the second of the following month, and thinks that they then first received the information of Fremont's difficulties with the authorities of California. What do you say with these authorities against you?

A. They are both certainly mistaken, for I know that Mr. Larkin sent dispatches to the Secretary of State in March, 1846, by the brig Hannah. I know further, that the Portsmouth came to Monterey in April, 1846, in consequence of the news of Fremont's difficulties having reached Mazatlan in March, 1846, I know it further, from the fact that on the 23d of April, 1846, Mr. Larkin wrote a letter to Mr. Archibald H. Gillespie, an extract of which is in the following words: "Consulate of the United States of America, April 23d, 1846. Sir: Capt. Montgomery of the Portsmouth being under sailing orders (the first or second instant) at Mazatlan, was waiting for the Mexican mail, when Commodore Sloat heard per brig Hannah of the situation of Capt. Fremont near San Johns, and immediately dispatched the ship. She was twenty-one days from Mazatlan to Monterey."

A copy of this letter is recorded in my own handwriting in the book exhibited "Copies of official letters," etc.

[The counsel for claimant now offers in evidence the extract referred to in question 14th, which is marked "Exhibit Swasey No. 1, W. H. C."]

Q. 18. Examine the document now shown you purporting to be a copy, from the book marked "Copies of official letters," etc., of a letter addressed by Mr. Larkin to our Minister in Mexico, dated April 3d, 1846; say whether you have compared it with the copy in the book, how the comparison was made, and is it a faithful copy?

A. I compared it in the same manner that I compared "Exhibit Swasey No. 1, W. H. C." It is a faithful copy.

[The counsel for claimant now offers in evidence the copy referred to in question 18, which is marked "Exhibit Swasey No. 2, W. H. C."

Q. 19. Answer the same question in relation to the documents now shown you.

A. I answer the same way in regard to all of them; they are all faithful copies.

[The counsel for claimant offers these copies in evidence, and they are respectively marked "Exhibits Swasey Nos. 3, 4, 5, 6 and 7, W. H. C."]

Q. 20. Before you left San Francisco in the first part of the year 1846, for Monterey, had you ever heard of the discovery of a quicksilver mine in California, by Andres Castillero; if so, state generally what you heard about it?

A. I had heard frequently Capt. Leidesdorff, Hinckley, and others, speak of the discovery by Don Andres Castillero; and Capt. Leidesdorff talked frequently of buying some share of it, and said if he did, that he would be able to give me some employment at the mine. The fact of the discovery was notorious. After I arrived at Monterey in the spring of 1846, it was the subject of conversation between all intelligent persons, and Mr. Larkin particularly took so much interest in it that he not only talked of purchasing an interest, but that he procured specimens of the ore, which he and myself smelted in an old gun-barrel, and put the liquid quicksilver in quills, which, with specimens of the ore, were sent by Mr. Larkin to various parties; among whom I recollect were the Hon. Daniel Webster, Hon. Thomas H. Benton, Hon. James Buchanan, and the Rev. Wm. M. Rogers, of Boston, and to some persons at the Sandwich Islands.

Q. 21. Did you know Castillero; when first, and when did he leave Monterey?

A. I knew Castillero; first, when he visited Sutter's Fort, in November, 1845. I afterwards saw him in Monterey in the months of March and April, 1846. He left Monterey in the early part of April, 1846, in the barque Don Quixote, Capt. John Paty. Mr. Larkin sent dispatches by the same vessel to our Minister of Legation in the City of Mexico.

Q. 22. Do you know whether Mr. Larkin visited the mine in 1846; if yea, about what time?

A. He did visit the mine, and I think some time in the month of April. He brought the specimens mentioned in his letters when he returned to Monterey; he got them at the mine.

[Counsel for the United States objects to the introduction of all the foregoing letters, upon the ground that they are irrelevant, and are not sufficiently proved to be written at their date.]

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,  
U. S. Commissioner.

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SAN FRANCISCO, CAL., June 22d, 1860.

Examination of William F. Swasey resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

## CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 23. How long has Thomas O. Larkin been dead?

A. It is about a year and a half since he died.

Q. 24. Where did he reside at the time of his death, and how long had he been living there?

A. He resided in San Francisco at the time of his death, and had been living in San Francisco since 1849, with the exception of some year and a half or two years that he passed in the Atlantic States.

Q. 25. Do you know of his having evinced any objection to being called to give his testimony in this case?

A. I do not.

Q. 26. You have said that you obtained one of these books (viz.: "Correspondence with the Department of State") from me at my office; how many of the seven letters you have produced were copied from that book, and which of them?

A. Two; one is dated "Monterey, California, May 4th, 1846," addressed to the Hon. James Buchanan, Secretary of State, City of Washington. The other is addressed to the same person, dated "Monterey, March 5th, 1848."

Q. 27. Those two letters ought to be found in the State Department at Washington; ought they not?

A. They ought.

Q. 28. Have you never seen them printed officially, among Senate or Executive documents, or both?

A. I don't recollect of having seen them.

Q. 29. Now, what was the object of your particularity in detailing the circumstances and manner of your obtaining that book, containing the correspondence of Mr. Larkin with the State Department, from me in my office, as in answer to question 10?

A. Simply to answer the question by the counsel for the claimant.

[Counsel for the United States offers the whole of the letter dated April 23, 1846, addressed to Archibald H. Gillespie, an extract from which was offered by counsel for claimant in "Exhibit Swasey No. 3, W. H. C." which is marked "Cross-Examination Exhibit Swasey No. 8, W. H. C."

Also the whole of the letter dated May 2, 1846, addressed to Capt. John B. Montgomery, an extract from which was offered by counsel for claimant, in "Exhibit Swasey No. 4, W. H. C." which is marked, "Cross-Examination, Exhibit Swasey No. 9, W. H. C."]

Q. 30. The letter contained in "Exhibit Swasey No. 6, W. H. C." is without address; is it not?

A. Yes, sir.

Q. 31. In whose handwriting is that letter?

A. In Mr. Allen's.

Q. 32. Do you know of any other letters in these books, without an address?

A. I do not, in either of the books.

Q. 33. Did you copy letters into these books before they were sent?

A. It was the custom of Mr. Larkin to have the letters copied into the books from the originals before they were sent, and I know of no deviation from that custom.

Q. 34. This letter without address in this book is the same as the letter printed in the "Polynesian," a newspaper published at Honolulu, Sandwich Islands, July 25th, 1846, there dated June 24th, 1846, and addressed to G. P. Judd; is it not?

A. It appears to be a copy of this in the book, with some immaterial difference in the phraseology. It is very possible that the letter in the book may have been sent to some other parties, which would account for the apparent difference in date and phraseology.

Q. 35. You don't mean that the letter printed in the newspaper was copied from the book, but the contrary, don't you, when you look at their dates?

A. I don't mean that either one was copied from the other, but that the two letters are very much alike; and the one in the book may have been written after the one to Mr. Judd, and sent to some one else. While I was with Mr. Larkin he only made a practice of copying his official letters in these books; and this letter to Mr. Judd I don't look upon in the light of an official letter.

I find another letter following the letter to Mr. Judd, in the same paper, directed to no one, which seems to be almost an exact copy of the letter under date of May 4th, 1846, addressed by Mr. Larkin to Mr. James Buchanan, Secretary of State, at Washington, which last letter is marked "Exhibit Swasey No. 5, W. H. C."

It was usual for Mr. Larkin, after compiling valuable information on the resources of the country generally, to send the same information to different persons, at times perhaps slightly varied in expression.

Q. 36. How do you keep these books now?

A. I have generally kept them in the vault of Mr. Randall, in Merchant street in this city, up to the time he left. They are now kept in my office.

Q. 37. For what purpose did you want the books when you were looking for them, and how came you to my office for one of them?

A. I wished them to obtain information regarding the early history of California, as well as matters relating to this case. I had possession of the book entitled Official Letters, some months before I ascertained the whereabouts of the book entitled "Correspondence with the Department of State;" I learned, in conversation with Mr. Christopher E. Hawley, that the book was in possession of Mr. Randolph, and had been so for a year or over. I was anxious at that time to procure this book, not only to get information in regard to what I have testified, and to corroborate my testimony, but also to procure information not relating to the case. When I first applied to Mr. Frederick Larkin, for the book entitled "Correspondence with the State Department," both he and Mr. Bigelow (who had been Mr. Larkin's agent) were under the impression that there was no such book; I told them that I knew there was, and they both said they would look for it. I afterwards, some few days, saw them, and they said that they had been unable to find them, and did not think such book existed. A few days after that I met young Mr. Thomas O. Larkin, and he informed me that, before his father died, he had been sent by his father to some office in Court Block, for one of his consular record books, but had been unable to find its whereabouts, and supposed that the book I had already received was the one he was sent for; he told me that he could not recollect who it was that his father sent him to, but that it was in Court Block.

Q. 38. Did any one of the sons of Mr. Larkin, or anybody else, tell you that they had applied to me for that book?

A. No, sir, they did not.

Examination closed.

WILLIAM F. SWASEY.

Sworn to, and subscribed, this 22d June, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed June 22, 1860.
W. H. CHEVERS, Clerk.

## EXHIBIT SWASEY No. 1, W. H. C.

Copy from the Consular Book of the late Thomas O. Larkin, entitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Extract from letter to J. C. Fremont, page 61, letter No. 80.

"CONSULATE OF THE UNITED STATES,
Monterey, California, March 8, 1846.

"Sir:—With this you have my Consular answer to the General and Prefecto's letters to you of last week, of which I had the honor to receive copies from them. I also add the Señor Prefecto's second letter to me of this day; by your messenger of last week I forwarded some United States newspapers, a Spanish grammar, some magazines, and English copies of the General's and Prefecto's letters to you on the 5th inst. I then informed you that there was an American brig (brig "Hannah") of Salem, at anchor in this port, bound to Mazatlan, whose supercargo I had requested to remain here until the third day, to enable you to send letters to the United States, if you were so inclined."

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## EXHIBIT SWASEY No. 2, W. H. C.

Copy of Letter from the Consular Book of the late Thomas O. Larkin, entitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Pages 70 and 71, letter No. 91.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Port of Monterey, California, April 3d, 1846.

"Sir:—Don Andres Castillero, formerly member of Congress from this Department, leaves this port in a few days for Acapulco, on board the Hawaiian barque Don Quixote, as commissioned to Mexico from General José Castro, Military Commandant of California. He will arrive in Mexico by the 25th or 30th of this month.

"I am under the impression that the President of Mexico is to be informed from Don Andres, or the correspondence he carries, that there is danger of an invasion from Americans (I am confident there is not) in this country; and to give some information relative to what they call driving Captain J. C. Fremont out of California. He is yet, I believe, surveying, or resting his horses in the interior.

When a translation of Captain Fremont's letter was first given to the authorities, the words "and refuse quarter" was wrote, I will give no quarter. The translator informed the Alcalde of the mistake. It may be so printed, in which case you have a copy that should immediately follow in the Mexican papers; for which purpose, and that you may be well acquainted with all the circumstances, I send you copies of this Consular correspondence on the subject. About four hundred emigrants arrived in California in 1845.

"At the town of San José, eighty miles from Monterey, Don Andres Castillero has discovered a quicksilver mine; the ore produces from fifteen to sixty per cent. I have seen him, from an old gun-barrel, in thirty minutes run out about thirty per cent. in pure quicksilver. This must be a great advantage to California.

"I remain, Sir,
Your most obedient servant.

"To the Hon. Minister of Legation of the
U. S. of America, City of Mexico."

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## EXHIBIT SWASEY No. 3, W. H. C.

Copy from the Consular Book of the late Thomas O. Larkin, entitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Extract of a letter to Archibald H. Gillespie, Esq.; page 73, letter No. 95.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Monterey, California, April 23d, 1846.

"Sir:—Captain Montgomery, of the "Portsmouth," being under sailing orders (the 1st or 2d instant) at Mazatlan, was waiting for the Mexican mail, when Commodore Sloat heard, per brig "Hannah," of the situation of Captain Fremont near San John's, and immediately dispatched the ship. She was twenty-one days from Mazatlan to Monterey."

## EXHIBIT SWASEY No. 4, W. H. C.

Copy from the Consular Book of the late Thomas O. Larkin, entitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Extract of letter to Captain J. B. Montgomery, United States ship "Portsmouth; page 75, letter No. 96; under date May 2d, 1846.

"Five or six miles from the town of San José, and near the Mission of Santa Clara, there are mountains of quicksilver ore, discovered in 1845 by Don Andres Castillero, of Mexico, which I have twice seen produce twenty per cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed; the metal was then strained through a silk handkerchief: the red ore produces far better than the yellow. There appears no end to the production of the metal from these mountains; working of the quicksilver is but now commenced."

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## EXHIBIT SWASEY, No. 5, W. H. C.

Copy of Letter from the Consular Book of the late Thomas O. Larkin, entitled "Correspondence with the Department of State, Thomas O. Larkin, Monterey." From page 54, letter No. 43.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Monterey, California, May 4th, 1846.

"SIR:—The undersigned has the honor to forward to the Department the following information respecting the mines of California, most of them discovered within six or nine months. For many years previous to this, the inhabitants have supposed the places in question contained metal of some kind. Ninety miles (by sea) south of San Diego there are some very extensive copper mines belonging to Don Juan Bandini. The undersigned is informed by Don José Rafael Gonzales, that on his Rancho, sixty or eighty miles south of Monterey, there are coal mines; at San Pablo, in the Bay of San Francisco, there are others; at the Mission of San Juan, twenty-five miles north of Monterey, there are sulphur beds or mines; fifty to eighty miles north of Monterey, there is said to be several silver. There are several places throughout California where the people obtain a bituminous pitch to cover the roofs of their houses—some make a floor of it by mixing earth with it; at these places rabbits, squirrels and birds, often get half-buried in the pitch, and some die; even horses and horned cattle are lost there. A few miles north of Santa Barbara, the sea for several miles upon the coast is colored by the pitch oozing from the banks. Five or six miles from the town of San José, and near the Mission of Santa Clara, there are mountains with veins of quicksilver ore, discovered by Don Andres Castillero (of Mexico) in 1845, which the undersigned has twice seen produce twenty per cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed. The metal was then strained through a silk handkerchief: the red ore produces far better than the yellow. There appears no end to the production of the metal from these mountains. Working of the quicksilver is but now commenced under great disadvantages, from not having any of the materials generally used in extracting that metal. Near the town of Sonoma, about sixty miles from the entrance of the Bay of San Francisco, there are other mines, the rock or ore of which appears of a grayish cast, and to be equal to the others. Near the same town there are sulphur mines; the piece which the undersigned has in his possession is perfectly pure, without rock or dirt mixed with it. At the same place there are said to be lead mines. Some Indians have brought a blanket of lead ore to the Mission of San Juan, refusing to tell from whence they brought it. On the Rancho of Captain Richardson, one side of the entrance to the Bay of San Francisco, there is a lead mine; the undersigned has two or three pounds, said to be from that Rancho; this is full of pebble stones, which when taken out by a nail or knife, left the lead entirely pure and indented like honeycomb. Twenty miles from Monterey there is a mine of silver and lead, which has been taken out, but not separated; there is also slate of the best quality at the Sacramento river. There is said to be black lead in the country at San Fernando, near San Pedro; by washing the sand in a plate any person can obtain from one to five dollars per day of gold, that brings seventeen dollars per ounce in Boston; the gold has been gathered for two or three years, though but few have patience to look for it. On the south-east end of the island of Catalina there is a silver mine, from which silver has been extracted. There is no doubt but that gold, silver, quicksilver, copper, lead, sulphur and coal mines, are to be found all over California, and it is equally doubtful whether, under their present owners, they will ever be worked. The Indians always have said there were mines in the country, but would not show their location, and the Californians did not choose to look for them.

By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine; the authorities will then, after the proper formalities, put the denouncer in possession of a certain part of it, or all, which is I believe according to its extent; the possessor must thereafter occupy and work his mine, or some other may denounce against him; in all cases the Government claims a certain proportion of the products. Up to the present time there are few or no persons in California with sufficient energy and capital to carry on mining, although a Mexican officer of the army, a Padre, and a native of New York, are, on a very small scale, extracting quicksilver from the San José mine.

"I remain, sir, with the highest consideration,
"Your obedient servant,
"(Signed.) THOMAS O. LARKIN.

"P. S.—It is considered doubtful whether a foreigner can hold a mine in this country.

"Hon. James Buchanan,
"Secretary of State,
"City of Washington."

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## EXHIBIT SWASEY No. 6, W. H. C.

Copy of Letter from the Consular Book of the late Thomas O. Larkin, entitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Page 97, Letter 124.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Port of Monterey, California, July 2d, 1846.

"Sir:—I have the pleasure of forwarding to you a specimen of California Quicksilver Ore, from a mine seventy miles north of Monterey, and ten miles from the pueblo of José, discovered in 1845 to have quicksilver in it. The place was known for eighteen years, and supposed by the Californians to be a silver mine; they, in 1828, having with some foreign quicksilver extracted the other metal. In 1845, a Mexican being in the vicinity heard that the mountains contained rock different from any other, went to examine it, and immediately denounced the place before the nearest Alcalde, and then made known what it contained.

"The owner, with a priest, in a small and imperfect manner has commenced extracting the metal. The mine is on the top of a steep mountain, a mile or more from the plain, to which it is brought down on a mule, piled up with a whaler's pot covered over it, well cemented with clay, some six or eight cords of fire-wood placed over and fired; in fourteen or sixteen hours the quicksilver is found below in a small wooden tank of water; though much of the rock is thrown away afterwards that has not been well heated, they obtain about fifteen per cent. of the metal.

"The specimen I send can be proved by dropping a simple pinch of the pounded stone (the red is preferable) on a red hot iron, holding a tea-cup over one or two minutes in such a manner that the vapor shall be caught, then with the finger rub the smoke on a piece of silver money, or with the finger for five minutes rub all the smoke in the cup together, which produces at first hundreds of almost invisible globules, brought by contact into one globule of quicksilver.

"Second operation: take a tube, a common gun-barrel, air tight, is very convenient, fill it with the ore (pounded to the size of beans) to within four or six inches of the end, which end immerse in a pot of water, with a plate to catch the production; keep the gun-barrel red hot for thirty or forty minutes, and from the condensed vapor you have from twenty to thirty per cent. quicksilver. Should the latter be dirty from the ashes falling into the water, squeeze it through a silk handkerchief; on receiving the ore, should it be dirty from its own dust, wash it; when dry, the quicksilver can be discovered without a glass: the yellow part of the rock is the least valuable. Care should be taken that the vapor does not exhale in the mouth, thereby producing salivation.

"Mines of pure sulphur, and mines of lead, copper, silver and gold, have been lately discovered in California, but not one is yet in operation.

"I am, with the highest respect,
"Your most obedient servant,
"(Signed) THOMAS O. LARKIN."

## EXHIBIT SWASEY NO. 7, W. H. C.

Copy of Letter from the Consular Book of the late Thomas O. Larkin, entitled "Correspondence with the Department of State, Thomas O. Larkin, Monterey." Letter No. 72.

"Monterey, March 25, 1848.

"HON. JAMES BUCHANAN, Secretary of State.

"Sir:—Since your dispatch of the 19th August, 1846, requesting information respecting Jones, supposed to have belonged to the brig Helen, I have made repeated inquiries for the persons mentioned in the information. For some years back there had been a sea-faring man by the name of Jones in California, but his many years residence here prevented him from being one of the party; he left California before your dispatch reached me. Some three or four years back there was a crazy man by the name of Reed in California, who came from Mazatlan, had been sufficient time in South America and Mexico to learn the Spanish language, he was a man of good family and fair education; on traveling from Santa Barbara to Monterey he joined the traveling troops of Micheltorena, one day traveled in advance of them, saying he was coming to me to assist him, and disappeared in the mountains; at times he was calm, mild and pleasant, at other times so very deranged as to tear off his clothes. He belonged to Maine. I have in keeping his daguerreotype portrait, sent to me from San Pedro. I cannot place much faith in the story told by Reed in his deposition.

"Messrs. Barron, Forbes & Co., of San Blas and Tepic, one of the richest English houses in Mexico, in 1846 became lessees for sixteen years of a quicksilver mine, seventy miles north of this. Since that period they have become part owners; they have had a few common laborers, with some pickaxes, crowbars, shovels, and common whaling try-pots at work four or five months, most of this time in making preparations, and everything done very imperfectly. Nevertheless, they are now taking out near two hundred pounds per day, and are now shipping about twenty thousand dollars worth of quicksilver to Mazatlan. I believe they cannot obtain any more iron flasks or bottles in California, which are made to hold seventy-five pounds each. Some of the ore now found is one half pure quicksilver. In January, 1846, per Salem bark Angola, consigned to the care of Mr. William M. Rogers, of Boston, Mass., I had the pleasure of forwarding to you, Hon. Thomas H. Benton, and one or two other gentlemen in Washington, some specimens of California quicksilver ore, with some statements relative to the proving its quality in a simple manner. Several mines of quicksilver have, in 1847–'48, been discovered in this territory; from every appearance California will soon supply all Mexico and South America, and be able to undersell any mines in the world.

"The mines in California are easy wrought, perhaps almost as easy as iron; at present the ore or rock is only broken up with large hammers, by a single person, covered over with a try-pot, which produces the metal after being kept red hot twenty-four hours. Under the Mexican laws, if the owner of a mine was unable or unwilling to work, any person could before the nearest Alcalde demand it and take possession of it as his sole property, by carrying on operations on the plan. Many English, Americans and natives have of late been so much engaged on the lands of private persons, that Governor Mason has annulled the laws on this subject. securing to each private owner of land all he may have on it, by which means a purchaser of mineral lands will obtain a fair compensation for his property, or retain it to suit his convenience or inclination as he may see fit.

"Everything in California is very quiet and prosperous.

"I have the honor to be, sir,
"Very respectfully,
"Your obt. servt.,
"(Signed) THOMAS O. LARKIN."

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## EXHIBIT SWASEY No. 8, W. H. C.

Copy from the Consular Book of the late Thomas O. Larkin, entitled, "Copies of Official Letters, Thomas O. Larkin, Monterey." Page 73, No. 95.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Monterey, April 23d, 1846.

"Sir:—Captain Montgomery, of the Portsmouth, being under sailing orders (the 1st or 2d instant) at Mazatlan, was waiting for the Mexican mail, when Commodore Sloat heard, per brig Hannah, of the situation of Captain Fremont near San Johns, and immediately dispatched the ship. She was twenty-one days from Mazatlan to Monterey. I send to you four or five New York and one Mexican newspapers, the former to

5th of February, the latter of March. New York papers of February 25, were in the hands of the Commodore. Captain Montgomery has not any certain information of Mr. Slidell's situation in Jalapa, in March; he says that the Comandante-General of Mazatlan had later news by six days than Commodore Sloat; that all Custom House and other Government officers had left Mazatlan, taking away the archives and other Government property; publishing in the street that Commodore Sloat would, in all probability, declare a state of blockade the next day, thereby giving reasons to suppose they were aware of the cause. Mr. Parrott's private letter to Don Pablo Saguiro, has an opinion that there will be no war, that some of the Mexican Northern States were declaring for the United States, others forsaking, and most all against Paredes; the whole Mexican country being in a deplorable state. Captain Montgomery is of the opinion that Commodore Sloat may, by the next mail (six or eight days), have a declaration on the part of the United States against Mexico, in which case we shall see him in a few days to take the country. The English Corn Laws are repealed; Peel was out ten days, Lord Russell in his place; not being able to form a Ministry, Sir Robert Peel was recalled. Mr. Packingham has the second or third time made Oregon propositions to Mr. Buchanan, even to offering to leave the business to other nations, or the Prussians. Mr. Polk will have none of it; he is for our own territory (of which Oregon is a part), without arbitration on the part of any one. The Portsmouth will remain here and in San Francisco some weeks, perhaps a month, according to circumstances. I have (as my opinion) said to Señores Castro, Carrillo and Vallejo, that our flag may fly here in thirty days. The former says, for his own plans, war is preferable to peace, as by war, affairs will at once be brought to a close, and each one know his doom. I answered, without war he could make certain offices, and secure to himself and his friends, fame, honor, permanent employ and pay; he and others know not what to do or say, but wait advices from Mexico, per their Commissioner, by Don Quixote; she ought to be here by the first of July.

"The letters I sent to Mazatlan on the 10th or 11th of March, respecting Captain Fremont, I suppose did not reach Mr. Parrott; the people here are astonished at the appearance of this vessel in forty-two days, to look into the business, which astonishment I am glad to see. I have had many of the leaders at my house to inquire into the news, and believe they are fast preparing themselves for the coming events. The Shark has sailed from Mazatlan to Oahu for repairs. I know nothing of Commodore Stockton,—in fear of my forgetting some verbal news, I have requested Mr. Mellus to write to you. Please return the English papers.

"I remain with respect,

"Your obedient servant,

"(Signed) THOMAS O. LARKIN.

"ARCHIBALD H. GILLESPIE, Esq.
"Yerba Buena."

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## EXHIBIT SWASEY No. 9, W. H. C.

Copy from the Consular Book of the late Thomas O. Larkin, extitled "Copies of Official Letters, Thomas O. Larkin, Monterey." Page 75, No. 96.

"CONSULATE OF THE UNITED STATES OF AMERICA,
Monterey, California, May 2d, 1846.

"Sir:—In answer to your request for information respecting the mines lately found in California, I have to say, that ninety miles (by sea) south of San Diego, there are some very extensive copper mines belonging to Don Juan Bandini. I am informed by Don José Rafael Gonzales, that on his rancho, sixty or eighty miles south of Monterey, there are coal mines; at San Pablo there are others. At the Mission of San Juan, twenty-five miles north of Monterey, there are sulphur beds, or mines; fifty or eighty miles north of Monterey, there is said to be several silver mines. There are several places throughout California where the people obtain a bituminous pitch to cover the roofs of their houses; some make a floor of it by mixing earth with it. I have at these places seen many rabbits, squirrels and birds half-buried in the pitch, where they soon die; even horses and black cattle are lost there. A few miles north of Santa Barbara the sea for four or five miles is covered by the pitch oozing from the banks and running several miles upon the coast. Five or six miles from the town of San José, and near the Mission of Santa Clara, there are mountains of quicksilver ore, discovered in 1845 by Don Andres Castillero, of Mexico, which I have twice seen produce twenty per cent. of pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other end in a pot of water for the vapor to fall into, which immediately becomes condensed; the metal was then strained through a silk handkerchief: the red ore produces far better than the yellow. There appears no end to the production of the metal from the mountains; working of the quicksilver is but now commenced. Near the town of Sonoma, about sixty miles from the entrance to the Bay of San Francisco, there are other mines. This rock or ore appears of a grayish cast. I have never seen it proved, but am informed it is equal to the others. Near the same town there is sulphur mines. The piece I saw (about a pound) was perfectly pure, without rocks or dirt mixed in it. At the same place there is said to be lead mines; some Indians have brought a blanket full of lead ore to the Mission of San Juans, refusing to tell from whence they brought it. On the rancho of Capt. Richardson, one side of the entrance of the Bay of San Francisco, there is lead; I have seen two or three pounds, said to be from that rancho; this piece was full of pebble stones, which, when taken out by nail or knife, left the lead entirely pure and indented like honey comb. Twenty miles from Monterey there is a mine of silver and lead, which have been got out but not separated. I have reason to believe there is much slate of the best quality at the Sacramento River. I understand there is black lead in the country. At San Fernando, near San Pedro, by washing the sand in a plate any person can obtain from one to five dollars per day of gold that brings seventeen dollars per oz. in Boston; the gold has been gathered for two or three years, though but few have the patience to look for it. There is no doubt in my mind but that gold, silver, quicksilver, copper, lead, sulphur, and coal mines are to be found all over California; and I am very confident they will, under their present owners, continue as they are. The Indians have always said there were mines, but would not show their location, and the Californians did not choose to look for them. On the south-east end of the island of Catalina is a silver mine, from which some silver has been extracted.

"I remain, your obedient servant,

"(Signed) THOMAS O. LARKIN.

"Captain John B. Montgomery,
"U. S. ship Portsmouth."

# DEPOSITION OF JOHN C. FREMONT.

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District Court of the United States,
Northern District of California.

The United States
v.
Andres Castillero.

San Francisco, June 26, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came John C. Fremont, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., of counsel for the United States.

Question 1, by counsel for the claimant: Please to state the character of your exploring survey across the continent in 1845.

Answer. It was a topographical exploration, with the immediate object of ascertaining the most direct route across the continent. It was made under the orders of the Topographical Bureau. I was at that time a Captain in the Topographical Engineers.

Q. 2. Do you remember the day of your arrival at Sutter's Fort?

A. On or about the 10th day of December, 1845.

Q. How long did you remain there, and where did you next go?

A. I remained there about four days; on the 14th of the same month I left the Fort, and traveled to the head waters of King's River, with the object of meeting the main body of my party, which I had left at Walker's Lake. Returning, I reached Sutter's Fort on the 15th of January, 1846.

Q. 4. How long did you remain there, and where did you next go?

A. I remained there four days; and on the 19th left the Embarcadero in Captain Sutter's launch, accompanied by eight of my party, for Yerba Buena, now the City of San Francisco, where we arrived in the course of a day or two.

Q. 5. Then you must have reached San Francisco on the 21st or 22nd January, 1846?

A. If my memory serves me, we reached here on the 20th; as the river was high at that time, we had the advantage of the current, and so made a quick passage.

Q. 6. While in San Francisco, on that occasion, whose acquaintance did you make?

A. Captain William A. Leidesdorff and Captain William Hinckley were the principal acquaintances I made. I was there but a short time. I became quite well acquainted with Captains Leidesdorff and Hinckley.

Q. 7. About that time did you visit the Pueblo of San José, and with whom.

A. I did, with Captain Hinckley. I had arranged with Captain Leidesdorff to go with him to Monterey, and having a day or two of leisure before he could be ready, Captain Hinckley offered to go with me to see the quicksilver mines near San José, which Captains Leidesdorff and Hinckley had mentioned to me as an object of interest, and as having been recently discovered. I left Yerba Buena on or about the 21st January, 1846, at one o'clock, P. M., in a whaleboat. We reached the embarcadero, now Alviso, about day-break the next morning. There we procured horses, and, passing through San José, reached the mine on the same day. These dates are as nearly accurate as I can make them.

Q. 8. Did any one besides Hinckley go to the mine with you; when did you reach there; whom did you see there; and please state everything that occurred while you were there?

A. I think no one went with me to the mine but Hinckley; arrived there I should think about noon; at the mine Captain Hinckley introduced me to Mr. Castillero, the owner of the mine, who showed me about—showed me the excavation from whence he had taken the ore—showed me two or three heaps of the ore and gave me some specimens, some of which I brought away.

Before visiting the mine, Captain Leidesdorff and myself had some conversation together with regard to purchasing the mine. When there, I spoke slightly with Castillero on the subject, and Mr. Hinckley also said something to him at greater length, tending to the same end; but Castillero was not at all disposed to converse about selling. At this time, I think Castillero was engaged in building a house below in the valley, to be used for the occupation of himself or his workmen.

He also went through the process, roughly, of extracting the quicksilver from the ore, by putting some on red-hot iron, and collecting the fumes in a cup. We remained there, perhaps, some two hours.

Q. 9. As I presume, about that time, you were a stranger to the Spanish laws on the subject of mining, perhaps your curiosity was excited to learn something on that subject: you will please to state whether you received any information as to the mode in which titles to mines were then acquired; and what, if any, steps had been taken by Castillero in acquiring the ownership of his mine.

A. I learned from Castillero that he held the mine under a denouncement. I then for the first time became acquainted with the Spanish system of acquiring mines by denouncement. Whether I learned this in answer to questions propounded by me to Castillero, or whether he volunteered the statement, I do not now remember. The impression distinctly and strongly remained upon my mind as a piece of knowledge acquired at that time, and which I afterwards made use of in this State during my operations in 1849.

The discovery of gold in the rock was first made in 1849, on my Mariposa tract; it was considered that that discovery was the first of the kind in California. In the uncertainty respecting titles in California which then existed, I denounced the mine before Judge Geary in San Francisco, before Alcalde May in San José, and before the Alcalde in Stockton, whose name I do not remember. That vein is now known as the old Mariposa or Fremont vein, near the town of Mariposa. I made these denouncements entirely upon the information which I derived, at the time spoken of, from Castillero. When I left California, in 1847, the gold placeres had not been discovered. I heard of it as I was leaving the western frontier of the United States, in 1848, to return to California, where I arrived in the spring of 1849.

Q. 10. When did you return from the mine to Yerba Buena; how long did you remain; and where go to from there?

A. I returned directly from the mine to Yerba Buena, which place I left about sundown of the 24th January, 1846, in company with Capt. Leidesdorff and Capt. Hinckley; remained that night at Sanchez' rancho. In the morning, Capt. Hinckley returned to Yerba Buena, and Capt. Leidesdorff and myself continued our journey to San José, where we stopped for the night at Suñol's house. The next night we spent with Mr. Gomez, in the Cañada San Juan; and the day following, the 27th, we reached Mr. Larkin's house at Monterey. I there called on Gen. Castro, and the Prefect, Manuel Castro.

Q. 11. After your visit to the mine, did you converse further with Capt. Leidesdorff respecting the purchase of the mine?

A. I did, on the journey to Monterey. I talked the subject over with him, but the amount required was larger than my means. At that time the mine was exceptional to any other kind of property; every thing else—such as land, cattle, etc.—being very low and of little exchangeable value, while the mine was considered as something of immense value, compared with other property. Thirty thousand dollars, which was the sum for which Leidesdorff supposed the mine might be purchased, was considered an immense sum of money in California, in those days. This circumstance gave great prominence to the mine.

Q. 12. Since January, 1846, have you ever been to the mine?

A. I think not; I have been in its neighborhood.

Q. 13. What was the name of the mine in January, 1846; do you remember?

A. I do not remember that I heard it designated other than as the quicksilver mine. I never, at that time, heard it called the Almaden, so far as I can recollect. This latter designation stands in my mind as one subsequently given.

Q. 14. Where were you in the month of March, 1846?

A. At the end of February I crossed the mountains called the Sierra de los Gatos, part of the Santa Cruz mountains; early in March encamped on the Gabilan peak, Salinas range; thence around by Sutter's Fort, north.

Q. 15. In that month did you not have some difficulties with the Californian authorities?

A. I did; those difficulties covered the space of four or five days, and occurred in the early part of March.

Q. 16. Do you remember to have received a letter from Mr. Thomas O. Larkin, American Consul at Monterey, dated 5th March, 1846, and with it a Spanish grammar, some magazines, and English copies of the General's and Prefect's letters to you?

A. I remember to have received the Spanish grammar and some letters from Mr. Larkin, about the time and while I was in camp.

Q. 17. Do you remember whether information of your difficulties was sent to Mazatlan, and if anything was done in consequence?

A. Mr. Larkin sent such information to Mazatlan, and I have always supposed that the sloop-of-war Portsmouth came up in consequence of the receipt of the information.

Examination adjourned until to-morrow, Wednesday, the 27th day of June, 1860, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

June 27th, 1860.

Direct Examination closed.

J. C. FREMONT.

Sworn to and subscribed, June 27th, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

San Francisco, Cal., June 28, 1860.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Examination of J. C. Fremont continued.

### CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 18. Have you a copy of the denouncement you made of the gold mines in 1849?

A. I think not. I presume there is a copy in the Geary records.

Q. 19. I infer that you did not understand the Spanish language at that time?

A. I did understand the language reasonably well at the time, so as to enable me to converse understandingly.

Q. 20. Did Castillero show you the book containing the mining laws?

A. He did not; there was no such particularity?

Q. 21. Have you ever read the book of the mining laws of Mexico since?

A. I have, carefully. Before I made the denouncements in 1849, I had not read those laws.

Q. 22. When you made this denouncement in 1849, did you know the difference between the denouncement and the registry of a mine?

A. I doubt if I did. I presume I know now.

Q. 23. You do not know, therefore, whether Castillero told you he had denounced or registered the quicksilver mine?

A. I know he told me he had denounced the mine. The term registry has no particular place in my mind, from the interview with Castillero.

Q. 24. You are now aware that a discoverer registers a new mine, and that denouncement is the proof by which a person acquires an old mine which had been abandoned or forfeited, are you not?

A. I had supposed a denouncement was applicable to either old or new mines—the act necessary to acquire title.

Q. 25. You cannot say, therefore, from any conversation which you had with Castillero, whether he then meant you to understand that he had occupied an old mine, or had discovered a new one?

A. No; I cannot state more particularly than I did on the direct examination.

Q. 26. Make any statement touching that matter, if you can, further than you have before answered.

A. I do not think there is anything remaining in my mind, further than I have already stated. I remember, indefinitely, that Castillero told me he was preparing to extract quicksilver.

### DIRECT RESUMED.

Q. 27. From what you heard of the mine at that time, was it spoken of as a newly discovered quicksilver mine, or an old one which had been abandoned, and the operations in which had been recently resumed.

A. There is no definite impression remaining on my mind as to the point of the question. Castillero was brought to my notice as the discoverer, but whether of the mine or of the quicksilver, I do not remember now; probably the latter.

Examination closed.

J. C. FREMONT.

Sworn to and subscribed, this 28th June, 1860, before me.

W. H. Chevers,
U. S. Commissioner.

Filed June 28, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF JOHN YOUNG.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 17th, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came John Young, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant: What is your name, age, residence and occupation?

ANSWER. My name is John Young, my age is 36 years, my residence San Francisco. I own a rancho.

Q. 2. Before the injunction which stopped the operations of the Almaden mine, you were the Superintendent of its works, were you not, and in the employment of the company on a salary?

A. Yes, sir.

Q. 3. You are the sole executor of the last will and testament of the late Robert Walkinshaw, are you not?

A. Yes, sir.

[This witness objected to as incompetent, being a party to this action, and directly interested in the result.]

Q. 4. When did he leave California; in whose charge did he leave his papers when he left; did he ever return to California, and when did he die?

A. He left California the 20th May, 1858; he left his papers in my charge. He never returned to California. He died in Scotland, in August, 1858.

Q. 4. What interest did he have or claim in the New Almaden mine?

A. He owned two barras or twenty-fourth parts of the mine, which he derived from the Robles' brothers; he claimed another barra under a conveyance from Padre Real; his claim for the first two barras was recognized by the company, on which he received his dividends regularly; his title to the last barra was disputed by the Company, who never paid him the dividend corresponding to it.

Q. 6. Do you remember whether Mr. Walkinshaw brought an action against Messrs. Bolton, Barron & Co., then the agents of the New Almaden Company, to recover the dividend corresponding to the Padre Real barra: if yea, when was the action brought, and by what attorney?

A. I recollect there was such an action brought,—I think about the year 1853. Mr. Hall McAllister was the plaintiff's attorney in that case.

Q. 7. Do you remember when the papers relating to that claim were delivered by Mr. McAllister to Mr. Walkinshaw, and what Mr. Walkinshaw did with them?

A. They were delivered by Mr. McAllister to Mr. Walkinshaw, the 19th May, 1858; Mr. Walkinshaw gave them to me to keep, as he was about to leave the country the next day.

Q. 8. What did you do with them?

A. A few days afterwards, I enveloped them in a piece of paper which I labeled. I have this envelope in my hand.

Q. 9. What label has that envelope?

A. "Papers relating to disputed barra between R. Walkinshaw and Messrs. Bolton, Barron & Co. May 24th, 1858, J. Y."

Q. 10. Did you ever examine Mr. Walkinshaw's papers after he left California, in search of documents relating to the title of the Almaden mine?

A. Yes, sir.

Q. 11. Was not your search directed especially to the testimonio of the act of juridical possession given by the Alcalde to Castillero in December, 1845?

A. To that and other papers.

Q. 12. Did you ever find that paper?

A. I never discovered it until a few weeks ago, when at the request of Mr. Thomas Bell, who told me that Mr. Billings desired to find the papers relating to the Padre Real interest in the mine, I searched among Mr. Walkinshaw's papers with Mr. Bell. In looking over the papers Mr. Walkinshaw received from Mr. McAllister, and which I had enveloped and labeled as above stated, Mr. Bell examined a document in Spanish, and remarked that he thought it was an important paper which the Company had been long in search for. Mr. Bell then left with the paper to take it to the office of Messrs. Peachy and Billings.

Q. 13. Where is that paper?
A. It is here in my hand.

[Document offered in evidence by counsel for claimant, to be annexed to the deposition of this witness, marked "Exhibit J. Y. No. 1, W. H. C."]

Q. 14. Examine the document now shown you, purporting to be a receipt from Robert Walkinshaw to Hall McAllister, of certain originals and copies of original papers relating to the suit of Robert Walkinshaw against Bolton and Barron, dated May 19, 1858, and containing also a statement to the effect that Mr. Walkinshaw had paid Mr. McAllister five hundred dollars to account of his charges in that case, with a note signed "Hall McAllister," vouching for the correctness of the above in every respect: State where you found that paper.
A. I found it in the same bundle of papers in which Mr. Bell found the Spanish document above referred to. Mr. Walkinshaw's signature to this paper is genuine. I saw him sign it.

[Document offered in evidence by counsel for claimant, to be annexed to the deposition of this witness, marked "Exhibit J. Y. No. 2, W. H. C."]

Q. 15. In whose possession has that bundle of papers been, since Mr. Walkinshaw left California?
A. In my possession—first, as his agent,—then as his executor.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, CAL., July 18, 1860.

Direct Examination of John Young resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

Q. 16. Did Mr. Walkinshaw have any peculiarities in regard to his papers?
A. He had a sort of mania—I regarded it as such—about keeping his papers. He was always exceedingly careful about them, keeping them tied up together. They never were kept in any order. He was very jealous about surrendering the possession of his papers, even to his counsel. He never would permit anybody to look over his papers.
Q. 17. What was the state of Mr. Walkinshaw's health, for some time previous to his departure for Europe?

A. He was very sick and feeble, so much so, that I did not think he would live to reach Panama, and made arrangements in the event of his death between this place and that, for the return of his family. He had been ill for two years before he died, and very ill for a year preceding his departure.

Q. 18. Did he pay his usual attention to business before he left here?

A. Four or five months before he left, he paid but little attention to business; in fact he was incapacitated from doing so by illness.

Q. 19. Do you know in whose handwriting is the endorsement on "Exhibit J. Y. No. 1, W. H. C." of the words "Titles of Mine"?

A. Yes, sir. It is in Mr. Walkinshaw's handwriting. I am perfectly familiar with his handwriting.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, July 20, 1860.

Examination of John Young resumed from the 17th inst.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

### CROSS EXAMINATION.

Q. 20. Is not your wife a daughter of the late Mr. Walkinshaw, and have you not through her an interest in the two barras or shares in this mine, which were held by Mr. Walkinshaw as a member of the New Almaden Company?

A. Yes, sir; my wife is the daughter of the late Mr. Walkinshaw; she has an interest in the mine, which was devised to her by her father, and another interest which she inherited from her mother; both of those interests are, I am informed, my wife's separate property, according to the laws of this State.

Q. 21. Will you please produce, that I may file as evidence in this case, the copy of the deed from Padre Real to McNamara, of June 10th, 1846, mentioned as "No. 15," in "Exhibit J. Y. No. 2, W. H. C."?

A. Yes, sir.

[Counsel for the U. S. offers in evidence the document referred to; it is now marked "Exhibit Cross-Examination J. Y. No. 3, W. H. C."

Witness states that said Exhibit is in the handwriting of H. W. Halleck, Esq.]

JOHN YOUNG.

Sworn to, and subscribed this 20th day of July, A. D. 1860, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed July 20, 1860.

W. H. CHEVERS, Clerk.

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## EXHIBIT YOUNG No. 1, W. H. C.

### Año de 1845.

*Expediente de denuncio posesion y Compañia de la Mina de Azogue nombrada Santa Clara Jurisdicion de Sn. José Guadalupe en la Alta California.*

Noviembre 22, de 1845.—D$^{n}$ Andres Castillero hace el denuncio de la mencionado en el Pueblo de S$^{n}$ José Guadalupe por falta de diputacion de mineria y de Juez de letras.

Diciembre 3, de 1845.—Escrito que el mencionado Castillero presentó testificando haber sacado azogue y otros metales pidiendo se agregue al espediente.

Diciembre 30, de 1845.—Acto de posesion que con testigos de asistencia dio el Alcalde de el Pueblo de S$^{n}$ José a D$^{n}$ Andres Castillero de la Mina de Santa Clara por haberse cumplido el tiempo de los pregones.

Diciembre 30, de 1845.—Recivo de los derechos de posesion firmado por el Juez de S$^{n}$ José Guadalupe.

Diciembre 8, de 1845.—Escritura de Compañia p$^{a}$ los trabajos de la mina autorisado por el S$^{r}$ Prefecto de el 2$^{o}$ Distrito.

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S$^{r}$ Alc$^{e}$ de 1$^{a}$ Nominacion :—Andres Castillero, Cap$^{n}$ de Cav$^{a}$ Perm$^{te}$ y Residente hoy en este Depart$^{o}$ ante la Notoria Justificacion de V. hace presente que abiendo discubierto una veta de plata con ley de oro en terreno del Rancho pertenen$^{te}$ al Sargento retirado de la Compañia Presidial de San Fran$^{o}$, José

Reyes Berreyeza; y queriendo travajarla en Compañia, Suplico á V. que arreglado a la ordenanza de mineria se sirva fijar rotulones en los parajes publicos de la Jurisdicion, para que llegado el tiemplo de las posesion juridica asegure mi dechō segun las leyes de la materia.

A V. Suplico provea de conformidad en lo que recibire merced y justicia: advertiendo este en papel comun por falta del sellado corresp$^{te}$.

Noviembre, viente y dos, de mil ochocientos cuarenta y sinco.

ANDRES CASTILLERO.

Es copia a lo que me remito firmandolo con los testigos de asā. en el Pueblo de Sn. José Guad$^{e}$, a 13 Enero de 1846.

PEDRO CHABOLLA.
[Rubric.]

De asā. P. Sainsevain. [Rubric.] De asā. Jose Sunol. [Rubric.]

—

S$^{r}$ Alcalde de 1$^{a}$ Nominacion del Pueblo de S$^{n}$ José Guad$^{e}$:—Andres Castillero Capitan permanente de Cavaleria ante la notoria justificacion de V. comparesco y dijo: entablando el mineral que con anterioridad denuncie á ese Juzgado; he sacado á mas de plata con ley de oro, azogue liquido, en presencia de algunos concurrentes que podre citar en caso oportuno, y por combenir asi; a mí derecho le he de merecer á V. que unido al escrito del denuncio se archibe está presentacion no yendo en papel del sello por no haverlo.

A V. Suplico provea de conformidad en lo que recibira merced y justicia. S$^{ta}$ Clara, Diciembre 3, de 1845.

ANDRES CASTILLERO.

Es copia a lo que me remito firmandolo con los testigos de asā. en el Pueblo de S$^{n}$ José Guad$^{e}$, a 13 En$^{o}$ de 1846.

PEDRO CHABOLLA.
[Rubric.]

De asā. P. Sainsevain. [Rubric.] De asā. Jose Sunol. [Rubric.]

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No encontrandose en el Depart$^{o}$ de California Diputacion de Mineria y siendo esta la unica vez desde de poblacion de Alta California que se travaje con arreglo a las Leyes un mineral, y careciendo ademas de Juez de letras el 2$^{o}$ Distrito. Yó el Alcalde de la 1$^{o}$ nominacion C. Ant$^{o}$ M$^{a}$ Pico, he venido acompañdo de dos testigos para actuar por Receptoria, a falta de Escrivano Publico que no lo hay, para dar posesion juridica de la Mina conocida con el nombre de S$^{ta}$ Clara en este Jurisdicion situada en el Rancho del Sargento José Reyes Berreyeza, porque haviendo fenecido el tiempo que señala la ordenanza de mineria, para deducir su accion el C. Andres Castillero, y que otros pudieran alegar mejor derecho desde el tiempo del denuncio a la fecha, y encontrandose dicho mineral con abundancia de metales explotados, el pozo hecho con la reglas del arte y produciendo la elavoracion de la mina, abundancia de azogue liquido segun las muestras que tiene el Juzgado y estando tan recomendado par leyes vigentes la protecion de un articulo tan necessario para la amalgama$^{n}$ de oro y plata en la Republica, he benido en conceder tres mil varas por todos rumvos, a reserva de lo que señale la Ordenanza General de Mineria para ser travajada en Comp$^{a}$ de lo que doy fé, firmando conmigo los testigos quedando agregado este acto de posesion al cumuló del esped$^{te}$ que queda depositado en el archivo de mi cargo no yendo puesto en el papel del sello respectivo que no le hoy en los term$^{s}$. de la Ley.

Juzgado de S$^{n}$ José Guad$^{e}$, Dic$^{e}$ 30, de 1845.

ANTONIO MA. PICO.
[Rubric.]

De asā. Antonio Sunol. [Rubric.]
De asā. Jose Noriega. [Rubric.]

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He recibido del S$^{r}$ D$^{n}$ Andres Castillero la cantidad de beinte y cinco pesos por cuenta de los drōs. de posecion de la mina de Azogue que está en esta jurisdicion de mi cargo nombrada de S$^{ta}$ Clara en tierras perten$^{tes}$ al Sr. D$^{n}$ José Reyes Berreyeza.

Juzgado de San José Guad$^{e}$ Diciembre 30, de 1845.

ANTONIO MA. PICO.
[Rubric.]

Son $25.

[Endorsed.]

Titles of Mine.

## EXHIBIT YOUNG No. 2, W. H. C.

FOURTH DISTRICT COURT,
City and County of San Francisco.

ROBERT WALKINSHAW
*v.*
BOLTON AND BARRON.
May 14, 1858.

### ORIGINALS AND COPIES OF ORIGINAL PAPERS.

1.—A document in Spanish, headed "Año de 1845, Espediente de denuncio, posesion y compañia de la Mina de Azogue nombrado Santa Clara, jurisdiccion de Sn José Guadalupe en la Alta California." 5 pages of writing and certificate. Endorsed "Titles of Mine."

2.—A document in Spanish. Deed of sale of una varra in a certain mine, by el Reverendo Padre Fray José Maria del Refugio Zuares del Real to Roberto Walkinshaw—dated August 9th, 1849. Acknowledged before Geo. T. Knox, by subscribing witness, Octo. 22, 1853.

3.—Missive of sale of 2 Barras Quicksilver Mine, known in its act of Registration by Don Andres Castillero by the name of Sta Clara, and at present New Almaden, executed by Jas. Alex. Forbes to Robert Walkinshaw, dated New Almaden, 14th April, 1848.—Recorded in Alcalde's office, District of San José, May 31, 1849, Book 5 of Deeds, page 87.

4.—Copy missive of payment of $7,000, value of 2 varras, addressed to Jas. Alex. Forbes, dated 14 April, 1848.

5.—Receipt of James A. Forbes, $7,000, in full of price of 2 varras, dated March 23, 1850. Recorded Book of Deeds D, pages 125 to 127, Sta Clara Co. Recorder's office.

6.—Draft of letter Jas. Alex. Forbes to Alex. Forbes, June, 1848.

7.—Receipt by Jas. Alex. Forbes, Agent, for $2,000, on account of two barras, Nov. 22, 1848, from Robert Walkinshaw.

8.—Letter of Jas. A. Forbes, 25th June, 1848.

9.—Copy letter of Walkinshaw to James A. Forbes, 26th June, 1848.

10.—Paper endorsed "Copy Correspondence James A. Forbes and Robert Walkinshaw, June 25th and 26th, 1848."

11.—Statement of case (by Mr. Walkinshaw), 15 pages, Aug. 1852.

12.—Copy decree of Santa Anna.

13.—Account current Walkinshaw with Bolton, Barron & Co., Dec. 31, 1852.

14.—Copy letter of Bolton, Barron & Co. to Robert Walkinshaw, 25th January, 1853.

15.—Copy Deed of Padre Real to McNamara, June 10, 1846.

16.—Memorandum (odd leaf) in handwriting of Mr. Walkinshaw.

17.—Information for Counsel, from Robert Walkinshaw, Esq., Feb. 5th, 1854. 11 pages.

18.—Deposition of Don José Castro, dated Feb. 21st, 1854, taken before Wm. A Cornwall, N. P.

Received of Mr. Hall McAllister the papers contained in the foregoing list, and at same time paid him five hundred dollars ($500.00) to account of his charges.

San Francisco, May 19, 1858.

ROBERT WALKINSHAW.

The above is in every respect correct.

HALL MCALLISTER.

May 19, 1858.

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## EXHIBIT YOUNG No. 3, W. H. C.

"En el Puerto de Monterey á 10 de Junio de 1846, el que suscribe, socio de la Mina de Azogue de Santa Clara, hace por el presente sesion voluntaria perpetuamente á Don Eugenio Macnamara de una Barra de cuatro á que tengo derecho, en cada pertenencia, siendo testigos Don Juan Malarin, y Don Antonio Maria Pico. Y hara la debida constancia estiendo el presente que firmo.

"FR. JÉ. MA. DEL R. S. DEL REAL.

"ANTONIO MARIA PICO.
"JUAN MALARIN."

## TRANSLATION OF EXHIBIT YOUNG No. 1.

### Year 1845.

*Expediente of the denouncement, possession, and partnership of the Quicksilver Mine, called Santa Clara, Jurisdiction of San José Guadalupe, in Upper California.*

November 22d, 1845.—Don Andres Castillero makes the denouncement of the aforesaid, in the Pueblo of San José Guadalupe, for want of Deputation of Mining and of Judge *de letras.*

December 3d, 1845.—Writing which the said Castillero presented, testifying to having taken out quicksilver and other metals, asking that it be annexed to the expediente.

December 30th, 1845.—Act of possession, which with the assisting witnesses the Alcalde of the Pueblo of San José gave to Don Andres Castillero, of the mine of Santa Clara, because of the time of the notices being completed.

December 30th, 1845.—Receipt for the fees of the possession, signed by the Judge of San José.

December 8th, 1845.—Writing of partnership for the works of the mine, authorized by the Prefect of the 2d District.

Señor Alcalde of 1st Nomination :

Andres Castillero, Captain of permanent cavalry, and at present resident in this Department, before yonr notorious justification, makes representation : that having discovered a vein of silver, with a ley of gold, on the land of the rancho pertaining to Jose Reyes Berreyesa, retired sergeant of the presidial company of San Francisco, and wishing to work it in company, I request that, in conformity with the ordinance on mining, you will be pleased to fix up notices, in public places of jurisdiction, in order to make sure of my right when the time of the judicial possession may arrive, according to the laws on the matter.

I pray you to provide in conformity, in which I will receive favor and justice; admitting this on common paper, there being none of the corresponding stamp.

November twenty-second, eighteen hundred and forty-five.

ANDRES CASTILLERO.

This is a copy of the original, to which I refer, signing it with two assisting witnesses, in the pueblo de San José Guadalupe, on the 13th of January, 1846.

PEDRO CHABOLLA.

Assisting witnesses,

P. SAINSEVAIN. JOSE SUNOL.

Señor Alcalde of 1st Nomination of the Pueblo of San José Guadalupe:

I, Andres Castillero, permanent captain of cavalry, before your well known justification, appear and say: that on opening the mine which I previously denounced in this Court, I have taken out, besides silver with ley of gold, liquid quicksilver, in the presence of several bystanders, whom I may summon on the proper occasion, and considering it necessary for the security of my right so to do, I have to request of you, that uniting this representation to the denouncement, it may be placed on file, it not going on stamped paper, because there is none.

I pray you to take measures to this effect, in which I will receive favor and grace.

Santa Clara, December 3d, 1845.

ANDRES CASTILLERO.

This is a copy of the original, to which I refer, signing it with the witnesses of my assistance, in the pueblo of San José Guadalupe, on the 13th of January, 1846.

PEDRO CHABOLLA.

Assisting witnesses,
P. SAINSEVAIN,
JOSE SUNOL.

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There being no deputation on mining in the Department of California, and this being the only time since the settlement of Upper California, that a mine has been worked in conformity with the laws, and there being no "Juez de Letras," (Professional Judge,) in the second district; I, the Alcalde of First Nomination, citizen Antonio Maria Pico, accompanied by two assisting witnesses, have resolved to act in virtue of my office, for want of a Notary Public, there being none, for the purpose of giving juridical possession of the mine known by the name of Santa Clara, in this jurisdiction, situated on the rancho of the retired sergeant, José Reyes Berreyesa, the time having expired which is designated in the ordinance of mining, for citizen Don Andres Castillero to show his right, and also for others to allege a better right, between the time of denouncement and this date, and the mine being found with abundance of metals discovered, the shaft made according to the rules of art, and the working of the mine producing a large quantity of liquid quicksilver, as shown by the specimens which this court has; and as the laws now in force so strongly recommend the protection of an article so necessary for the amalgamation of gold and silver in the Republic, I have granted three thousand varas, in all directions, subject to what the General Ordinance of Mines may direct, it being worked in company, to which I certify, the witnesses signing with me; this act of possession being attached to the rest of the expediente, deposited in the archives under my charge; this not going on the respective stamped paper, because there is none, as prescribed by law.

Juzgado of San José Guadalupe, Dec. 30, 1845.

ANTONIO MARIA PICO.

Assisting witnesses,
ANTONIO SUNOL,
JOSE NORIEGA.

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I have received of Don Andres Castillero the sum of twenty-five dollars, on account of the fees of possession of the Quicksilver Mine, which is in this jurisdiction under my charge, named Santa Clara, in lands pertaining to Don José Reyes Berreyesa.

Court of San José Guadalupe, December 30, 1845.

($25.) ANTONIO MARIA PICO.

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## TRANSLATION OF EXHIBIT YOUNG No. 3.

"In the port of Monterey, on the 10th day of June, 1846, the subscriber, a partner in the quicksilver mine of Santa Clara, hereby makes voluntary perpetual cession to Don Eugenio McNamara, of one barra of the four which I have a right to in each pertenencia, Don Juan Malarin and Don Antonio Ma. Pico being witnesses hereto. In testimony whereof, I sign these presents.

"FR. JÉ. MA. DEL R. S. DEL REAL.

"ANTONIO MARIA PICO,
"JUAN MALARIN."

# DEPOSITION OF THOMAS BELL.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 17, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Thomas Bell, a witness on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: You reside in San Francisco, do you not, and are a partner in the firm of Barron & Co.?

ANSWER. Yes, sir.

Q. 2. Will you state what you recollect in relation to the finding of the Spanish document now shown you, marked "Exhibit J. Y. No. 1, W. H. C."?

A. Some time, about three weeks ago, at the request of Mr. Billings, I was looking for the documents relating to the barras in the mine of New Almaden, which at one time had belonged to Padre Real; not finding one of the documents which I was in search of among the papers of the mine, I asked Mr. Young to get the box containing the papers relating to the estate of Walkinshaw, to see if it could not be found there. He produced the box, and then we proceeded to overhaul the papers. I saw a bundle marked—"Papers relating to disputed barra," which I opened, and in looking over these papers I found one endorsed—"Titles of Mines." I was struck with the antique appearance of the paper, and knowing that it was suspected that Walkinshaw had had documents relating to the Almaden mine in his possession, after glancing over the papers I took them to the office of Messrs. Peachy and Billings, to ascertain more particularly their nature. It was then discovered that it was an expediente which they had been anxious to obtain for a long time.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, CAL., July 20, 1860.

Cross-Examination of Thomas Bell resumed from the 17th.

Present: A. C. Peachy, Esq., of counsel for claimant; and Edmund Randolph, Esq., for the United States.

Cross-Examination waived.

THOMAS BELL.

Sworn to, and subscribed this 20th day of July, A. D., 1860, before me.

W. H. CHEVERS,
U. S. Commissioner.

Filed July 20, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF HALL M$^{c}$ALLISTER.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 17, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Hall McAllister, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is Hall McAllister; my age is 34 years; my residence is the city of San Francisco, and my profession is that of a lawyer, and have been practicing law in San Francisco since August, 1849.

Q. 2. Were you employed by the late Robert Walkinshaw to recover, by action against Bolton, Barron & Co., then the agents of the New Almaden Company, the dividend corresponding to a barra or one-twenty-fourth part of the mine, etc., to which Mr. Walkinshaw claimed title under a conveyance from Padre Real? if yea, state when that suit was instituted, what issues it involved, and what was the result of it.

A. In December, 1852, or January, 1853, Jonathan Edwards, one of my then partners (my firm then consisting of Jonathan Edwards, Julius K. Rose, Sidney V. Smith and myself, under the name of McAllister, Edwards & Rose) spoke to me in relation to a suit which Mr. Robert Walkinshaw, of Santa Clara county, proposed to bring against James R. Bolton and William E. Barron, then doing business under the name of Bolton, Barron & Co. My impression is, that at the time Mr. Edwards first spoke to me, he had already had some conversation with Mr. Walkinshaw as to the proposed suit, and that he, Edwards, then gave me a general outline of the proposed case. Subsequently, and some time in the month of January, 1853, Mr. Robert Walkinshaw called at our office. Mr. Walkinshaw had a long conversation with me, showed me his papers which he had brought with him, and explained his case. After this conversation and explanation on the part of Walkinshaw, he left his papers with me for examination, and desired me to commence the proposed suit with all convenient speed. This suit was commenced on the 2d of February, 1853, in the District Court of the Fourth Judicial District, State of California. The complaint was drawn by Mr. Sidney V. Smith, who at that time attended to the attorney business of the firm. It was signed in the firm name of McAllister, Edwards & Rose. The action was for money had and received, and the amount of the claim was, I believe, five thousand dollars. The claim of Mr. Walkinshaw in this suit, was for dividends collected by Bolton, Barron & Co., for the New Almaden Mine, and belonging to a certain barra (one-twenty-fourth) of that mine, originally owned by Padre Real. Mr. Walkinshaw claimed that he was entitled to these dividends, under a conveyance of the barra in question, made by Padre Real to him, Walkinshaw, on the 9th of August, 1849. The adverse claim represented by Bolton, Barron & Co. was, that anterior to the alleged conveyance to Walkinshaw, to wit, on the 10th June, 1846, Padre Real had conveyed the barra in question to Padre McNamara. The object of Mr. Walkinshaw's suit was to test the validity of last mentioned conveyance as against his own. At the time Mr. Walkinshaw instituted this suit, he was the acknowledged owner of two barras of the mine (other than the barra in dispute), which he had derived from the Robles brothers, through James Alexander Forbes. This suit was defended by the then firm of Halleck, Peachy, Billings & Park, and pending the suit, it was distinctly stipulated in writing, by the attorneys for defendants, that the barra of the mine, in dispute, was distinct from the two barras aforesaid, acquired by Walkinshaw from the Robles brothers. The title of the New Almaden Mine from the Mexican Government was in no way involved in the suit of Walkinshaw; on the contrary, both parties claimed from and under the same original title. Pending the suit, plaintiff's attorneys applied for and obtained an order from the court for the inspection of and permission to take a copy of the original conveyance from Padre Real to Padre McNamara, then in the possession of defendant's attorneys. We obtained such inspection and such copy on the 21st April, 1853. Finding this last conveyance genuine, we proposed to attack it on the ground that it did not comply with the formalities of Mexican law relating to such conveyances, and that it was not recorded at the time that Walkinshaw purchased. This suit of Walkinshaw continued pending from the 2d February, 1853, to 26th June, 1854. During its pendency Mr. Sidney V. Smith left the firm of McAllister, Edwards & Rose, and Charles H. S. Williams entered it. After Mr. Smith left the firm, I had entire charge of the Walkinshaw suit, and with the permission of Mr. Walkinshaw employed John W. Dwinelle to aid me in it. This Walkinshaw suit was called for trial on the 26th June, 1854, in the said Fourth District Court. We (Mr. Dwinelle and myself) applied for a postponement, on the ground of the absence of material testimony which Mr. Walkinshaw was trying to obtain. The application was refused, and the cause thereupon dismissed. A few days subsequently we made an unsuccessful motion to reinstate the cause on the calendar. After this there was no attempt to revive the suit. I still have in my office an old register, which contains a summary history of this suit, the entries being made therein contemporaneously with its progress; a reference to these entries has aided my recollection as to dates. During the progress of this suit, to wit, in November, 1853, Mr. William S. Reese, my present chief clerk, came into the employment of our firm; he has been with me ever since in the capacity of chief clerk in my office. The papers which Mr. Walkinshaw deposited with me in January, 1853, remained in the custody of my firm, and after its dissolution in my own custody, from that time down to the 15th day of May, 1858.

Q. 3. Examine the documents marked respectively "Exhibit J. Y. No. 1, W. H. C.," and "Exhibit J. Y. No. 2, W. H. C." and state what you recollect about them.

A. As to "Exhibit J. Y. No. 1, W. H. C.": This document, containing four sheets and a half of paper, and six pages written upon, was delivered to me by Robert Walkinshaw, some time in January, 1853, and remained from that time in the custody of the firm of McAllister, Edwards & Rose (of which I was a member); after its dissolution in the custody of McAllister, Williams & Rose (composed of Charles H. S. Williams, Julius K. Rose and myself); after its dissolution in the custody of the firm of McAllister and Rose (composed of Julius K. Rose and myself); and after its dissolution in my own custody, until the 15th May, 1858, when it was delivered, as Mr. William S. Reese tells me, to Mr. John Parrott. On or before (a day, perhaps two) the 14th May, 1858, Mr. Robert Walkinshaw called at my office and asked for the papers which he had delivered to me, about the time the aforementioned suit of Walkinshaw vs. Bolton and Barron was commenced. I was absent from the office when Mr. Walkinshaw so called. Upon my return Mr. Reese informed me of his (Walkinshaw's) visit, and of its object, at the same time Mr. Reese handed me the bundle of papers relating to the Walkinshaw suit, which he had taken from the paper case of "Finished business." Mr. Reese at the same time mentioned to me that he had looked over the old ledger, and found a balance still due the office by Mr. Walkinshaw; Mr. Reese told me he had declined surrendering the papers in question to Mr. Walkinshaw, till he had seen me. I examined the bundle of Walkinshaw papers which Mr. Reese handed me, and subsequently told Mr. Reese that he (Walkinshaw) could have the papers in question, upon paying the balance to his debit on the ledger, which was about five hundred dollars. Mr. Reese visited Mr. Walkinshaw at his hotel, and communicated to him my message; so Mr. Reese informed me. There was considerable demur on Mr. Walkinshaw's part to the payment of aforesaid balance, and according to my recollection several days' negotiation on the subject. According to my information, Mr. Walkinshaw requested Mr. Reese to deliver his (Walkinshaw's) papers to Mr. Parrott, as he (Walkinshaw) desired to examine them. Mr. Walkinshaw was extremely particular about his papers, and I instructed Mr. Reese, before surrendering the papers, to obtain a full receipt for them; such a receipt, describing the papers in detail and with particularity, was drafted by Mr. Reese, and is now before me in his handwriting, and is "Exhibit J. Y. No. 2, W. H. C.," about which I am interrogated. On the 15th of May, 1858, Mr. Reese, as I am informed by him, delivered the Walkinshaw papers to Mr. John Parrott, and with them said "Exhibit, J. Y. No. 2, W. H. C.," (then unsigned, and without any memorandum as to paper marked therein No. 18), to be signed by Mr. Walkinshaw. On the 19th May, 1858, Mr. Robert Walkinshaw called at my office, accompanied by Mr. John Young; Mr. Walkinshaw was looking very badly, and appeared very feeble. He stated to me that he proposed to leave in the steamer of next day for Europe, for the benefit of his health; and that he had come to settle up with me. Mr. Walkinshaw complained to me that I had not returned to him all his papers, mentioning the original deed from Padre Real to Padre McNamara, and the deposition of José Castro in his, Walkinshaw's, suit. I explained to Mr. Walkinshaw that I never had had in my possession the conveyance from Padre Real to Padre McNamara; that that was the deed to overthrow which had been the object of his suit, and finally satisfied him on that point. As to the Castro deposition, I told him that I had it. Mr. Walkinshaw brought with him to my office, at the time I now refer to (19th May, 1858), the Walkinshaw papers which had been delivered to Mr. Parrott the 15th May, 1858, and the receipt "Exhibit J. Y. No. 2, W. H. C.," (then unsigned, and without any memorandum as to paper marked No. 18). Mr. Walkinshaw produced the papers and receipt; I then asked Mr. Reese (who was in and out of my room during my interview with Mr. Walkinshaw) to get the Castro deposition, which he did. Thereupon Mr. Walkinsaw gave me a check for five hundred dollars, and Mr. Reese added on "Exhibit J. Y. No. 2, W. H. C." the memorandum, as to the Castro deposition marked subdivision, No. 18. I then desired Mr. Walkinshaw to sign this receipt for the papers, as thus amended; but he pertinaciously and as I thought very whimsically insisted that I should sign the receipt, and not himself. Finally, to satisfy the old gentleman, Mr. Reese wrote that portion of the receipt which follows the specification and enumeration of the papers in "Exhibit J. Y. No. 2, W. H. C." This Mr. Walkinshaw subscribed; and I, after verifying the receipt with the papers, wrote underneath Mr. Walkinshaw's signature as follows:—"The above is in every respect correct; May 19, 1858;" and subscribed my name thereto, and delivered the whole paper ("Exhibit J. Y. No. 2, W. H. C.") to Mr. Walkinshaw. Mr. Reese then furnished me with his original draft of last mentioned Exhibit (somewhat less carefully written than the engrossed copy), and Mr. Walkinshaw signed thereon a receipt for the papers delivered to him, which receipt I now have.

When Mr. Walkinshaw deposited his papers with me in January, 1853, I examined all his papers carefully, but paid particular attention to those which related directly to the matter in controversy in his suit. The paper "Exhibit J. Y. No. 1, W. H. C." had no bearing upon, and was of no use in, that suit; hence it received but slight attention at my hands. I saw it frequently during the progress of the suit, and since the termination of the suit (June 26th, 1854), I have at various times, in looking in my paper case of "finished business," seen the bundle of Walkinshaw papers, but I never regarded "Exhibit J. Y. No. 1, W. H. C." as a paper of value, supposing it to be merely a copy or a certified copy of the mining title.

During the progress of the Walkinshaw suit, his papers were kept together in a single bundle in my paper case of "finished business." I recognize the words "Titles of Mine" on the back of "Exhibit J. Y. No. 1, W. H. C." to be in the handwriting of the late Robert Walkinshaw.

I am now one of the counsel in the New Almaden case on the part of the claimants; since my employment as such, to wit, November 16th, 1858, it never occurred to me that there existed among the papers of Mr. Walkinshaw, formerly in my possession, any document important to the interests of the said claimants in this suit, until about three weeks ago.

About three weeks ago I received a message through a clerk of Halleck, Peachy and Billings to attend at the office of Barron & Co. upon important business. I immediately went there, and found Mr. Joseph Barron, Mr. John Young, Mr. Thomas Bell, Mr. Peachy, Mr. Billings, and Mr. Emmet there. Mr. Peachy showed me "Exhibit J. Y. No. 1, W. H. C." and other papers of Walkinshaw's, and I then recognized last mentioned Exhibit as one of the papers delivered to me in January, 1853, by Mr. Walkinshaw, and re-delivered by me to Walkinshaw on the 19th May, 1858.

Q. 4. Do you understand Spanish; and while you had that paper in your possession, were you sufficiently acquainted with Mexican ordinances relating to mines to be able to appreciate its legal effect, and its importance as a title paper?

A. I neither read nor speak Spanish, although I understand the meaning of occasional words. I never paid any attention to the mining ordinances of Mexico until my employment in this case, and I never did appreciate the importance of "Exhibit J. Y. No. 1, W. H. C." until my attention was particularly called thereto about three weeks ago.

Q. 5. Have you with you the duplicate receipt for the Walkinshaw papers, signed by Mr. Walkinshaw on the 19th May, 1858, and delivered to you at that time?

A. I have, and this is the paper.

[Counsel for claimant offers the document in evidence, to be annexed to this deposition, marked "Exhibit McA. No. 1, W. H. C.]

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 20th, 1860.

Examination of Hall McAllister resumed from the 17th instant.

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

### CROSS-EXAMINATION.

Q. 6. State when you were first employed in this case by the New Almaden Company, or any member of the same.

A. Some time after the injunction was refused in the case of Tobin vs. Walkinshaw, in the U. S. Circuit Court, Mr. John Parrott spoke to me about being employed as his counsel in the Almaden matters. According to my recollection, I had an idea on my mind that it would not be agreeable to the then counsel of the Almaden mine to have other attorneys employed. I mentioned this to Mr. Parrott, and he stated to me that he desired me at least to represent his interest. We had considerable conversation on the subject, but nothing was concluded between us. About January, 1857, Mr. Laurencel had some conversation with me in regard to Almaden matters, and he desired me to attempt to effect a compromise, and spoke of employing me in the matter on his side of the case. I told Mr. Laurencel that if I took any part in the matter at all, as Mr. Parrott had first spoken to me, I should have to act for him. I saw Mr. Parrott on the subject, and was retained by him as his counsel in Almaden matters about February, 1857; the exact date on my ledger is February 25th, 1857. About Nov. 16th, 1858, I was retained generally by the claimants of the Almaden mine. I have refreshed my recollection as to these dates, by reference to the testimony of Mr. Laurencel in this case, and also by reference to my ledger.

Q. 7. Of how many separate sheets is "Exhibit J. Y. No. 1, W. H. C." composed?

A. Four full sheets and one-half sheet, each now separate, but having the appearance of having been once sewed or fastened together.

Q. 8. Please state the substance of what appears on each sheet and each half sheet of that document.

A. The first page of the first sheet (and I now speak according as I can gather the meaning from the Spanish words, which I very imperfectly understand) begins with the title of an expediente of the mining title of a mine of quicksilver called Santa Clara, in the jurisdiction of San José Guadalupe, Alta California; then follows a minute or index of five papers, four of which are to be found on the succeeding sheets—the fifth one, to wit., the one dated in this index "December 8th, 1845," and entitled "Escritura de Compañia," etc., I do not find annexed, and it appears to be missing from the papers.

The first page of the next sheet contains (and doubtless my knowledge as to these succeeding papers is considerably aided by being familiar with English translations of all of them except the writing on the last half sheet, dated December 30th, 1845, which I do not now recollect of having ever seen translated, although perhaps I may have done so) a certified copy of a representation made by Andres Castillero to the Alcalde, dated November 22d, 1845, signed "Andres Castillero," which I presume to be a copy of his signature, and certified as a copy by Pedro Chabolla, in the presence of two assisting witnesses, 13th January, 1846.

The first page of sheet No. 3, purports to be a certified copy of a subsequent representation made by Andres Castillero to the Alcalde, on the 3d December, 1845, of his discovery of liquid quicksilver, etc., purporting to be certified as a copy by Pedro Chabolla, on the 13th January, 1846, in the presence of two assisting witnesses.

The first two pages of the fourth sheet purport to be an act of possession by Antonio Maria Pico, described in the body of the paper as first Alcalde, and in favor of Andres Castillero, and dated the 3d day of September, 1845, and purporting to be executed in the presence of two assisting witnesses.

The writing on the half page purports to be a receipt by Antonio Maria Pico, for twenty-five dollars from Andres Castillero, dated December 30th, 1845.

Q. 9. While you had those papers in your possession were they sewed or fastened together in any way, or were they loose, as they are now?

A. According to my best recollection, loose, as they are now.

Q. 10. Had you such a knowledge of the contents of each of the four and a half sheets at the time that you had them, that you are able to swear that the contents of each of the four and a half sheets that you have before you now are precisely the same with those that you had?

A. I was not very familiar with the contents of this paper when in my possession. I knew that in January, 1853, Mr. Walkinshaw had left with me a paper to which I then gave no particular examination, but which I then, and always, supposed to be a copy of the mining title of the Almaden mine, and I cannot say that I knew it, without reference to the paper, to be a certified copy. I was familiar during the pendency of the Walkinshaw suit, and during the time this paper was in my office, with the general appearance of this paper, and with the fact that it was endorsed in the handwriting of Walkinshaw, with which I was well acquainted, "Titles of Mine." I have some recollection also of the heading of the first page of the first sheet, "Año de 1845," and of the cross lines and the word "blanca" written and marked on some of the blank pages. This perhaps is a correct statement of my knowledge of this paper and my means of identification up to the 14th May, 1858; about that time, or a day or so before, I examined the bundle of Walkinshaw papers after they were handed to me by Mr. Reese; not a very thorough examination, but doubtless it increased my general knowledge of the papers. This was done before the delivery of the papers to Mr John Parrott, as mentioned in my direct examination. I may also have compared the papers with Mr. Reese, so as to ascertain whether the receipt did correctly describe them, before the delivery to Mr. Parrott; but of this I have no distinct recollection. When Mr. Walkinshaw, with Mr. Young, came to my office on the 19th May, 1858, he brought with him the papers he had received from Mr. Parrott, and my recollection is, that after Mr. Reese made additions to the receipt ("Exhibit J. Y. No. 2, W. H. C."), I compared the bundle of papers with this receipt before I signed it. I was thus particular in the matter of these papers because Mr. Walkinshaw was extremely fussy about his papers, and had accused me of losing two of his papers, one of which I never had in my possession (to wit, the original deed from Padre Real to Padre McNamara). When these papers were shown to me in Barron & Co.'s office about three weeks ago, I had no hesitation in identifying them.

Q. 11. Look at the half sheet in that Exhibit, and say whether you are able to swear that you ever had that piece of paper in your possession at any time?

A. I can only state from the general apprarance of the paper and the writing, that I believe it to be one of the papers delivered to me by Mr. Walkinshaw, and which I saw at my office on or about the 14th May, 1858. I cannot say that my recollection is aided by a reference to the meaning of the contents of this half sheet.

Q. 12. Walkinshaw's receipt ("Exhibit J. Y. No. 2, W. H. C.") calls for five pages of writing and certificate. Now look and see whether in this document ("Exhibit J. Y. No. 1, W. H. C.") there are not five written pages and sundry certificates on some of the same, without including this half sheet?

A. There are five pages written on, exclusive of this half sheet, and at the foot of two of these pages there is a certificate that the writing preceding the certificate is a copy.

My explanation of the receipt drafted by Mr. Reese in this respect is, that by the certificate Mr. Reese mentions in the receipt was intended the writing that appears on this half sheet, the translation of which is as follows:

[Mr. McAllister translates with some little assistance from a third party present.]

"I have received of the Señor Don Andres Castillero the sum of twenty-five dollars, on account of my fees for the possession of the mine of quicksilver, which is in this jurisdiction of my charge, called Santa Clara, in the lands of Sr. Dn. José Reyes Berreyesa.

Juzgado of San José Guadalupe, December 30, 1845.

Son. $25. ANTONIO Mª. PICO."

Q. 13. Did not you or Mr. Reese, your chief clerk, at that time understand Spanish well enough to know the difference between a certificate and a receipt for twenty-five dollars; and why may not the memorandum in "Exhibit J. Y. No. 2, W. H. C." have referred to the two certificates which appear on separate sheets of "Exhibit J. Y. No. 1, W. H. C.," and not to the receipt for twenty-five dollars at all, which could hardly be called a certificate?

A. I think so far as a knowledge of the Spanish language is concerned, Mr. Reese and myself stand about on an equality, with perhaps a little advantage in his favor; and I think that at the time referred to, either of us could, upon examination, have detected the difference between a certificate in Spanish, certifying a paper to be a copy of an original, and a receipt for twenty-five dollars, or any other sum; but I think the word certificate may not be incorrectly applied to a paper given by a public officer to a third party, which attests the fact that said public officer has received a certain sum of money from such third party. As I read subdivision No. 1, of "Exhibit J. Y. No. 2, W. H. C.," it refers to five pages of writing, and a certificate outside of those five pages, not to any certificate or certificates of such written pages.

Q. 14. If during the time you had these papers in your office they had been surreptitiously taken away, and afterwards the same number of other sheets returned in their stead; and now, that you have seen them again more than two years after you delivered them to Mr. Walkinshaw, could you, with all the aid of memory at your command, identify these four and a half sheets of loose paper with so much certainty that you would be able to swear, and can now swear, that they are the same four and a half sheets of paper, containing without addition or diminution the same writings which, under the denomination of "Titles of Mine," Mr. Walkinshaw gave you in January, 1853, and which on the 15th day of May, 1858, Mr. Reese, your chief clerk, delivered to Mr. Parrott, supposing always that any substituted papers related to the same subject, the titles of the mine of New Almaden?

A. Undoubtedly, a fraud of the character described might be perpetrated, and I be unconscious of it; such a thing is possible, but the probability of its successful accomplishment very remote; it would have required access to my office when no one was present, some knowledge of the mode in which I kept my papers, and, after the Walkinshaw suit was finished, knowledge of the place where my "finished business" was kept, and would also have required Mr. Walkinshaw to be a party to the fraud. Such a thing would have been more practicable (by this I mean more likely to escape detection on my part) between January, 1853, and May, 1858, than subsequently, because, as before mentioned, I made some examination of these papers in May, 1858, before their delivery to Mr. Parrott, which revived and increased to some extent my familiarity with them. It seems to me that if any substituiion had taken place as to any of the papers embraced in "Exhibit J. Y. No. 1, W. H. C." between the time of their delivery to Mr. Parrott (May 15th, 1858) and their return by Mr. Walkinshaw to my office (May 19th, 1858), I should have noticed it when, on the 19th May, 1858, I looked at the papers and compared them with the receipt which Mr. Reese had drawn up. Still I do not mean to assert that such a fraudulent substitution as supposed could not by possibility have occurred. I simply mean to say that I deem such a thing as very improbable, and do not believe that it took place.

Q. 15. I did not mean to intimate at all a suspicion that the papers had beeen removed from your office and changed between January, 1853, and the 15th May, 1858; but by a pure supposition to test your knowledge of the papers during that period.

What I want to know is, whether, with all the circumstances you can bring to aid your memory, you can now swear that the four and a half loose sheets of paper, which about three weeks ago were shown you at the office of Barron & Co. (to wit: "Exhibit J. Y. No. 1, W. H. C."), are the same four and a half sheets of paper, containing without addition or diminution the same writings, which on the 19th May, 1858, you finally gave up to Mr. Robert Walkinshaw?

A. In answer to this question I can only state, that about three weeks ago, on an examination of these four sheets and a half, at the office of Barron & Co. in this city, I did identify them as the same which were delivered to me by Mr. Walkinshaw, in January, 1853, and re-delivered by me to Mr. Walkinshaw in May, 1858. My memory may have been aided by seeing these papers together; had they been shown to me separately at Barron & Co's, perhaps I might have had more difficulty in identifying them. I have stated with tolerable fullness my means of knowledge and of identification of these papers, and can only now repeat that, according to my best knowledge and belief, they are the same received from Walkinshaw as already detailed.

I have no recollection of ever having had these papers translated to me, or of having been furnished with a written translation of them.

Q. 16. Are you not satisfied that the persons interested, who had these papers for the last two years or more in their possession, might, if so disposed, have written very different words upon similar old paper, and substituted the same for one or more sheets of those which you once had in your possession, and that you would now be wholly unable to detect the change; supposing all this time that the substituted papers related to the title of the Almaden mine?

A. Such a substitution of papers might by possibility have taken place and escaped my detection. In reference to different words being written on similar paper, I would observe that in identifying these papers I do not rely upon any precise remembrance of words, but first upon the general appearance of the paper, the general appearance of the writing, the substance of the contents, the whole appearance of the sheets when placed in juxtaposition, the appearance of the cross-lines, the word "Blanca," the indorsement of Mr. Walkinshaw on the back, "Titles of Mine," the two signatures of Chabolla, appear familiar to me; the arrangement of the writing is familiar to me also, particularly the first page; and there may be other things about these papers which when I look at them produces an effect on my memory which I cannot define, and which I sum up by the term "general appearance." I do not mean to be understood as testifying to any familiarity with the handwriting in which the word "Blanca" is written.

Q. 17. Giving the fullest effect to all these small circumstances, does your identification amount to any more than this: That you once had in your possession a bundle of old papers which looked like these, and which also purported to concern the titles of the New Almaden Mine?

A. I consider that my identification amounts to considerably more than that supposed in the question, as appears from my previous testimony, to which I refer.

Examination closed.

HALL McALLISTER.

Sworn to and subscribed, this 20th July, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed July 20th, 1860.
W. H. CHEVERS, Clerk.

## EXHIBIT McALLISTER, No. 1, W. H. C.

Fourth District Court,
City and County of San Francisco.

Robert Walkinshaw
v.
Bolton and Barron.
May 14, 1858.

### ORIGINALS AND COPIES OF ORIGINAL PAPERS.

1.—A document in Spanish, headed "Año de 1845, Espediente de denuncio posesion y Compañia de la Mina de Azogue nombrado Santa Clara, jurisdicion de Sn José Guadalupe, en la Alta California." 5 pages writing and certificate, endorsed "Titles of Mine."

2.—A document in Spanish. Deed of sale of una varra in a certain mine, by el Reverendo Padre Fray José Maria del Refugio Zuares del Real, to Roberto Walkinshaw—dated August 9th, 1849; acknowledged before Geo. T. Knox, by subscribing witness, Octo. 22, 1853.

3.—Missive of sale of 2 Barras Quicksilver Mine, known in its act of Registration by Don Andres Castillero by the name of Sta Clara, and at present New Almaden, executed by Jas. Alex. Forbes to Robert Walkinshaw, dated New Almaden, 14th April, 1848; recorded in Alcalde's office, District of San José, May 31, 1849, Book 5 of Deeds, page 87.

4.—Copy missive of payment of $7,000, value of 2 varras, addressed to Jas. Alex. Forbes, dated 14 April, 1848.

5.—Receipt of James A. Forbes, $7,000, in full of price of 2 varras, dated March 23, 1850.—Recorded Book of Deeds D, pages 125 to 127, Sta Clara Co. Recorder's office.

6.—Dr. of letter, Jas. A. Forbes to Alex. Forbes, June, 1848.

7.—Receipt by Jas. Alex. Forbes, Agent, for $2,000, on account of two Barras, Nov. 22, 1848, from Robert Walkinshaw.

8.—Letter of Jas. A. Forbes, 25th June, 1848.

9.—Copy letter Walkinshaw to James A. Forbes, 26th June, 1848.

10.—Paper endorsed Copy Correspondence James A. Forbes and Robert Walkinshaw, June 25th and 26th, 1848.

11.—Statement of case (by Mr. W.), 15 pages, Aug. 1852.

12.—Copy decree of Santa Anna.

13.—Account current, Walkinshaw with Bolton, Barron & Co., Dec. 31, 1852.

14.—Copy letter of Bolton, Barron & Co. to Robert Walkinshaw, 25th January, 1853.

15.—Copy Deed of Padre Real to McNamara, June 10, '46.

16.—Memorandum (odd leaf) in handwriting of Walkinshaw.

17.—Information for Counsel from Robert Walkinshaw, Esq., Feb. 5th, 1854. 11 pages.

18.—Deposition of Don José Castro, dated Feb. 21st, 1854, taken before Wm. A Cornwall, N. P.

Received of Mr. Hall McAllister the papers contained in the foregoing list, and at same time paid him five hundred dollars ($500.00) to account of his charges.

San Francisco, May 19, 1858.

ROBERT WALKINSHAW.

[Endorsed.]

Dr. list of papers delivered to John Parrott for Robert Walkinshaw.

# DEPOSITION OF WILLIAM S. REESE.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, July 18, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came William S. Reese, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for claimant: What is your name, age, place of residence, and occupation?

Answer. My name is William S. Reese; my age is 31 years; I reside in San Francisco, where I have lived since October, 1852; and I am an attorney at law, and am chief-clerk in the office of Hall McAllister, Esq., and have been so since the middle of November, 1853.

Q. 2. Examine the Exhibits "J. Y. No. 1, W. H. C.," "J. Y. No. 2, W. H. C.," and "McA. No. 1, W. H. C.," the first two annexed to the deposition of John Young, and the last to that of Hall McAllister, and state what you remember about them.

A. I recognize this "Exhibit J. Y. No. 1, W. H. C." as having been among the papers in the case of Robert Walkinshaw against Bolton and Barron, brought to recover certain dividends upon one barra, or share, in the New Almaden mine, which was a pending suit at the time at which I entered the office of Mr. McAllister, in November, 1853. This paper, with the others in the case mentioned, was kept in the appropriate pigeon-hole in the case of "current business," suspended over my desk, and remained there, except when taken out for examination in the progress of the cause, until after the discontinuance of that suit in the month of June, 1854; all the papers in the case were then transferred to the case of "finished business," where I think it remained until about the 14th May, 1858, when Mr. Robert Walkinshaw called at Mr. McAllister's office, and told me he had come to get his papers, which were in Mr. McAllister's possession, in his suit against Bolton and Barron; that he was going to leave the country, for a time at least, and wished to have the papers under his own control. Mr. McAllister was absent from the office at the time at which he called, and I told Mr. Walkinshaw that I would speak to Mr. McAllister about the papers, and get them ready to be delivered to him. When Mr. McAllister came in, I mentioned the matter to him, and stated that there was a balance due to him, in the account with Mr. Walkinshaw, of five hundred dollars. According to Mr. McAllister's direction, I got the papers together, and drafted a receipt specifying with some particularity each paper to be delivered to Mr. Walkinshaw, and in the course of making out the receipt numbered each one of the papers to be delivered to Mr. Walkinshaw, consecutively from 1 to 17 inclusive, in lead pencil, at the bottom of the back of each paper as it was folded. This document (Exhibit J. Y. No. 1, W. H. C.) is the one which is first described in that list, endorsed "Titles of Mine," in the handwriting of Robert Walkinshaw, and having the number "(1)" in brackets in lead pencil, on the back, at the bottom, in my handwriting. There are eighteen papers mentioned in the list, but the eighteenth, which is the deposition of José Castro, was dated on the 19th May, 1858, when Mr. Walkinshaw called at Mr. McAllister's office the last time, with the seventeen papers in his possession. The draft of the receipt was made on the 14th May, 1858, at the same time I engrossed it. On the 15th May I took the papers in a bundle and delivered them to Mr. John Parrott at his banking house, Mr. Walkinshaw having told me that if the papers were left with Mr. Parrott he would get them there. I also left with Mr. Parrott an engrossed copy of the receipt mentioned, for Mr. Walkinshaw to sign, and also a bill against Mr. Walkinshaw for the balance due Mr. McAllister. I requested Mr. Parrott at the same time to get Mr. Walkinshaw to sign the receipt and pay the bill, inasmuch as Mr. Walkinshaw appeared to me to be in very feeble health, and I was somewhat doubtful whether if payment were not obtained then, through the instrumentality of Mr. Parrott, it ever could be. Afterwards Mr. Walkinshaw claimed that two original important papers which he had delivered to Mr. McAllister, or a member of the firm, had not been delivered to him. One of these papers was an original conveyance from Padre Real to Padre McNamara, and the other, the deposition of Don José Castro.

As to the first paper, it was an original conveyance, which, as I believe, was in the possession of the defendants in the suit of Walkinshaw vs. Bolton and Barron, a copy of which had been procured during the pendency of that action, from defendants' attorneys, which copy was among the papers delivered to Mr. Parrott for Mr. Walkinshaw. The other paper was the original deposition of Don José Castro, and was subsequently delivered to Mr. Walkinshaw, at Mr. McAllister's office, on the occasion of his last call, May 19th, 1858, when it was added to the draft and engrossed copy of the receipt, and numbered "18."

"Exhibit McA. No. 1, W. H. C." I recognize as the draft receipt, which is in my handwriting, and was made out by me from an examination of the papers, in the possession of Mr. McAllister, in the before-mentioned suit. I made up the receipt by examining the papers in detail, so as to describe them sufficiently, in the event of any dispute about their delivery to Mr. Walkinshaw, who attached so much importance to the papers that I took the more pains to draw up the receipt with more particularity. As a general thing I am very particular in drawing up receipts for papers. There are a few words in this Exhibit which I recognize as being in the handwriting of Mr. Henry P. Tricou, then a clerk in Mr. McAllister's office; these words were added to make the draft correspond with the engrossed copy, in making which I made some verbal alterations and additions, and also because Mr. Walkinshaw desired to keep a receipt himself, and accordingly his name signed to the receipt on the draft is his original signature. He kept the engrossed copy, Mr. McAllister kept the draft. In the draft all of the subdivision No. 1, which is intended to describe and identify "Exhibit J. Y. No. 1, W.H.C.," is in my handwriting.

"Exhibit J. Y. No. 2, W. H. C." is the engrossed copy of the draft receipt of which I have been speaking; it was made on the same day with the draft, and down to the signature of Robert Walkinshaw is entirely in my handwriting.

On the back of "Exhibit J. Y. No. 1, W. H. C.," at the top, I recognize the words "Titles of Mine" in the handwriting of Mr. Robert Walkinshaw, which I had often remarked while said paper was in Mr. McAllister's office, and which I had never seen on any other paper.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., July 20, 1860.

Examination of William S. Reese resumed from the 18th instant.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

CROSS-EXAMINATION.

Q. 3. Please state by what means you identify the four and a half separate loose sheets of paper which constituted "Exhibit J. Y. No. 1, W. H. C."?

A. I have no means of positively identifying each separate sheet, but rather identify the paper as a whole, save that on the first page of the first sheet, the term "Año de 1845" seems very familiar to me, and on the back of the paper, which is the fourth page of the same sheet, I recognize at the top an endorsement in the handwriting of Robert Walkinshaw, of the words "Titles of Mine," and at the bottom the figure "(1)" in brackets, in lead pencil, in my handwriting, which are signs which enable me to identify the sheet.

I never examined the second sheet sufficiently to say that I positively identify it, although its general appearance is familiar to me, as having constituted part of the papers described in subdivision No. 1 of Walkinshaw's receipt; and the cross-lines and the word "Blanca" seem familiar to me, not meaning to say that I remember the handwriting. The same may be said of the third and fourth sheets.

In regard to the half-sheet, I would say that the character of the arrangement of the writing, and particularly the heavy mark in which the word and figures "Son $25" and the dashes above and below, seem very familiar to me.

The document, as a whole, when folded, I saw more frequently than in any other way, and recognize it from its general appearance, and the above mentioned endorsement of "Titles of Mine."

Aided by the receipt of Mr. Walkinshaw, which was drafted and engrossed by me, I am also enabled to identify the paper by the descriptive words which were copied by me from the head of the first page of the first sheet of this paper, into subdivision 1 of said receipt, which are as follows: "Año de 1845. Expediente de denuncio, posesion y compañia de le Mina de Azogue, nombrada Santa Clara, Jurisdicion de Sn José Guadalupe en la Alta California;" and also by the statement in said subdivision of the number of pages of writing, and of there being a certificate, and that the whole was endorsed "Titles of Mine."

Q. 4. Did you, as Mr. McAllister's chief clerk, or in any other capacity, at any time, ever make any note or memorandum of the contents of each of these four and a half separate loose sheets of paper, which, when folded together, you speak of as "the document as a whole?"

A. The only memorandum I recollect ever having made, in any capacity, of this document, is contained in the draft and engrossed receipts, signed by Robert Walkinshaw.

Q. 6. Since you parted with the papers very different writings might have been put upon similar old sheets, and these be substituted in the place of those which you had, without your being now able to detect the change, except, perhaps, as to the first sheet, concerning the particular marks on which you have testified?

A. With the exception you mention, and provided the language was Spanish, and the number of pages the same, and the certificate on the half sheet being written across the paper lengthwise, and the appearance of age preserved, and the strongly marked writing which I have mentioned as appearing on said certificate, very different writings might have been substituted.

I recognize the caption on the first page of the first sheet, embracing the words which are above given, as forming a portion of subdivision 1 of Walkinshaw's receipt (Exhibit J. Y. No. 2, W. H. C.) as being the same character of handwriting, and the same words which I copied into said draft and engrossed receipt.

### DIRECT EXAMINATION RESUMED.

Q. 6. The first sheet of "Exhibit J. Y. No. 1, W. H. C." is one entire piece of paper, is it not?

A. It is.

Q. 7. I understand you to say then, that from the words "Titles of Mine," in the handwriting of the late Robert Walkinshaw, and the numeral "(1)" in brackets, in your own handwriting, endorsed on that first sheet, you identify it positively as one of the sheets of "Exhibit J. Y. No. 1, W. H. C." which was delivered to Mr. Walkinshaw, in May, 1858: Am I correct?

A. I positively believe it to be the same sheet, from those marks and the general appearance, though there might be other dirty paper.

Q. 8. When you drafted the receipt before these papers were delivered to Walkinshaw, you copied the caption from the first page of the first sheet, beginning with the words "Año de 1845" as descriptive of the entire document, which consisted of five pages of writing and certificate, and endorsed "Titles of Mine," did you not?

A. I did.

Q. 9. Now examine the first page of the first sheet, and state if all the writing therein is not in the same handwriting as the caption which you copied, and to all appearance written at the same time?

A. It appears to me to be the same handwriting, and to have been written at the same time.

Q. 10. In your receipt you state that the document desribed in subdivision No. 1, contained five pages of writing and certificate; please identify in "Exhibit J. Y. No. 1, W. H. C." the paper which in that receipt you described by the word certificate?

A. By the word certificate I intended to describe what has been spoken of as a "half-sheet," written across lengthwise, in "Exhibit J. Y. No. 1, W. H. C." and which purports to be a receipt for $25.

Q. 11. Examine "Exhibit J. Y. No. 1, W. H. C.," and state whether or not it corresponds in every particular with your description, contained in subdivision No. 1, of the receipt composed and engrossed by yourself, and signed by Mr. Walkinshaw and Mr. Hall McAllister, 19th May, 1858?

A. It corresponds in every particular.

Examination closed.

WILLIAM S. REESE.

Sworn to and subscribed this 20th day of July, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed July 20, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF ANTONIO SUÑOL.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 27, 1860.

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Antonio Suñol, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit: by Richard Tobin, Esq.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant. What is your name, age, and place of residence?

ANSWER. My name is Antonio Suñol, my age 64 years, and I reside at the Pueblo of San José.

Q. 2. In "Exhibit J. Y. No. 1, W. H, C.," annexed to the deposition of John Young in this case, is a document beginning with the words "No encontrandose," etc., purporting to be a testimonio of the act of possession of the mine of Santa Clara, given by Alcalde Pico to Castillero. This document is signed by Antonio Maria Pico, the Alcalde, by Antonio Suñol and José Noriega, assisting witnesses, and is dated 30th December, 1845; please examine it, say if you know in whose handwriting is the body of the instrument, whose the signature, and if they were subscribed on the day of its date.

A. I have examined it; the handwriting of the body of the instrument appears to me to be that of Gutierrez; the signatures are mine; that of Antonio Maria Pico and José Noriega—Messrs. Pico and Noriega signed it in my presence; we all signed at the same time. I presume the document was signed on the day of its date. I have no reason to suppose that it was signed on any other day.

Q. 3. Examine the certified copies of Castillero's two representations to the Alcalde of San José, each of which is signed by Pedro Chabolla, Pedro Sainsevain, and José Suñol, on the 13th January, 1846; say if you know in whose handwriting are each of these certified copies, whose the signatures, and are they genuine? these certified copies are part of the same "Exhibit J. Y. No. 1, W. H. C."

A. I am not certain in whose handwriting is the body of the instruments. The signatures are the genuine signatures of José Suñol, Pedro Chavolla and Pedro Sainsevain.

Q. 4. Who was José Suñol, and when did he die?

A. He was my son, and was killed in 1855; he was about 28 years of age when he died.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

—

San Francisco, Cal., July 28, 1860.

Examination of Antonio Suñol resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

### CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 5. What was the name of the priest by whom your son was baptized?

A. José Viader.

Q. 6. Was he the officiating priest who had charge of the Catholic Church at the Pueblo of San José, at that time?

A. Yes, sir.

Q. 7. Your son was baptized a few days after his birth, was he not?

A. Yes, sir.

Q. 8. Have you any private register kept in your own family showing the day and year of the birth of your son José?

A. Yes, sir. I have in my possession a record of the date of the birth of my children, with a reference to the page of the baptismal record.

Q. 9. Have you looked at that recently, so as now to be able to state the day, or at least the month and year, of the birth of your son José?

A. I see it occasionally; it is probable I saw it a short time ago. I can state the month and year, though I would not be certain about the day. I perceive that yesterday I made a mistake in stating his age. I stated yesterday that he was twenty-eight years of age; he was in reality thirty. I intended to make this correction before signing. He was born in the month of February, 1825, and if I am not mistaken, he was baptized on the sixth of that month.

Q. 10. What is the reason that, in answer to the last question, you twice said to the interpreter that you had yesterday made a mistake in saying that your son was thirty-eight years old when he was killed, whereas, you ought to have said he was thirty?

A. Because I thought I had stated yesterday that he was thirty-eight years of age, and upon reflection I found he was not as old, that he was only thirty.

11. Is your memory so very bad that you could not remember this morning that on yesterday you had testified that your son was only twenty-eight years of age, when he was killed, instead of thirty-eight, as you just now supposed you had said?

A. It must have been very bad when I did not remember that.

Q. 12. And it was from the same bad memory that, though you frequently see your family register, you yesterday made a mistake of two years in the age of your son, saying that he was twenty-eight years of age, when now it appears you ought to have said he was thirty at the time of his death?

A. It was because I was unexpectedly asked the question, and I replied at once, supposing that my statement was correct.

Q. 13. As you have alluded to the violent death of your son, you will permit me to ask you whether he was not killed by a man who had unlawfully taken possession of a part of your rancho, and disputed your title, which you had derived from the Mexican Government in California?

[Objected to by counsel for claimant as irrelevant.]

A. He was killed by a man who had taken possession of a part of my rancho as a squatter, and, as I understood, for reproving him for unnecessarily shooting so many cattle, because in order to kill one he would sometimes shoot and wound several. He would keep shooting at them until one dropped. My son told him, when he wanted meat to come to the house and he could have as much as he wanted, but not to shoot the cattle in that way. This was the origin of the difficulty, as I am informed.

Q. 14. Don't you think that the government of the United States has treated the old Californians very unjustly in these land cases, in compelling them to sue for their titles at so much expense, and exposing them to the lawless inroads of squatters?

[Question objected to by counsel for claimant as irrelevant, for its object clearly is to establish the existence of a bias in the mind of the witness against the government of the U. S.; while in fact, whatever may be the technical relations between the United States and the claimant in this case, it is very well known in California, and by none better than by the inhabitants of Santa Clara County, that the Almaden mine is claimed by three parties—who are, first, the claimant in this case; second, certain persons claiming under the Berreyesa title; third, certain persons claiming under the Justo Larios title—whence it follows, that they are opposing each other's claim to this mine, while the United States nominally oppose all three, and really the Almaden claim alone.]

A. We certainly do consider that the government is to blame for all these things; the government of the State or the general government, we don't know which. Even to this day we are being robbed; the land is not ours, neither is the grass, nor are the cattle; the squatters hold all, and may even take our lives if we give them the least excuse.

Q. 15. When did you come to San Francisco, to testify on the present occasion?

A. Day before yesterday.

Q. 16. Where do you stay when here; at whose house?

A. I live in the house of my son-in-law, Don Pedro Sainsevain,—the same gentleman who was an assisting witness with my son José to the execution of the papers shown me here yesterday.

Q. 17. Have you not conversed with some of the claimants, or their agents, or their counsel, as to the extent of your knowledge of these documents, as to which you have testified?

A. No, sir.

Q. 18. Before you were sworn to testify on this last occasion, is it possible that none of the parties to whom I referred asked you anything as to your knowledge of the documents as to which you have testified, and that you said nothing to them in reply as to your knowledge of those papers?

A. I was not asked any questions about them.

Q. 19. Did none of the gentlemen referred to ask you anything about the age of your son, who appears as one of the witnesses with Mr. Pedro Sainsevain as aforesaid?

A. No, sir.

Q. 20. Nor anything about the time when you and the other parties signed the "Testimonio" of the act of possession, as you have stated?

A. No, sir.

Q. 21. How did you know that you were wanted as a witness; did not Mr. John Young or some other gentleman come after you?

A. Mr. Young came for me.

Q. 22. Did not Mr. Young speak to you about these papers?

A. No, sir.

Q. 23. Who first told you that the "Testimonio" of the act of possession was discovered?

A. It was when we were first called upon to give our testimony, that we were told they were found—about eight or ten days ago.

Q. 24. Who was it called on you at that time?

A. Mr. Young.

Q. 25. Did not Mr. Young have the papers with him, and show them to you?

A. I don't know whether he had them with him or not, but he did not show them to me.

Q. 26. But he must have described them to you, and told you what they contained, and talked with you generally about them at that time?

A. All that was said was, that we were to come and give our testimony.

Q. 27. Did he ask you then if you remembered anything about these papers?

A. No, sir.

Q. 28. Did he tell you that José Suñol and Pedro Sainsevain appeared as witnesses on some of them?

A. I don't remember that he did say so.

Q. 29. Tell me all that he did say about the papers at that time.

A. He said nothing about them.

Q. 30. When did you first see these papers, about which you have been examined on this occasion?

A. It was in the year 1845, I think, or 1846, when I signed them, and when they were signed by the other persons.

Q. 31. When did you first see them in the present year (1860), and where?

A. Here, yesterday.

Q. 32. Had you never seen these papers at any time during this year before they were produced and shown to you on this examination?

A. I saw them a few days ago, in the hands of José Fernandez, in Mr. Barron's office.

Q. 33. Did you not just now say that the first time you saw them this year was yesterday, when they were shown to you on this examination?

A. Because, when I saw them before that I did not examine them at all, I merely saw them in Fernandez' hands. This was at Mr. Barron's office.

Q. 34. You looked at them enough at that time to see that your signature, José Suñol's, Antonio Maria Pico's, José Noriega's and Pedro Sainsevain's, were on them, did you not?

A. No, sir.

Q. 35. Who was present at that time?

A. José Noriega and Fernandez; nobody else.

Q. 36. Were not Mr. Young, either of the Mr. Barron's, nor any of the attorneys in the case, there?

A. They were probably in the house; I only saw Mr. Young who was engaged in some other business.

Q. 37. This happened some days ago when you came up to be examined, and had to return before your testimony could be taken; did it not?

A. Yes, sir; I arrived about 10 o'clock in the morning.

Q. 38. Upon your arrival you went to the office of the Messrs. Barron immediately, I presume, and there saw some of the members of the house, and spoke to them; did you not?

A. Yes, sir; we went to the office when we arrived, saw some of the gentlemen of the house, wished them "good morning," and then went to breakfast. Mr. Young came to see when the testimony could be taken.

Q. 39. Whose do you mean when you say "we went to the office," "we went to breakfast;" who was with you?

A. Don José Noriega, Pedro Chavolla, Antonio Maria Pico, and Mr. John Young. We all came up together on the same steamer, and all went to the office together and there parted.

Q. 40. Fernandez was here at that time; was he not?

A. Yes, sir.

Q. 41. Was it immediately upon your arrival that Fernandez showed you the papers?

A. No, sir; nor did Fernandez show them at all, but it was on the day following that I saw them in his hands, and he was looking at them, not at the request of any of those gentlemen (of the house of Barron) but at the request of Mr. José Noriega.

Q. 42. Was not Mr. Chavolla there at that time?

A. I don't remember; but I don't think he was there.

Q. 43. Well, on that occasion were you not asked what you knew about those papers, and didn't you say what was the extent of your knowledge of them?

A. No, sir.

Q. 44. In San José, before you started, and on the way coming up on that first trip, didn't you speak fully and freely with Mr. Young about your knowledge of these papers; didn't persons ask you questions, and didn't you answer the best you could about them?

A. I was not asked any questions about them by anybody.

Q. 45. Your statement that you had no conversation about these papers with any of the parties in interest, their agents or counsel, and had only once seen them casually in the hands of a third person at the office of the Messrs. Barron, without taking notice of their contents or the signatures, and without any questions asked you by any of the house, or by Mr. Young, or by anybody else present, and without any declaration on your part of what you knew about them,—and all this taken in connection with the fact that your object in coming to San Francisco was to give your testimony about these very papers,—seems to me so extraordinary, so remarkable, that I must ask you if you still persist in those statements?

A. I was not asked any questions about them, and I have no recollection of having stated to anybody what I knew of them.

Q. 46. What is the reason that in answer to the 2d question, direct examination, you say you *presume* that the document was signed on the day of its date?

A. I *presume* that it was signed on that day, because it is natural to suppose that it was so signed. If I were to state positively that it was signed on that day, I should probably not state the truth, for I am not positively certain that it was signed on that day.

Q. 47. Don't you know from what passed when you were examined about another exact copy of this paper, and from what you have heard and read, that the United States in this case disputed the fact that the paper was signed on the day it bears date, and the whole object of your testimony is to prove that it was signed at that time?

A. I know that the government does dispute that fact, but that they were signed at that time I have not the least doubt, whatever the government may say.

Q. 48. Please hear your last two answers read, and please explain to me how I can reconcile them?

[The interpreter reads the last two answers to the witness.]

A. Because my answers are not stated correctly. I said that I presumed that it was signed on that day, because I was not positively certain that it was, and because it might have been brought to us to sign the next day. I did not say that I had learned the government disputed this date, but that I had seen that the government contested something regarding the mine.

Q. 49. Then you allege that the interpreter rendered your answer incorrectly to both the one and the other of those two questions?

A. I think so.

Q. 50. Mention some circumstance, if you can, that fixes in your memory the fact that you and the others signed that paper on the day which it bears date, although that day is not in the handwriting of any one of you who signed the paper.

A. I cannot remember any circumstance which enables me to say that it was on that day. It may have been signed the next day.

Q. 51. Mention any circumstance that fixes in your memory that it was signed on that day, the next day, or any other day about that period.

A. As it is so long ago, and is a matter in which I have no interest, I have forgotten it, and I can state no such circumstance.

Q. 52. Might you not make as wide a mistake as to the time when you signed that paper as you did yesterday, when you said your son was twenty-eight years of age at the time of his death, instead of thirty?

A. I think not; as to the mistake of yesterday it arose from my not making the calculation as I made it to-day, which I should have done.

Q. 53. Well, why might you not be two years out of the way in your recollection of the time when you signed the paper, just as you were two years out of the way about the other matter?

A. I can't say why I might not be mistaken. All I can say is, I believe I am not mistaken. If I am, it is unintentional.

Q. 54. Why may not the same bad memory, which made you think this morning that you yesterday said your son was thirty-eight years of age, at the time of his death, when you had actually said he was ten years younger, now deceive you in this other matter, and make you think that you had signed this paper about the beginning of the year 1846, when in fact you had signed it some two years later; that is to say, early in the year 1848?

A. The mistake I made about thirty-eight and twenty-eight arose from want of reflection; but as to this other matter, I believe I am not mistaken, although I may be.

Q. 55. Of course you are not able to swear from your present memory, that the words and figures expressing the date were written on the paper at the time that you signed it?

A. I couldn't recollect that after so many years, but it is in the same handwriting as the preceding part of the document to which our signatures are attached, and it must have been there when we signed.

Q. 56. Don't you see that that is making the paper prove itself, instead of your proving the paper?

A. I can only state what I know. If the document proves itself, so much the better.

Q. 57. Try and do this; imagine that the paper was explained to you, but the date concealed: under those circumstances tax your memory for anything that will make you believe confidently, and will enable you to swear, that your signature was written there, about the beginning of the year 1846, and not early in 1848, or some time later?

A. This question is a difficult one; if it has no date of course I would say nothing about its date; in such case, if I entertained any such doubt, I would examine the signatures and see if there was a space vacant between them and the body of the instrument to allow the date to be interlined. I cannot doubt that this date was written where it appears now, because our signatures are close under it, and it is not our custom to leave a blank above the signature.

Q. 58. I have before me here two papers, being parts of "Exhibit J. Y. No. 1,"—the Testimonio of the act of possession, as it is called, and the Alcalde's receipt for twenty-five dollars, the amount of his fees for giving it. Look at those papers and say whether there is not a blank space of a full line between "Antonio Maria Pico," the Alcalde's signature, and the body of the writing of the receipt, and whether Pico's signature to the Testimonio of the act of possession does not immediately adjoin the body of the writing, and on nearly the same line.

A. There is but a small space between Pico's signature on the receipt and the writing above, not enough for a full line of the same kind of writing; his signature is closer to the conclusion of the other document.

Q. 59. Can't you think of anything else that will enable you from your own memory to verify the fact stated in that document; to wit, that it was signed on the 30th day of December, 1845, or within a very short time after the day there mentioned?

A. I have no recollection at present of any fact that will enable me to do so.

Q. 60. I think you have stated in former examinations (which I have not now before me) that you were acquainted with Mr. Alexander Forbes when he was in California, early in 1848, and that he sometimes sojourned in your house as your guest; such was the fact, was it not?

A. He never lived in my house; he never staid there so much as a day; but he has called there frequently, and stopped a little while.

Q. 61. You were on sufficiently intimate terms with him for him to leave some of his papers with you, at one time, I think, were you not?

A. Yes, sir. My son José Suñol copied some of his papers, as an exercise to learn to write; he had been to college before that and had considerable instruction; he was about twenty years of age.

Q. 62. It seems to me a little contradictory that you should say in one place that your son was copying some of Mr. Forbes' private papers, merely as an exercise to learn to write—that is, with no intent of keeping the copy to make use of it in any way; and in another place, that he was a grown-up man of twenty years of age, who had been to college and had considerable instruction. Explain this, if you please.

A. He had some instruction but not enough, because he had only been a short time at college. The college was not long in existence.

Q. 63. Look now at these signatures which appear on the certified copies of the two representations of Andres Castillero and purport to have been affixed to the same by José Suñol, on the 13th January, 1846, and say whether they can possibly be the signatures of a young person, who two years leter, *i. e.* 1848, was copying the private papers which a friend had left in your charge, in order that he might learn to write. Is it not as good, or better, than any other signatures in this paper?

A. There is nothing strange in that; for though his handwriting might have been good, I wished him to improve it.

Q. 64. You have also said formerly, have you not, that the Gutierrez in whose handwriting you say the Testimonio is, was at one time a schoolmaster in your family?

A. Gutierrez kept a school in my house, and a boy whom I had reared went to it, but not one of my children went there.

Q. 65. How long is it since Gutierrez left the Pueblo of San José?

A. He left in 1847 or 1848, I think.

Examination adjourned until Monday next, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 30, 1860.

Examination of Antonio Suñol resumed from Saturday last.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

DIRECT EXAMINATION RESUMED.

Q. 66. Do you know when Castillero left California?

A. He left in the year 1846.

Q. 67. In your former depositions, in this case, you have stated that you were present when the possession of the mine was given by Alcalde Pico to Don Andres Castillero, in the presence of sundry people; among them, José Noriega with whom you acted as assisting witness to the act of possession. Was not that act of possesion given before Castillero left California in 1846.

[Objected to by counsel for the United States as leading.]

A. Yes, sir; it was before he left.

Q. 68. After Castillero left California in 1846, did he ever return?

A. I have never seen him since; I never heard of his having returned.

Q. 69. Were you acquainted with the retired sergeant, José Reyes Berreyesa, who lived on the rancho San Vincente, Cañada de los Capitancillos?

A. Yes, sir. He was killed about the time the Americans took possession of the country, by Fremont's party, on their way down from the Sacramento valley.

[It is admitted by the counsel for the United States, that José Reyes Berreyesa was killed about the month of June, 1846.]

Q. 70. Are you acquainted with his handwriting?

A. Yes, sir.

Q. 71. Is this document in his handwriting?

[The witness examines the document handed to him.]

A. Yes, sir.

[Document offered in evidence by counsel for claimant.
Objected to by counsel for the United States as immaterial.
Document marked "Exhibit Suñol, W. H. C."]

Deposition closed.

ANTONIO SUÑOL.

Sworn to and subscribed this 30th July, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed July 30, 1860.
W. H. CHEVERS, Clerk.

# EXHIBIT SUÑOL No. 1, W. H. C.

El C$^{no}$ Manuel Michelt$^{a}$, General de Brigada del Ejercito Mejicano Ayudante Grāl. de la Plana Mayor del mismo, Governador, Comand$^{te}$ Grāl. é Inspector del Departam$^{to}$ de las Californias.

Por cuanto D. José Reyes Berreyesa ha pretendido p$^{a}$ su beneficio personal, y el de su familia el terreno nombrado Cañada de los Capitancillos, colindante con D. Justo Larios con el rincon q$^{e}$ hace el arroyo conocido con el nombre de los Alamillos que confronta con una Loma baja que se haya en el sentro de dhā. Cañada; practicadas previam$^{te}$ las diligencias y averiguaciones concernientes segun lo dispuesto por Leyes y Reglamentos; usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he benido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras, sugetandose a la aprobacion de la Exmā. Asamblea Departamental y bajo las condiciones siguientes:

1$^{a}$—No podra venderlo, enagenarlo, ni hipotecarlo imponer censo, vinculo, fianza ni otro gravamen alguno, aun no podrá donarlo.

2$^{a}$—Podra sercarlo sin perjudicar las travecias caminos y servidumbres: lo disfrutara libre y esclusibamente destinandolo al uso ó cultivo q$^{e}$ mas le acomode, pero dentro de un año fabricará casa y la havitará.

3$^{a}$—Solicitará del Juez Respectivo q$^{e}$. le dé la posecion juridica en virtud de este Despacho, por el cual se demarcarán los linderos en cuyos limites pondrá amas de sus majoneras algunos arboles, frutales ó silvestres de alguna utilidad.

4$^{a}$—El terreno de que se hace donacion es de dos sitios de ganado mayor, poco mas ó menos, segun esplica el Diceño respectivo. El Juez que diere la posecion lo hará medir conforme ha ordenanza, quedando el sobrante que resulte á la nacion para los usos convenientes.

5$^{a}$—Si contraviniere á estos condiciones, perdera su derecho al terreno y será denunciable por otro.

En concecuencia mando que sirviendole de Titulo el presente y teniendose por firme y valedero se tome razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey á viente de Noviembre de mil ochocientos quarenta y cuatro.—Manuel Micheltorena.—Manuel Guimeno, Sriō.—Queda tomada razon de esta concecion en el Libro respectivo á fojas 13.—Jimeno.

## TRANSLATION OF EXHIBIT SUÑOL No. 1.

The citizen Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant-General of the Staff of the same, Governor, Commandant-General, and Inspector of the Department of Californias:

Whereas, Don José Reyes Berreyesa has solicited for his personal benefit, and that of his family, the land called "Cañada de los Capitancillos," adjoining Don Justo Larios, with the corner formed by the creek known by the name of the Alamillos, which is in front of a low hill, which is in the centre of said Cañada; the proceedings and examinations concerning it being previously had according as is directed by the laws and regulations; in exercise of the powers which are conferred on me in the name of the Mexican nation, I have granted to him the said land, declaring to him the ownership of it, subject to the approval of the Most Excellent Departmental Assembly, and under the following conditions:

1. He shall not have power to sell, alienate, nor mortgage the same, nor charge it with rents, entail, nor other encumbrance, and not even to donate it.

2. He may inclose it without prejudice to the crossings, roads and servitudes; he will enjoy it freely and exclusively, dedicating it to the use or cultivation which may best suit him, but within one year he shall build a house and inhabit it.

3. He shall solicit the respective Justice to give him judicial possession in virtue of this dispatch, by whom the boundaries shall be marked out, in the limits of which he shall place, besides the monuments, some fruit trees or forest trees of some utility.

4. The land of which donation is made, is two square leagues, a little more or less, as is explained by the respective sketch. The Justice who may give the possession will cause the same to be measured conformably to the ordinance, the surplus which may result remaining to the nation for its convenient uses.

5. If he should contravene these conditions he shall lose his right to the land, and it shall be denounceable by another.

In consequence, I order that these presents, serving him as title, and being held as firm and valid, note be taken of it in the respective book, and it be delivered to the party interested, for his security and other purposes.

Given at Monterey, the twentieth of November, one thousand eight hundred and forty-four.=Manuel Micheltorena.= Manuel Guimeno, Secretary.=Note has been taken of this grant in the respective book, on page 13.=Jimeno.

# DEPOSITION OF ANTONIO MARIA PICO.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, July 27, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Antonio Maria Pico, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit, by Richard Tobin, Esq.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., of counsel for the United States.

Question 1st, by counsel for claimant: What is your name, age, and place of residence?

Answer. Antonio Maria Pico; am 52 years of age; and reside in San José, Cal.

Q. 2. Examine the two documents now shown you, being parts of "Exhibit J. Y. No. 1, W. H. C.," annexed to the deposition of John Young in this case, the first of which, beginning with the words "No encontrandose," etc., purports to be a testimonio of the act of possession of the mine of Santa Clara, given to Don Andres Castillero on the 30th December, 1845, signed Antonio Maria Pico, Antonio Suñol, José Noriega, the last two acting as assistant witnesses; and the second of the said documents, beginning with the words "He recibido," etc., purports to be a receipt from Antonio Maria Pico to Andres Castillero, for the sum of twenty-five dollars, the fee for the act of possession. State if you know in whose handwriting are these two instruments, whose the signatures thereto, and when made and subscribed.

A. The first of these documents, that is to say, the testimonio of the act of possession, is in the handwriting of Gutierrez, and signed by myself, Antonio Suñol, and José Noriega; these latter having signed in my presence as witnesses. The document was signed on the day of its date. I have no doubt that I delivered this document to Castillero, because I see my receipt thereto for $25, my fee; this receipt is the second document referred to in the question; it is in the handwriting of Gutierrez, and bears my genuine signature, which was placed there on the day of its date.

Q. 3. In this "Exhibit J. Y. No. 1, W. H. C." there are two other documents, purporting to be copies of two representations made by Castillero to the Alcalde of San José Guadalupe, on the 22d November and 3rd December, 1845; each of these copies purports to be signed by Pedro Chabolla, with the assisting witnesses Pedro Sainsevain and José Suñol.

Examine these copies, and say whether you are acquainted with the signatures of those persons, and are they genuine?

A. I am acquainted with the signatures of those persons; the signatures referred to are their genuine signatures.

Q. 4. When did José Suñol die?

A. I don't remember exactly when he died. He was killed on his father's rancho in Amador valley, near the Mission of San José, by a squatter.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., July 30, 1860.

Examination of Antonio Maria Pico resumed from the 27th instant.

Present: A. C. Peachy, Esq., of counsel for claimant; and Edmund Randolph, Esq., for the United States.

Q. 5. In whose handwriting is "Exhibit Suñol, W. H. C?"

A. It is in the handwriting of the sergeant José Reyes Berreyesa.

Q. 6. Do you know in what month of the year 1846 he was killed?

A. I don't remember the month.

### CROSS EXAMINATION.

Questions by Mr. Randolph.

Q. 7. You know what that paper is?

[The counsel for the United States hands the witness a document in "Exhibit J. Y. No. 1, W. H. C." purporting to be the testimonio of the act of possession.]

A. Yes, sir; it is the act of possession of the Almaden mine.

Q. 8. When you were Alcalde, would you make official papers that recited facts which never had occurred?

A. I never made any document that was false.

Q. 9. Were you not examined as a witness, December 30th, 1854, before Judge Felch, one of the members of the Board of Land Commissioners, in the case of Maria Z. B. Berreyesa *et al.* v. The United States, No. 503, before said Board?

A. Yes, sir.

Q. 10. On that examination were you not asked this question, viz.:

"Did Castillero ever work the mine?" and did you not answer as follows, viz.:

"The company commenced to work it, but did not work to any extent; Castillero applied to me to go and give him possession of the mine, according to the Mexican custom. I went there with him and pointed out the boundaries which he should take, *but no fixed possession was given to him.*

"There was a question between Castillero and Berreyesa. Berreyesa would not consent that possession should be given to Castillero, unless he would admit that he (Berreyesa) should have an interest in the mine.

"In consequence of this I did not give any fixed possession of the land. At that time they were assaying the mineral"?

A. There are some expressions in that testimony that I do not remember. I did answer substantially what is stated there.

Q. 11. As you were under oath on that occasion, of course you told the truth, did you not?

A. Of course.

Q. 12. In your answer just referred to, and above written, you say "the company commenced to work it, but did not work it to any extent; Castillero applied to me to go and give him possession," etc., etc. In the testimonio of the act of possession, you say that you, accompanied by two witnesses, to wit, Suñol and Noriega, went to the mine, and found it "with abundance of "metales" dug out, the well made according to the rules of art, and the working of the mine producing an abundance of liquid quicksilver," etc.

How can these contradictory statements both be true?

[Question objected to by counsel for claimant, upon the ground that the statements are not contradictory.]

A. These statements cannot be contradictory. There was no very extensive working of the mine, but enough ore was taken out to show the public that the mine was being worked.

Q. 13. Don't you observe that in this testimonio of the act of possession, you allege in strong terms, and with much particularity, that Castillero or the company had wrought the mine to a very considerable extent, for they had dug out an abundance of ores, produced an abundance of liquid quicksilver, and completed a mining pit or well, according to all the rules of art. And that in your testimony given before the Land Commission you precisely condradict all this, saying, "The company commenced to work it, but did not work to any extent," etc. etc.?

A. I see no contradiction. It is true that there were no very great works done then, but enough was done to explore the mine, and it was worked extensively afterwards.

Q. 14. If there is no contradiction, I must of course take the recitals in the testimonio of the act of possession to mean nothing more than what is expressed in your said answer before the Land Commission, must I not?

A. Yes, sir. I only know that all that was done, and what appears over the signatures was correct and legal, and that there was nothing fraudulent or wrongful about it.

Q. 15. In the testimonio of the act of possession, you conclude, after all the recitals, "to grant three thousand varas in all directions," and you declare this document to be the "act of possession," and that the same remains in your office as a part of the expediente, etc.

In the answer above written which you gave as part of your testimony on that occasion, you say in one place, "but no fixed possession was given to him," and in another place, "I did not give any fixed possession of the land."

If your sworn answer in the Land Commission is true, how can the act of possession, which, with so much particularity, declares that you gave possession of three thousand varas in all directions from the mine, also be true; do you not see any contradiction there?

A. According to my understanding there is no contradiction between my answer before the Commission and the statement in the act of possession. What was signed by myself as Alcalde, and by the witnesses, I consider legal.

Q. 16. How could you, as an Alcalde, undertake to give three thousand varas in all directions of another man's land; what put such an idea as that into your head?

[Question objected to by counsel for claimant, because it does not grant, nor pretend to grant, three thousand varas in all directions of another man's land, but it grants three thousand varas in all directions from the mouth of the mine, which mouth is said to be on another man's land, which mine is said in the act of possession to be on another man's rancho. The rancho referred to is that of Berreyesa, which is a colonization grant of one square league, within supposed general limits which contain more than two square leagues.]

A. I never intended to grant another man's land. I considered that it was public land up to what I considered the limit of Berreyesa's land.

Q. 17. Then you never intended to grant the mine, or any land immediately about the mining well, because you knew, did you not, that the mine and the tract immediately around the mining well was on the land of Berreyesa?

[Question objected to by counsel for claimant, upon the ground that the intentions of a public officer in making a grant are to be ascertained from the words of the grant only.]

A. I knew it from hearing Berreyesa say so to Castillero. I intended only to grant what was intended by the ordinance around the mine, and the rest to be taken on public land.

[Answer objected to by counsel for claimant, for the same reason as to the question.]

Q. 18. The act of possession speaks of but one tract, to wit, three thousand varas in all directions; where was that vast tract of land to be taken on the public lands?

[Question objected to by counsel for claimant, upon the ground that what the act of possession speaks of, as stated by the counsel for the Government, is his own construction of it. The act of possession in fact states, that the Alcalde gives possession of the mine known by the name of Santa Clara, and grants three thousand varas in every direction, subject to what the mining ordinances provide, the mine being worked in company; and for a further reason that what was granted in that instrument can be ascertained only from the instrument itself. The counsel for claimant insists that the witness shall read the document and see what it contains before answering.]

A. My intention was that the three thousand varas should be taken on public land. I had no intention whatever of injuring any private individual.

[Answer objected to by counsel for claimant, for the same reasons as to the question.]

Q. 19. You were familiar with the boundaries of the Berreyesa rancho as then understood, were you not?

A. Yes, sir.

Q. 20. How far from the mine to the nearest body of public lands which you, as Alcalde, recognized as such at that time?

A. Four or five hundred varas, more or less.

Q. 21. In about what direction from the mine?

A. Southerly, and also in the direction of Justo Lario's, and in the direction of La Cuchilla, where the Guadalupe and other mines are situated. I can point it out on the map if it is desired.

Q. 22. Such being your understanding of the location of the three thousand varas in all directions tract, how was it possible for you to have made out and signed this act of possession which fixes this tract to be one measured in all directions from the mine, if it fixes it at all anywhere?

A. Because Berreyesa agreed with Castillero at the time, and told me that I might grant the land, provided I did not include the land needed for cultivation; and therefore I made the grant.

Q. 23. You have just said that you only granted the public land: What had Berreyesa's permission or refusal to do with the matter at all?

A. It was because Berreyesa objected to the possession being given of the mine; and I told him, that in any case, the ordenanzas authorized a certain quantity of land around the mine to be granted, whether the land was public or private; and as the hilly land was not cared for in those times, he said to me—"well, provided you do not grant the plain, the land which I require for cultivation, so that it would include only the broken land, you may make the grant."

Q. 24. So you did grant the private land of Berreyesa, at last, and with his consent, and the three thousand vara tract was not all on public land, as you have said?

A. Three thousand varas would include both public and private land. It would include that part of Berreyesa's land which he consented should be granted, and the rest would be public land.

Q. 25. What words in this act of possession describe the tract of land about the mine which the ordenanzas give, even on private land, as you have said, and distinguish it from the three thousand vara tract of which you have spoken?

[Question objected to by counsel for claimant, because the act of possession will speak for itself, and because it implies a distinction between the three thousand vara tract and the piece of land around the mine which the ordenanzas admit the discoverer to have granted to him, when in truth they may be the same land; and for the further reason that it, in substance, asks the witness' construction of the grant.]

A. The document refers to the ordenanzas, but does not make distinction referred to.

Q. 26. When Berreyesa consented that you might grant some portion of his land to Castillero, why did you not tell him that that was not the way to do it, but that he ought to come before you, and execute an act of sale, or gift, or something of that kind, to Castillero; that his consent would amount to nothing as a mere aurthority to you to make the concession?

[Question objected to by counsel for claimant, for the reason that it implies that the means suggested by the counsel for the Government were the only legal ones which could have been used; while the mining ordenanzas provide for the denouncement of waters, useful in machinery, and for lands to be used as haciendas, and for a grant of such by the same officer who is authorized to grant a mine on private lands.]

A. It was all done before me, and in good faith, and as I supposed fairly; Mr. Berreyesa being there as the owner of the adjacent land.

Q. 27. Why did you not tell Berreyesa that all the authority you had in the matter came from the laws, and that his consent could add nothing to it?

A. I did not say anything of that sort to him, because it did not occur to me; I made the act as it is, and I believe it is valid.

Q. 28. Did not Berreyesa refuse, absolutely, to give any consent at all?

A. I have already stated that when he first came he objected to possession being given upon his land; but after I had reasoned with him a good while, he consented that I might make the grant, so that it did not include his level, arable land.

Q. 29. Did you not swear in the Land Commission in the deposition above referred to, that Berreyesa would not consent, and that, therefore, you granted no possession?

I refer you to the question and answer copied above from your said deposition.

A. I did say that Berreyesa did not consent at first, but after a long debate with me, he did consent. As those matters happened such a long time ago, one may easily forget, or be mistaken about some particulars; but what is written and signed, and what passed before me as a judicial proceeding (*en justicia*), I recognize as having happened, and been correctly done.

Q. 30. In your deposition before the Land Commission, above referred to, did you not in effect swear that Berreyesa never consented,—consequently, that you never made the grant to Andres Castillero; that the land always continued to be the land of Berreyesa, and that Castillero was to pay him for the wood and lime taken from it? I refer you now to the following question in that deposition, viz.:

"5th Question. What was the connection of Andres Castillero with this mine, so far as you know?" And the answer to the same, viz.:

"José Reyes Berreyesa showed him the mine, and offered him a part of it. This was 1845. They had an understanding or agreement before me, but Castillero never complied with it. He went to Mexico. I am not very certain when he went; but think it was in 1846. I have never seen him since he left. I think it was in the latter part of 1845 or early in 1846 that he left."

And to the following questions and answers in the same deposition, being the whole of your cross-examination by Mr. Blanding, the law agent:

"1st Question. What was the character of the understanding or agreement mentioned in your answer to the 5th question?"

"Answer. The nature of it was that Berreyesa was to have shares in the mine, and that he was to be paid for the wood and limestone used in the establishment. After Castillero left Berreyesa told me he was going to claim of the agent of Castillero the fulfillment of the contract.

"He made the reclamation of Padre Real, who had charge of all the business (in connection with another person) in the mine.

"I saw the letter which Berreyesa wrote to the Padre and the other person having charge, demanding a compliance with the contract.

"The family of Berreyesa afterwards told me that the letter had been presented. This was about the time the American war broke out. Berreyesa, the grantee, was killed.

"2nd Question. Were the shares which Berreyesa was to have to be derived from Castillero, or from whom.

"Answer. A company was to be formed, and Berreyesa claimed that he should have a right as the owner of the land.

"3rd Question. Who formed the company, and were there any writings used in forming it?

"Answer. José Castro, Padre Real, Secundino Robles, Teodoro Robles and Andres Castillero formed the company.

"Berreyesa did not belong to the company, because they would not admit him.

"He was always opposed to it, because he was the owner of the rancho. I have seen one writing which expressed the terms of the agreement in relation to the company; it was signed by the members of the company above named. Castillero always recognized the right of Berreyesa to the land.

"4th Question. How do you know that Castillero recognized Berreyesa's right to the land?

"Answer. That matter is expressed in the contract which they had between them.

"5th Question. State all you know to show that the mine is on the land of Berreyesa.

"Answer. It is on the land of the Berreyesa's, because I have seen the land, and have seen the papers, and have been one of the authorities of the jurisdiction.

"6th Question. If Berreyesa had shares in the mine, how could Berreyesa refuse to allow you to give possession to Castillero on the ground that he had none?

"Answer. He had no shares; they would not give him any."

[Question objected to by counsel for claimant, on the ground that the counsel for the Government has no right to inquire of a witness what is the effect of his testimony. He may ask the witness if he gave certain answers to certain questions on a former examination. What is the effect of his answers is to be learned from the answers themselves.]

Examination adjourned until 11 o'clock, A. M. to-morrow.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 31st, 1860.

Examination of Antonio Maria Pico resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Examination adjourned, by consent, until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, CAL., August 1st, 1860.

Examination of Antonio Maria Pico resumed from yesterday.

Present: Mr. Peachy, of counsel for claimant, and Edmund Randolph, Esq., for the United States.

[Question 30 is withdrawn.]

Q. 31. In your examination before the Land Commission, were not the questions above written, as part of question 30, of the present examination, put to you, and did you not in reply to the same give the answers also above written?

A. Whatever I stated in my former deposition must be true, for I always stated truly what happened at that time; except that there is some confusion in my testimony on that occasion, in regard to giving possession, arising from its then having been badly interpreted. I stated that I went to the mine with the assisting witnesses, and gave possession of the three thousand varas in all directions; although I did not measure it with the line, because the ground was very uneven; and made the usual memorandum. It was all legally done.

Q. 32. If it was all legally done, if Berreyesa consented, and you thereupon made the grant to Andres Castillero, as you now say, how could it have been true, as you said before, that Berreyesa refused to consent, that you granted no possession, that Castillero promised to pay Berreyesa for wood and lime taken from the land; and that after Castillero left the country Berreyesa continued to demand a compliance with this contract from Father Real, as Castillero's agent?

[Questions objected to by counsel for claimant, on the ground that it does not state the witness' answers correctly; for the witness, so far from having stated that no possession was given, declared that Castillero applied to him to go and give him possession of the mine, according to the Mexican custom; that he went there with Castillero and pointed out the boundaries which he should take; but no fixed possession was given him.]

A. All that I stated was true; Berreyesa did, after Castillero's departure, demand payment for the wood and lime, in accordance with the conversation he had with Castillero; he also wrote that letter to Padre Real (I don't know whether it was received by the latter), but it was not a serious matter; it was after the possession had been given, etc.

[Counsel for the United States offers in evidence a certified copy from the office of the United States Surveyor General, of the depositions of Antonio Maria Pico, taken before Commissioners Harry J. Thornton and Alpheus Felch, in the case of "The United States v. Maria Z. B. Berreyesa, petition No. 503," dated December 30th, 1852, and December 30th, 1854.

Counsel for claimant objects to the filing of the depositions, as they were not taken in this case.

Documents marked "Exhibit Antonio Maria Pico, No. 1, Cross-Examination, W. H. C."]

Q. 33. Please look at the document "Exhibit Suñol, W. H. C.; and say in whose handwriting it is.

A. It is in the handwriting of the Sergeant José Reyes Berreyesa.

Q. 34. Please look at the whole of it; and say if you recognize every word of it to be in his handwriting?

A. The handwriting of the whole document is his.

Q. 35. Of that you are positive?

A. Yes, sir; I don't suppose it could be imitated by another person.

Q. 36. How many times have you been examined in this case?

A. Several times, but I don't remember how many; the archives will show.

Q. 37. How many times have you been examined in these land cases before the Land Commission and the United States District Court, if you can remember?

A. I have been frequently called upon to testify in those cases, but I don't remember how often.

Q. 38. Has it not been uniformly your habit to accept of compensation for your time and trouble in attending to give your depositions?

A. I have been paid sometimes my expenses, and at other times I have not; I have also been called upon by the government as a witness to testify.

Q. 39. For your time and trouble in attending twice to give your present deposition, how much have you received, and how much are you to receive, and from whom?

A. I borrowed five dollars first of Mr. Noriega, and yesterday I borrowed twenty dollars of Mr. Barron; this is all that I have received since I came to town. I had some money of my own when I came to town, but spent it; when I came to town the other day to give this deposition, and went back without doing so, I received forty dollars for my expenses, and nothing more.

Q. 40. Do you intend to ask for a further fixed sum; and if so, how much; or leave it to Mr. Barron to give you what he thinks proper?

A. I have no intention asking for any sum; I have no understanding whatever with Mr. Barron about it.

Q. 41. Who composed or drafted the act of possession of the mine which you say is in the handwriting of Gutierrez?

A. I don't remember now, it is so long ago. It is true that Castillero, who is an intelligent man, sometimes wrote borradores (drafts) of instruments, but as I was the authority before whom this act was drawn, I presume that it was dictated by myself.

Q. 42. In what other matter can you recollect that Castillero wrote borradores or drafts?

A. I don't remember that he did so in any other matter, but as he was a competent person he assisted me at that time to compose the documents in relation to this matter.

Q. 43. In whose handwriting is the first page of document marked "Exhibit J. Y. No. 1, W. H. C.;" beginning with the words "Año de 1845?"

A. I think it is in the handwriting of Castillero, but I am not certain.

Q. 44. In whose handwriting are the certified copies of the two representations of Castillero, which appear on succeeding pages of the same Exhibit, dated respectively November 2d, and December 3d, 1845?

A. I believe them all to be in the handwriting of Gutierrez?

Q. 45. Did you have knowledge enough of the mining laws, and were you sufficiently instructed in the Spanish language, to dictate this act of possession in the year 1845?

A. Yes, sir; because I read what it was necessary to do in judicial proceedings; I did not do the business like a lawyer, but I did the best I knew how.

Q. 46. Where did you read that you had the authority to make out a document like this act of possession; can you refer me to any book for such authority?

A. Mr. Castillero assisted me, and referred me to a book which he had,—a book upon the subject of mining.

Q. 47. Would you have any objection to copy a part of this act of possession as it may be dictated to you now, by Mr. Tobin, the interpreter?

A. I don't like to write, because I do so with difficulty now, for my sight is weak, and my hand trembles: I don't wish to do it.

Q. 48. What do you know about the execution of the writing of partnership between Castillero, Padre Real, the Robles', and General Castro?

A. I remember that there was a contract of that sort, and I believe I signed with the Prefect, Manuel Castro.

Q. 49. What makes you think that you ever signed it with the Prefect, Manuel Castro?

A. Because that is my recollection; if I could see the document I could tell; I also testified about the document before.

Q. 50. Look at this document, say what it is, whose the handwriting and signatures, and what the date?

A. It is the contract of partnership, dated December 8, 1845; the handwriting I think is that of Gutierrez, and the signature is that of Manuel Castro.

Q. 51. Is that the same writing of partnership of which you spoke in your answer to question 49?

A. This is not the document which I meant to say I believed I had signed with Castro; I referred to copies of this document.

[Document offered in evidence by counsel for the United States, and it is marked "Exhibit Antonio Maria Pico, No. 2, Cross-Examination, W. H. C."]

Q. 52. How many copies of the writing of partnership did Manuel Castro make, at the Mission of Santa Clara, December 8, 1845; that you know of?

A. I don't remember; they must be in existence.

Q. 53. Can you give any reason why, you being the Alcalde, should join with the Prefect in signing the certificate to one of the copies of the writing of partnership made on that day, and should not join with the Prefect in certifying to another of those copies?

A. I cannot say why.

Q. 54. Can you give any reason, relating to the duties of your office and the Prefect's, which would require you to join with him in certifying one of these copies, and would not equally require you to join with him in certifying any and every other copy of the same paper?

A. I remember that at that time we did certify some papers, but I cannot state the rule which required us to do so.

Q. 55. How many copies, duplicates, triplicates or whatever they may be called, of the act of possession, did you make at the time that you say possession was given?

A. I don't remember how many, but I would be able to recognize by my signature those which were made.

Q. 56. Did you make two?

A. I can tell by seeing my signatures.

Q. 57. Can't you remember now clearly and positively, without looking at the signatures, that you did make two copies?

A. It is certain that I made two, for I have seen two here.

Q. 58. Have you no recollection of the fact, apart from seeing these papers now, that when you gave possession to Andres Castillero, you did sign the act of possession in duplicate?

A. By reflecting a good deal about it, I might have remembered that it was made in duplicate, but I was reminded of it at once by seeing my signatures.

Q. 59. I think that it did not occur to you on any of your former examinations in this case, and upon the subject of this act of possession, to mention the fact of which you now speak; to wit, that you did sign that document in duplicate, on the day that you executed the same?

A. So many things have occurred, that I do not remember whether I was ever asked a question about that matter before, or not.

Q. 60. If you were now shown still another copy of the act of possession with your signature to it, would you not just as readily believe that you had executed that document in triplicate?

A. I would examine it first and see if it were genuine; if it were, I would admit it to be so; if not, I would deny it.

Q. 61. Have you nothing but the genuineness of your signature by which to determine now, in your own mind, whether you signed one, two, three or more copies of the act of possession, on the day that you executed that document?

A. That, and the handwriting of the document.

Q. 62. Do you know whether or not there was any law which regulated the number of copies which it was proper for you to sign, of that act of possession?

A. My opinion is, that the Alcalde might make as many copies as were needed.

Q. 63. What do you understand by the "Testimonio of the act of possession;" what do those words mean?

A. I don't remember the meaning of those words; it would be necessary to look at the Dictionary to see.

Q. 64. If you made an original of the act of possession to be retained in the archives of your office, and a copy of the same to be delivered to Andres Castillero as his title, in what manner would the one be distinguished from the other?

A. In my opinion, I would distinguish the copy by saying that it was a copy, and certifying to it under my signature.

Q. 65. Would it not be very improper to give a copy without any such certificate on it, and just precisely like the original which was kept in the archives, so that no man by looking at the two papers would be able to say which belonged to the Alcalde's office, and which belonged to Castillero?

A. I don't think it would be wrong to do so.

Q. 66. Would it not be entirely contrary to the custom prevailing in all public offices under the government of Mexico, in which the originals of public acts were required to be kept, so far as you know?

A. No, sir; I don't consider it so.

Q. 67. How came you to make a grant of any land to Andres Castillero, since, as I read the documents in this case, it does not appear that he ever asked you to grant him any land?

A. I don't remember the motive or the reason, it is so long ago. I suppose it was because I thought it was proper for me to do so.

Q. 68. Don't you think it was proper that the expediente, showing that you had made this vast and extraordinary grant to Andres Castillero, should also show that he had asked for it?

A. I granted it to him because he was the first discoverer, and supposing the Mexican Government would confirm it.

Q. 69. You ceased to be Alcalde on the 31st day of December, 1845, I think, did you not, and Pedro Chaboya became Alcalde the 1st January, 1846?

A. I don't remember the date; the papers must show.

Q. 70. Did you not cease to be Alcalde on that day by law; did not the Alcalde commence on the 1st of January always?

A. Yes, sir, that was generally so, but it sometimes happened, especially in those times, that from some cause or other it happened otherwise.

Q. 71. Can't you remember, now that your attention is called to it, that Pebro Chaboya became Alcalde on the 1st of January, 1846?

A. It would be well to see the documents first, to be sure, for there may have been some delay in his entering upon his office.

Q. 72. Do you now remember how it happened that you did not give Andres Castillero possession of the mine, until just the day before you were going out of office?

A. I don't remember why it was.

Q. 73. In the act of possession, you say that the time which the ordenanzas prescribed to entitle Castillero to receive the possession had expired, that is, that legal notice had been duly given. Can you tell me for how many days that notice was required to be given, before you were authorized to put him in possession of the mine?

[Question objected to by counsel for claimant, in so far as it states that the ordenanzas require that any number of days should intervene between the register of a mine and the giving possession of it. They do require the poso de posecion to be made, and the possession to be given within a certain number of days after the registry of a mine.]

A. I remember that the necessary notices were posted up, but I cannot say how long; Castillero represented that the time had transpired, and possession was given him.

Q. 74. Can you explain to me why this testimonio of the act of possession, as it is called, bears date December 30, 1845, but the other copy, which is said to be the original that was kept in the archives of your office, mentions no day, but bears only the month and year, viz., December, 1845?

A. It must have been an oversight of the clerk (escribiente) who wrote it.

Q. 75. If you did not see this copy, called testimonio, would you be able to swear that you had not given this possession to Andres Castillero on the 4th or any subsequent day of December, 1845?

A. I would have considered the matter, and then I would say that on a certain day or month which I remembered, I had given the possession; I would be guided by the act of possession, knowing that it was valid.

Q. 76. How could you tell from the act of possession in the archives, whether it was or was not on the 4th, or on the 5th, or on the 6th, or on any subsequent day of December, 1845, that you had given the possession of the mine to Andres Castillero, seeing that the day of the month is left blank?

A. I would reflect upon the matter and see what answer I should give to such a question. I have already testified upon that subject in this case, but I don't now remember what I said.

Q. 77. Can you swear now, that the day was not left blank in the testimonio of the act of possession, just as in the original in the archives, and that it has not since been filled up by Castillero or somebody else to suit themselves?

A. I don't know.

Q. 78. You cannot of course say that the clerk might not as well have left a blank in one of these papers as the other?

A. Of course I cannot.

Q. 79. Nor can you say how it happened that you did not observe the difference between those papers, when, as it was your duty, and doubtless your custom, you read and examined them before signing?

A. Because in those times it was not usual to look into matters so critically, and it was all done fairly and without expecting any difficulty.

Q. 80. As this was the first and only time that you exercised the powers belonging to the mining tribunals, don't you suppose that you paid very particular attention to the making up of the papers, and looked to see that they were all right in every respect, and that the record which you were to keep in your office, at least, had the day of the month on it?

A. It must have escaped the attention of the writer, and I did not observe it; no doubt it was a fault.

Q. 81. Was not the Mission or Pueblo of San Francisco de Asis a Cabecera of the Second District in December, 1846, when you were Alcalde at San José?

A. Yes, sir. I believe so.

Q. 82. In the absence of a Judge of Letters, was it not the Alcalde of the Cabecera of the district who exercised the functions properly belonging to the Judge of Letters?

[This, and the preceding questions are objected to by counsel for claimant, because they inquire into matters of law.]

A. I don't remember whether that was the case in those times or not. I was also Judge of First Instance at one time. I don't remember whether I was so in December, 1845, or not.

Q. 83. Don't you know that in December, 1845, the Alcalde of San Francisco held the powers of the Judge of Letters, which is the act of possession you claim to exercise, and that at that time you had no such powers?

[Question objected to by counsel for claimant, for the same reason as the foregoing.]

A. Well, we did make the act of possession, I presume, because it was thought proper that it should be done so by the party in interest. Castillero made no remark about that, but as the matter is now brought to my mind, I remember that I was Judge of First Instance at that time, and perhaps Castillero availed himself of that.

Q. 84. Where were you during the months of November and December, 1845, and the month of January, 1846?

A. I cannot remember. I was Alcalde of San José; it was my residence. I may have been there. It was so long ago that I can't remember whether I was away from there or not, during that time,

Q. 85. Don't you know that you did not sign these papers in 1845, at all, and not until the year 1848, or later, and after you had made the acquaintance of Alexander Forbes?

A. No, sir. I signed the documents at their dates, because my signature shows that.

### DIRECT RESUMED.

Questions by counsel for claimant.

Q. 86. You have been asked by the counsel for the United States, how many times you have appeared as a witness in this case; do you not remember, what the record shows to be the fact, that you were first called as a witness in this case on behalf of the Government?

A. Yes, sir.

Examination closed.

ANTONIO Ma. PICO.

Sworn to and subscribed, August 2d, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2, 1860.
W. H. CHEVERS, Clerk.

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## EXHIBIT A. M. PICO No. 1.

SAN FRANCISCO, December 30th, 1852.

On this day, before Commissioner Harry J. Thornton, came Antonio Maria Pico, a witness in behalf of the claimants, Maria Z. B. Berreyesa, petition No. 503, and was duly sworn, his evidence being interpreted by the Secretary.

[The United States Associate Law Agent was present.]

Question by claimant's counsel, in claim No. —, on file before the Board of Land Commissioners.

QUESTION 1st: What is your name, age, and place of residence?

ANSWER. My name is Antonio Maria Pico; my age is 44 years, and place of residence is at San José.

Q. 2. Were you acquainted with the late José Reyes Berreyesa?

A. I was acquainted with him.

Q. 3. Do you know, or not, whether a grant of land was made to him by the Mexican Government; if so, where is said land situated?

A. I do know that a grant of land was made to him by Gov. Alvarado, which is situated about four leagues from the town of San José, and adjoins the Rancho de los Capitancillos on the South.

Q. 4. Do you know whether he built a house on said land and occupied it; and whether he made any improvements on it, and what were they?

A. He built a house on said land in 1837, and occupied it with his family. He made a corral on it; had a field in cultivation; also a garden, and different kinds of fruit trees. It has been constantly occupied and cultivated from 1837 to the present time.

Q. 5. Was judicial possession of said land solicited or given?

A. Judicial possession was not asked or given further than the settling of the boundary between him and Justo Larios, by order of Gov. Alvarado.

ANTONIO MA. PICO.

Service acknowledged,

R. GREENHOW, Asso. Law Agent.

Sworn to and subscribed before me, on this 30th Dec., 1852.

HARRY J. THORNTON,
Commissioner.

[Endorsed.]

"No. 503—Maria Z. B. Berreyesa et al. Near the Pueblo of San José. Deposition of Antonio Maria Pico, taken before Commissioner Harry J. Thornton. Filed in office, December 30th, 1852. George Fisher, Secretary. Recorded in Evidence B., Vol. 2, page 397. George Fisher, Secretary."

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UNITED STATES LAND COMMISSION,
San Francisco, December 30th, 1854.

On this day, before Commissioner Alpheus Felch, came Antonio Maria Pico, a witness on behalf of the claimant, Maria Z. B. Berreyesa, in Case No. 503, who, after being duly sworn, deposed as follows, his evidence being interpreted by the Secretary:

Questions by Mr. Howard, attorney for claimants.

QUESTION 1st: Please state your name, age, and place of residence?

ANSWER. My name is Antonio Maria Pico; my age is forty-five years; and I reside at San José, in California.

Q. 2. Are you acquainted with the Rancho Cañada de los Capitancillos, claimed in the case by the heirs of José Reyes Berreyesa; if yea, state what you know in relation to the occupation of it.

A. I know the rancho mentioned in the question. Said Berreyesa himself occupied it with his family, and had houses and cattle on it, and cultivated it. I have seen eight houses of his there at the same time. This occupation has existed since the year 1835, when I was Alcalde, and was upon the rancho. Some of the houses were at the mouth of the Arroyo called Alamitos, which comes down from the mine of Almaden. The other houses were to the northwest of these and on another Arroyo. The cultivation was near the houses in both places, some on the Alamitos and some on the other Arroyo near the houses. There was also cultivation at the junction of the Alamitos with the Arroyo Seco.

Q. 3. On whose land is the New Almaden Mine situated?

A. On Berreyesa's.

Q. 4. Do you know who first discovered and worked said mine?

A. Don Antonio Suñol and Don Luis Chavoya, and an old man named Robles, first discovered and worked the mine. Don Antonio Suñol has told me that he worked there in 1824.

Q. 5. What was the connection of Andres Castillero with this mine, so far as you know?

A. José Reyes Berreyesa showed him the mine, and offered him a part of it. This was in 1845. They had an understanding or agreement before me, but Castillero never complied with it. He went to Mexico. I am not very certain when he went, but think it was in 1846. I have never seen him since he left. I think it was in the latter part of 1845, or early in 1846, that he left. I live about three leagues from said mine.

Q. 6. Did Castillero ever work the mine?

A. The company commenced to work it, but did not work to any extent. Castillero applied to me to go and give him possession of the mine, according to the Mexican custom. I went there with him and pointed out the boundaries which he should take, but no fixed possession was given to him. There was a question between Castillero and Berreyesa. Berreyesa would not consent that possession should be given to Castillero unless he would admit that he (Berreyesa) should have an interest in the mine. In consequence of this, I did not give any fixed possession of the land. At that time they were assaying the mineral.

Questions by Mr. Blanding, Associate Law Agent.

Q. 1. What was the character of the understanding or agreement mentioned in your answer to the 5th question?

A. The nature of it was that Berreyesa was to have shares in the mine, and that he was to be paid for the wood and limestone used in the establishment. After Castillero left, Berreyesa told me he was going to claim of the agent of Castillero the fulfillment of the contract. He made the reclamation of Padre Real, who had charge of all the business (in connection with one other person) in the mine. I saw the letter which Berreyesa wrote to the Padre and the other person having charge there, demanding a compliance with the contract. The family of Berreyesa afterwards told me the letter had been presented. This was about the time the American war broke out. Berreyesa, the grantee, was killed.

Q. 2. Were the shares which Berreyesa was to have to be derived from Castillero, or from whom?

A. A company was to be formed, and Berreyesa claimed that he should have a right as the owner of the land.

Q. 3. Who formed the company; and were there any writings used in forming it?

A. José Castro, Padre Real, Secundino Robles, Teodoro Robles and Andres Castillero formed the company. Berreyesa did not belong to the company, because they would not admit him. He was always opposed to it, because he was the owner of the rancho. I have seen one writing which expressed the terms of the agreement in relation to the company. It was signed by the members of the company above named. Castillero always recognized the right of Berreyesa to the land.

Q. 4. How do you know that Castillero recognized Berreyesa's right to the land?

A. That matter is expressed in the contract that they had between them.

Q. 5. State all you know to show that the mine is on the land of Berreyesa.

A. It is on the land of the Berreyesa's, because I have seen the land and have seen the papers, and I have been one of the authorities of the jurisdiction.

Q. 6. If Berreyesa had shares in the mine, how could Berreyesa refuse to allow you to give possession to Castillero, on the ground that he had none?

A. He had no shares. They would not give him any.

Questions by Mr. Howard.

Q. 1. How long after the commencement of the war between Mexico and the United States was it, before the company commenced working the mine regularly by taking out cinnabar?

A. I cannot remember when it was that they commenced. Before the war they worked it a little, and after the war commenced they begun to sell shares, and the work was then increased.

ANTONIO MA. PICO.

Subscribed and sworn to before me, this 30th day of December, 1854.

ALPHEUS FELCH,
Commissioner.

[Endorsed as follows:]

No. 503—Maria Z. B. Berreyesa. Near the Pueblo of San José. Deposition of Antonio Maria Pico, taken before Commissioner Alpheus Felch. Filed in office, December 30, 1854.

George Fisher, Secretary. Recorded in Evidence B., Vol. 2, page 158. George Fisher, Secretary.

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Office of the Surveyor General }
Of the United States for California. }

I, J. W. Mandeville, Surveyor General of the United States for the State of California, and as such having in my office, and in my charge and custody, the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, do hereby certify, that the eight preceding and hereunto annexed pages, numbered from one to eight inclusive, exhibit a true, full, and correct copy of the original depositions of Antonio Maria Pico, filed in Case No. 503 on the docket of said Board, as the same now appears on file among the Archives of my office, and in my charge and custody.

[Seal.] In testimony whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of July, 1860.

J. W. MANDEVILLE,
U. S. Surveyor General for California.

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## EXHIBIT A. M. PICO, No. 2.

Escritura de Compañia que el Sr D$^{n}$ Andres Castillero Capitan de Cavalleria permanente, celebra con el Sr. Comandante Generral D$^{n}$ José Castro, los Srēs Secundino Robles Teodoro Robles, y una Sesion voluntaria que han hecho los Compañeros perpetuam$^{te}$ al R. P. Fr. José M$^{a}$ del Refugio Suares del Real, de una Mina de Plata Oro y Azogue en el Rancho de D$^{n}$ José Reyes Berreyesa en la jurisdiccion de el Pueblo de San José de Guadalupe.

*Art$^{o.}$* 1$^{o}$.—El Sr; D$^{n}$ Andres Castillero arreglandose en un todo á la ordenanza de Mineria hace formal compañia perpetuamente con los mencionados Srēs en esta forma la mitad de la Mina que es de la que puede disponer se dividira en tres acciones en esta forma cuatro Barras al Sr Comandante General cuatro Barras á los Srēs. Secundino y Teodoro Robles, y las otras cuatro al R. P. F. José M$^{a}$. del Refugio Z. del Real, en clase de donacion perpetua.

*Artº.* 2º.—Ninguno de los Compañeros podrá vender ó enagenar ninguna de sus aciones, de manera el que verificare dicha enagenacion perdera su drō. quedando resumida en los demas compas.

*Artº.* 3º.—Los gastos se haran en proporcion a las acciones llevandose una cuenta formal por un contador que se pagará del fondo comun.

*Artº.* 4º.—Arreglandose en un todo á lo que previene la Ordenanza de Mineria, cualquier diferencia se resolverá por los mismos compañeros.

*Artº.* 5º.—Dirigira las labores gastos y travajos de la Mina Dn. Andres Castillero y en su defecto el R. P. Fr José Ma. Z. del Real.

*Artº.* 6.—No se extraerá de los productos mas cantidades que las que se necesiten para el arreglo de la negociacion hasta que se arreglen los travajos y cualquier cantidad que sea á hade ser con consentimiento de los compañeros hasta que este arreglada la negocn.

*Artº.* 7º.—Estos convenios se autorizarán á presencia del Sr. Prefecto del 2º. Distrito Dn. Manuel Castro, depositandose el documento original en el archivo del partido, y dandose una copia certificada por S. Sa a los interesados.

Mision de Santa Clara dos de Noviembre de mil ochocientos cuarenta y cinco.—Andres Castillero.—Por el Sr. Comte General Dn José Castro, Andres Castillero—Fr José Ma. del R. S. del Real—Por Secundino y Teodoro Robles. Francº. Arce.

Es copia fiel del Original a la que me remita. Mision de Santa Clara Diciembre ocho de mil ochocientos cuarenta y cinco.

MANL CASTRO.

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## TRANSLATION OF EXHIBIT A. M. PICO, No. 2.

Writing of Partnership which the Señor Don Andres Castillero, Captain of permanent cavalry, enters into with the Commanding General, Don José Castro, the Messrs. Secundino Robles, Theodore Robles, and a voluntary cession, which the partners have made, forever, to the Rev. Father Friar José Maria del Refugio Suares del Real, in a mine of silver, gold and quicksilver, in the Rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo de San José of Guadalupe.

*Article First.*—The Señor Don Andres Castillero, conforming strictly to the mining ordinance, forms a regular company forever, with the aforesaid gentlemen, in this form: The half of

the mine, which is what he can dispose of, shall be divided into three shares in this manner: four barras to the Señor Commanding General, four barras to the Messrs. Secundino and Theodore Robles, and the other four to the Rev. Father Friar José Maria del Refugio Suares del Real, as a perpetual gift.

*Article Second.*—None of the partners shall be able to sell, or alienate any of their shares, so that he who should verify said alienation, shall lose his right, the same reverting to the remaining partners.

*Article Third.*—The expenses shall be borne in proportion to the shares, an accountant keeping a just account of the same, who shall be paid from the common fund.

*Article Fourth.*—In strict conformity with the provisions of the mining ordinance, whatever difficulty may arise shall be settled by the partners.

*Article Fifth.*—Don Andres Castillero shall direct the operations, expenses, and works of the mine, and in his absence the Rev. Father Friar José Maria del Refugio Suares del Real.

*Article Sixth.*—There shall not be extracted of the products a greater quantity than what is needed for the arrangement of the business, until the operations are regulated, and whatever quantity that is extracted, has to be with consent of all the partners, until the final arrangement of the business.

*Article Seventh.*—This contract shall be ratified in the presence of the Prefect of the Second District, Don Manuel Castro, depositing the original document in the archives of that place, and giving a certified copy of the same for security to the parties interested.

Mission of Santa Clara, second of November, one thousand eight hundred and forty-five.—Andres Castillero.—For the Commanding General, Don José Castro, Andres Castillero.—Friar José Maria del Refugio Suares del Real.—For Secundino and Theodore Robles, Francisco Arce.

This is a true copy of the original, to which I refer. Mission of Santa Clara, December eighth, one thousand eight hundred and forty-five.

MANUEL CASTRO.

# DEPOSITION OF DANIEL SMALL.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Daniel Small, a witness on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant: What is your name, age, and place of residence?

ANSWER. My name is Daniel Small, my age is 44 years, and I reside in La Fayette, Contra Costa county.

Q. 2. What is your occupation, and what offices, if any, have you held in that county?

A. I am a farmer by occupation. I have been county surveyor of Contra Costa county from 1853 or 1854 to 1859.

Q. 3. Do you know Robert Birnie, who now lives in Oakland, and who once lived in Contra Costa county?

A. I do. I have known him since the fall of 1851 or beginning of 1852. He lived in my neighborhood in Contra Costa county for some years, and then removed.

Q. 4. Do you know what was, and is, his reputation in the community in which he lived?

A. I do.

Q. 5. What was, and is, his reputation for truth and veracity in that community?

A. It was bad.

Q. 6. Judging of his character by his reputation, would you believe him on his oath?

A. I would not.

## CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Birnie, by which your interest and his have been brought in conflict?

A. None at all.

Q. 8. How soon did Birnie's reputation commence to be bad?

A. I don't know when it commenced.

Q. 9. Has not Birnie a great many enemies in the community of which you have spoken, who have become so through lawsuits, which have arisen from his connection with the Welsh family?

A. I do not know; in fact, I don't know of any lawsuits which he has had with regard to the Welsh family.

Q. 10. State some specific act, if you can, which has served as a basis for this reputation.

A. I was present at the trial of a case where there were many witnesses called to impeach the character of Birnie. Mr. Birnie called one witness, Judge Brown, to the stand, to sustain his character; and as nearly as I recollect the Judge's testimony, he declared that he knew Birnie in Oregon, where his reputation was good, but since he came here it was bad. His reputation in the community is, that he is a professional witness, and will testify on the side for which he is paid.

Q. 11. Do you know of your own knowledge, or have you ever heard of Birnie ever having been a witness in favor of the settlers; but has he not, on the contrary, frequently been a witness on the part of the grant-holders, and thereby aroused the enmity of a large portion of the community with whose interests he came in conflict?

A. I never knew him on the stand but twice, and neither of those cases involved a title to land. I have heard other people speak of his giving testimony.

Q. 12. Who asked you to come here and testify?

A. Mr. Highton, in company with Mr. Mills, served a subpena on me, and requested me to come.

Deposition closed.

DANIEL SMALL.

Sworn to and subscribed, this 2d day of August, A. D. 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 2, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF ELAM BROWN.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
No. 420.

SAN FRANCISCO, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Elam Brown, a witness produced on behalf on the claimant Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant: What is your name, age, and place of residence?

ANSWER. My name is Elam Brown; my age is 63 years, and I reside in Lafayette, Contra Costa county.

Q. 2. What is your occupation, and what offices, if any, have you held in this State?

A. I am a farmer, stock-raiser, and miller. In 1849, I was a member of the Convention that framed the Constitution of this State; in 1850, I represented the district of San José in the Assembly; in 1851, I represented the county of Contra Costa; previous to the organization of the government I had a commission from Governor Mason, as Alcalde.

Q. 3. Do you know one Robert Birnie, who formerly lived in your county, and now in Oakland?

A. I do; I first knew him, I think, in the fall of 1849; about 1850, he married in Contra Costa county, and resided there until three or four years ago.

Q. 4. Do you know what was his reputation in the community in which he then lived?

A. I do.

Q. 5. What was his reputation there for truth and veracity?

A. It was not good.

Q. 6. Judging of his character by his reputation, would you believe him on his oath?

A. I should not rely on his oath.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. When did Birnie's reputation commence to be bad?

A. I had known him two or three years before anything occurred to cause me to lose confidence in him; his reputation became bad by degrees; he was charged with doing one bad thing here, and one bad thing there, until finally people began to say that they would not believe him under oath; this is what I have heard, not what I know of my own knowledge; I am on no unfriendly relations; nothing has ever occurred between us; I am sorry to be here to-day testifying against him.

Q. 8. Were not these charges made by persons who had become unfriendly to Mr. Birnie, in consequence of the litigation of land titles, and because he was connected by marriage with the Welsh family, who claimed a ranch in that part of the country?

A. I have heard of no litigation in titles to land that he had; he has had suits about debts; I do not attribute his reputation to any land difficulties.

Q. 9. Were these charges then made by persons to whom he was indebted, and who became unfriendly towards him because they were unable to collect what was due them?

A. His character became notorious because he attempted to shift himself out of debt; I have heard of several transactions where he put his property out of his hands to avoid payment of his debts; but I don't know the particulars.

Q. 10. Would you yourself believe Mr. Birnie on oath?

A. I consider him a dangerous man; and I believe him deficient in those principles of honesty which would make him a reliable witness.

Q. 11. And yet you are unable to state any transaction between you and Mr. Birnie, or between Mr. Birnie and any other person, of your own knowledge, upon which you base your opinion that he is a dangerous man; is not your opinion founded upon a common prejudice which seems to exist against Mr. Birnie, which cannot be traced to any just cause?

A. I should regret very much to permit myself to harbor a prejudice against any person on common report; I would not come into court to testify against a man's reputation, unless that reputation had grown out of things that actually occurred.

Q. Who asked you to come here and testify in this case?
A. Mr. Highton and Mr. Mills.

Examination closed.

ELAM BROWN.

Sworn to and subscribed, this 2d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2d, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF ANDREW J. COFFEE.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, CAL., August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Andrew J. Coffee, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of said Board of Commissioners, and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and E. Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

A. My name is Andrew J. Coffee; my age is 41 years, and I reside in Alameda county, near Oakland, where I have resided since the spring of 1855.

Q. 2. Do you know one Robert Birnie, who lives in Oakland?

A. I do.

Q. 3. Do you know what is his reputation in the community in which he lives?

A. I do.

Q. 4. What is his reputation for truth and veracity in that community?

A. I don't think it is very good, where his interest might be concerned.

Q. 5. Judging of his character by his reputation, would you believe him on oath?

A. That would depend upon the surroundings altogether. If he had any interest in telling a falsehood, I would not believe him on oath.

Q. 6. You were once an officer in the United States army, were you not?

A. Yes; I was Paymaster in the army from 1846 to 1859, when I resigned.

### CROSS-EXAMINATION.

Questions by counsel for United States.

Q. 7. Have you ever had any legal or other controversy with Mr. Birnie, by which your interests and his have been brought in conflict?

A. I never had any controversy with Mr. Birnie on his own account; he acted as the agent of Mr. Francisco Galindo, with whom I had a controversy about a title to property. The circumstances were these: Mr. Galindo and myself compromised our conflicting claims to certain lands in Oakland; the attorneys in making out the deeds neglected to include a block of ten lots of land; when that omission was discovered I refused to fulfill the contract unless these lots were included in the deed. Mr. Birnie, who was attending to the business of Mr. Galindo, promised, if I would have the compromise deeds signed by the attorney who was acting for the interest I represented, that he would have a conveyance made for the ten lots at the same rate of compensation. He subsequently refused to make the conveyance. I think this occurred in the fall of 1858.

A man that would deceive me in a business transaction, I would not believe on his oath; and besides that, I have heard his reputation very frequently attacked in conversation.

Q. 8. Would you have believed Mr. Birnie on oath prior to that time?

A. I never heard him questioned until about that time; since then he has been an object of public attention in connection with defective titles.

Q. 9. You state in your answer to question 5th, that you would not believe Mr. Birnie on oath if he had any interest in telling a falsehood. Is not this declaration based upon the controversy which you have described, and on similar controversies respecting land titles in and about Oakland, in which the interest of yourself and that portion of the community with which you hold friendly relations, have been brought into contact with Mr. Birnie and that portion of the community with which he holds friendly relations?

A. I think that those controversies brought him more prominently before the public, made his character better known, and extended his reputation to a greater degree than would have been the case had those controversies not occurred.

Q. 10. Do you not mean by your last answer, that those controversies and his action therein, brought him more prominently before that portion of the public who were affected by these controversies, and that the general reputation which you have described is among that part of the community, and not among the community as a whole?

A. His controversy was with all the people in Oakland. He professed, as agent, to represent the title of the whole city.

ANDREW J. COFFEE.

Sworn to and subscribed, this 2d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2d, 1860.

W. H. CHEVERS, Clerk.

## DEPOSITION OF FRANCIS M. WARMCASTLE.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Francis M. Warmcastle, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Francis M. Warmcastle; my age is 42 years, and I reside in Contra Costa county, within two miles of the village of Pacheco. I have resided in the county since February, 1850, and on my present farm since 1855.

Q. 2. Please state your occupation, and what offices, if any, you have held in that county?

A. I am by profession a lawyer. I practised my profession until the spring of 1850, when I was elected County Judge of Contra Costa county, which office I held until near the 1st of January, when I resigned for the purpose of taking my seat in the Assembly of this State, to which place I had been elected in 1853. I served again as a member of the Assembly in the session of 1858.

Q. 3. Do you know a man named Robert Birnie, who now resides in Oakland; if yea, how long have you known him?

A. I do. I have known him since the spring or summer of 1850. He lived in Contra Costa county, in my neighborhood, from the summer of 1850 until about the year 1856.

Q. 4. Do you know Robert Birnie's reputation in the community in which he lived?

A. I know what his reputation was, and is, in the community in which he lived during the years I have named.

Q. 5. What was, and is, his reputation for truth and veracity in that community?

A. It is bad.

Q. 6. Judging of his character from his reputation, would you believe him on his oath?

A. I would not, unless I was satisfied he had no motive for telling a falsehood.

### CROSS-EXAMINATION.

Questions by counsel for United States.

Q. 7. Have you ever had any legal or other controversy with Mr. Birnie, by which your interest and his have been brought into conflict?

A. No, sir. I never had any controversy of any character with him.

Q. 8. In your answer to question 6th you state that you would not believe Mr. Birnie on oath, unless satisfied that he had no motive for telling a falsehood. Does this apply to Mr. Birnie more particularly than to people generally; and if so, why?

A. From his reputation in the community, and my acquaintance with that reputation, I could not believe him unless I was satisfied that he had no motive for misrepresentation.

Q. 9. Does this rule apply to every person; and please state why particularly to Mr. Birnie?

A. No, sir; there are many persons in my community whom I would believe on oath, when it would be for their interest to testify falsely; but Mr. Birnie is not one of that class of men, from my knowledge of his reputation. My impression is derived from my acquaintance with Mr. Birnie through public rumour for a number of years,

Q. 10. Is not that impression also derived from some specific act of Mr. Birnie's? and if so, please state it.

A. No, sir, I could not mention any specific act.

Q. 11. Do you not know that the community from whom you derived these impressions, have been, as a body, in direct conflict with Mr. Birnie, with regard to land titles?

A. No, sir; I am not aware that Mr. Birnie had any conflict with the community in which he lived about his interest in land titles.

Examination closed.

FRANCIS M. WARMCASTLE.

Sworn to and subscribed this 2d day of August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF DAVID BOSS.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came David Boss, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is David Boss; my age is 62 years; I live in Contra Costa county, about five miles south of Martinez, where I have lived since 1850.

Q. 2. What is your occupation?

A. I am a farmer.

Q. 3. Do you know a certain Robert Birnie, who resides at present in Oakland; if yea, how long have you known him?

A. I do. I have known him ever since the spring of 1850. He resided in my neighborhood for about six years; he then went to live in Oakland.

Q. 4. Do you know his reputation in the community in which he lived, for those six years?

A. I do.

Q. 5. What was and what is his reputation in that community for truth and veracity?

A. It is bad.

Q. 6. Judging of his character by his reputation, would you believe him on oath?

A. No, sir; I could not believe him on oath.

### CROSS EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Mr. Birnie, by which your interest and his have been brought into conflict?

A. No, sir.

Q. 8. What was Mr. Birnie's occupation during the six years you knew him?

A. He sometimes farmed it a little, and sometimes run about a good deal from place to place.

Q. 9. What act did Mr. Birnie commit during those six years, which forbids your believing him on oath?

A. Just by the way he conducted himself generally.

Q. 10. Cannot you state some particular act, by which his reputation became bad in the community in which he lived, as expressed in your answer to question 5th?

A. When I find that a man whose word is not good, whose note is not good, I would not believe him on oath. I regard Mr. Birnie as a dangerous man, who would take all sorts of advantages. I would not trust him out of my sight. He is a worthless man, who lives on the labor of other people. For my part, I have made my money by hard work.

Q. 11. State by what means you came here to testify in this case?

A. Because I was subpœned to come here.

Q. 12. Before you were subpœned, were you not questioned with regard to your knowledge of Mr. Birnie by a Mr. Highton?

A. He asked me how long I had known him, that is about all. He stopped only a few moments.

Q. 13. Did he not tell you that his business in that part of the country was to collect testimony tending to show the bad character of Mr. Birnie?

A. No, he did not tell me anything about that particularly. Mr. Mills told me that Mr. Highton was about that business.

Q. 14. Since the year 1850, have you ever before been called to testify with regard to Mr. Birnie's character?

A. No, nothing about his character. I was called once to testify that he had taken some lumber from my son. I should call it stealing. I don't know what they called it, but he was acquitted by the judge. This was, I think, in 1852 or 1853.

Q. 15. Have you not personally had a bad opinion of Mr. Birnie since this transaction?

A. I had it before and since.

Q. 16. Can you state any similar transaction before the one mentioned, which induced you to have a bad opinion of Mr. Birnie before that time?

Q. 17. His brother-in-law, William Welch, told me that he stole his name and put it down on a piece of paper without his (Welch's) leave. I understood him to say that Birnie had forged his name, and I believe that Welch told the truth about it at the time.

Examination closed.

DAVID $\overset{\text{his}}{\underset{\text{mark}}{\bowtie}}$ BOSS.

Sworn to and subscribed, this 2d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2d, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF NATHANIEL JONES.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 2d, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Nathaniel Jones, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, of counsel for claimant, and Mr. Randolph, for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is Nathaniel Jones; my age is 40 years, and I reside in the town of La Fayette, Contra Costa County, where I have resided in that county since 1848, excepting two years when I lived in Martinez.

Q. 2. What is your occupation, and what offices, if any, have you held in the county?

A. My occupation is that of a farmer. I held the office of Sheriff in 1850 and 1851. I was Public Administrator a short time after. I was then elected a Supervisor of the County. I am the Corresponding Secretary of the Contra Costa Agricultural Society, and Vice President of the Bay District Agricultural Society, representing Contra Costa County.

Q. 3. Do you know one Robert Birnie, who is at present residing in Oakland; if so, how long have you known him?

A. I do. I have known him since 1850. He lived in my neighborhood in that county, some four or five years.

Q. 4. Do you know what was and is his reputation in that community?

A. I do.

Q. 5. What was and what is his reputation for truth and veracity?

A. It is bad.

Q. 6. Judging of his character by his reputation, would you believe him on oath?

A. I would not.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Mr. Birnie, by which your interest and his have been brought into conflict?

A. I have not.

Q. 8. What was Mr. Birnie's occupation, while you were acquainted with him?

A. I have never known of his having any occupation. I never knew him to do anything for a livelihood.

Q. 9. Who asked you to come and testify as a witness in this case?

A. I was subpœned by Mr. Highton, who, with Mr. Mills, asked me to come.

Q. 10. What was said to you about coming, before you were subpœned?

A. There was not much said to me, anyway. Mr. Highton asked me my opinion of Birnie's general character. I told him it was bad.

Q. 11. Did not Mr. Highton say he was looking for testimony to impeach Mr. Birnie's character, and was it not after he said this, if he did say so, your reply was, that it was bad?

A. There was something said about impeaching Mr. Birnie's character, but I cannot say positively whether it was before or after. Mr. Mills also inquired of me relative to my neighbors, and my reply was, that I thought any of the old settlers would testify the same as I would. By "old settlers" I don't mean squatters, but I mean the old residents of the county.

Q. 12. State whether or not Mr. Birnie, at the time you knew him, was interested in the Welch ranch, and how?

A. When I first knew him, he was not. He afterwards acquired an interest, by marriage with one of the heirs, in 1850 or 1851.

Q. 13. In your answer to question 6th, you state that, judging of Mr. Birnie's character by his reputation, you would not believe him on oath. Is not the reputation which you speak of, amongst persons who have settled upon the Welch ranch, or upon what is claimed as the Welch ranch, and who have come in conflict with the owners?

A. It is not, no more than among other citizens of the county.

Q. 14. State some act of Mr. Birnie's which has caused the bad reputation you speak of, among the community in which you knew him?

A. It is not from any single act of his, but it is from his want of occupation, and the universal belief among people that he swears falsely and procures false evidence in land cases; he is utterly worthless, and he is a loafer. If I were to start out to find a man who thought well of his character, I should not know where to go to find him.

Q. 15. What land cases do you refer to?

A. Anywhere where he could get a fee for swearing falsely, and procuring false evidence.

Q. 16. Please be more definite in your answer to the last question.

A. My impression is, that he was or is employed in the New Almaden case. I cannot state them particularly; I refer to cases in San Francisco and Contra Costa, and to the general reputation that he is engaged in that kind of business.

Q. 17. Was it through Mr. Highton that the general impression prevails in your mind, that Mr. Birnie is employed in the Almaden case?

A. It is not.

Q. 18. Did you ever know Mr. Birnie, of your own knowledge, to give testimony in any other case than that of New Almaden?

A. I cannot state of my own knowledge.

### DIRECT EXAMINATION RESUMED.

Questions by counsel for claimant.

Q. 19. As the counsel for the United States has thought proper to inquire into particular acts of rascality committed by Mr. Birnie, as the foundation of the general opinion entertained by the community that he will swear falsely, and endeavor to procure false testimony for money, I will take the liberty of asking you, if it was not generally believed in Contra Costa county, by all persons acquainted with Birnie's character, that when he swore in this case to the existence of an important letter in possession of James Alexander Forbes, which the latter swore had been stolen from him, he, Birnie, swore falsely?

A. I do not know that the particular testimony of Birnie, in that instance, was ever known or discussed in our county. I never had any personal dealings with Mr. Birnie, and on account of his character never desired any.

Examination closed.

NATHANIEL JONES.

Sworn to and subscribed this 2d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF BEVERLY R. HOLLIDAY.

DISTRICT COURT OF THE UNITED STATES.
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Beverly R. Holliday, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant: What is your name, age, and place of residence?

ANSWER. My name is Beverly R. Holliday; my age is 36 years, and my residence is about three miles south of Martinez, Contra Costa county; I have resided in the county since 1850, at Martinez until 1854, since then at my present residence.

Q. 2. What is your occupation, and what offices, if any, have you held in your county?

A. I am a farmer by occupation; I was deputy sheriff in 1850; in the fall of 1850 I was appointed deputy treasurer, and held that office until I was appointed treasurer in 1852, to fill a vacancy; I was twice a member of the Court of Sessions; I am now public administrator; last year I was deputy assessor.

Q. Do you know a man named Robert Birnie, who now lives in Oakland?

A. I do.

Q. 4. How long have you known him?

A. Nearly ten years; he lived in my neighborhood in Contra Costa county several years.

Q. 5. Do you know his reputation in the community in which he lived?

A. Yes, sir.

Q. 6. What is his reputation for truth and veracity in the community in which he lived?

A. At the present time it is not good; when he first came there (from Oregon, I believe) his reputation stood as fair as that of any other stranger, but as he became known his reputation got to be bad.

Q. 7. Judging of Birnie's character from his reputation in that community, would you believe him on oath?

A. From what I know of him I could not believe him under oath, where he had any pecuniary interest in testifying falsely; in a matter entirely foreign to his interest, I can't say I would not believe him.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. Have you ever had any legal or other controversy with Mr. Birnie, by which your interests have been brought in conflict?

A. I have; I bought his property for taxes at one time, and brought suit for the possession, which the Court decided against me; this was in the spring of 1853; our relations are friendly, I never had any difficulty with him in any other way.

Q. 9. In your answer to question 6, you state Birnie's reputation stood fair when he first came there; was it before or after his marriage in the Welch family that his reputation commenced to be bad?

A. So far as I know, it was after.

Q. 10. Did not this reputation to which you have testified, arise from certain lawsuits in which he became concerned by his connection with the Welch ranch?

A. Perhaps they did in part, not all; shortly after his marriage his pecuniary credit became bad, and in the community he got such a reputation that anything that was stated as coming from Birnie would not be believed.

Q. 11. Has not Birnie from his connection with the Welch family many enemies in the community of which you have spoken, who have given a tone to that community, which has resulted in the bad reputation you speak of?

A. I think that it is not altogether the result of his connection with the Welch family, though that might have helped to make his reputation bad.

Q. 12. Prior to Birnie's marriage do you know of any specific act of his which produced a reputation in the community unfavorable to his character for veracity?

A. I don't remember of any.

Q. 13. Who asked you to come here and testify?

A. Mr. Highton, in company with Mr. Mills, served a subpena on me, and requested me to come.

DIRECT RESUMED.

Questions by counsel for claimant.

Q. 14. Is not Birnie a half-breed Indian?

A. It is so reported; I always understood that he was; I have heard that he has so stated it.

Q. 15. Was not Mr. Birnie regarded by the community in which he lived as a low, mean man, devoid of principle and truth?

A. So far as I know. he was?

B. R. HOLLIDAY.

Sworn to and subscribed, this 2d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 2d, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF NICHOLAS HUNSAKER.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Nicholas Hunsaker, a witness produced on behalf of the claimant Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age and place of residence?

ANSWER. My name is Nicholas Hunsaker; my age is thirty-five years, and I reside in La Fayette, Contra Costa county.

Q. 2. What is your occupation, and what offices, if any, have you held in the county?

A. My occupation is that of farming and stock-raising; I have been sheriff of the county two terms, from 1851 to 1853, and from 1855 to 1857.

Q. 3. Do you know a man named Robert Birnie, who now lives in Oakland?

A. I do.

Q. 4. How long have you known him, and where?

A. My first acquaintance with him was in the spring of 1850; he lived from that time until 1856 in Contra Costa county, in my neighborhood.

Q. 5. Do you know what was and is his reputation in the community in which he lived?

A. I do; when I first knew him nobody knew anything about him, he was a stranger; when he became known, after he resided there some time, his reputation was not good. He had a good many lawsuits.

Q. 6. What is his reputation for truth and veracity?

A. It is not good—bad.

Q. 7. Judging of his character from his reputation, would you believe him on oath?

A. That is a hard question: judging from his reputation, I could not believe him on oath.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. You state that your occupation is that of farming: please state under what title you hold your land.

A. My father holds a conditional deed for the land from Romero, on whose ranch it was supposed to be. It is now claimed by the owners of the Moraga and San Ramon titles. It is not claimed to be on the Welch ranch.

Q. 9. Is not the community of which you speak, among whom the reputation of Birnie is bad, composed nearly altogether of persons who have settled upon land claimed under a Spanish grant?

A. The community of which I speak is composed generally of persons who have purchased their lands from the holders of Mexican grants. Many other persons in that community reside in Martinez, and own either no land or merely town lots.

Q. 10. What was Mr. Birnie's occupation from 1850 to 1856?

A. I think one year Mr. Birnie farmed, I don't know to what extent. Since that time I don't know that he has had any particular occupation.

Q. 11. Did not Mr. Birnie, soon after you knew him, marry one of the heirs of the Welch ranch, and did not his reputation then commence to be bad?

A. Yes, sir; it was about a year after his marriage that I first heard his character spoken of as being bad.

Q. 12. Did not this arise from the fact that after his marriage into the Welch family, he had, as you express in your answer to question 5, a good many lawsuits?

A. I think that was the cause of his character being first spoken of as bad.

Q. 13. Can you state any specific act of Mr. Birnie's, outside of these lawsuits, which caused his reputation to be bad in the community in which he lived?

A. Not to my knowledge.

Q. 14. Then may not what is called in the direct examination his bad reputation, be nothing more than the prejudices of the people with whom he has been brought in contact in those lawsuits?

A. Outside of lawsuits, it was said he employed a man to steal barley, which was in the custody of the sheriff. This is the only act outside of litigation, that I remember. With regard to those lawsuits, I have heard a great many people state that they would not believe him under oath.

Q. 15. Were not these people, who said they would not believe him under oath, some way interested in those lawsuits?

A. Some were, and some were not.

Q. 16. Who asked you to come here to testify?

A. Mr. Highton.

NICHOLAS HUNSAKER.

Sworn to and subscribed this 2nd August, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 2nd, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF JAMES L. SWANEY.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 3d, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came James L. Swaney, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

A. My name is James L. Swaney; my age is 30 years; and I reside in Martinez, Contra Costa county.

Q. 2. What is your occupation, and how long have you lived in Martinez?

A. My occupation is that of butcher. I have lived in Martinez and its vicinity since 1853.

Q. 3. Do you know Robert Birnie; if so, how long have you known him?

A. I do. I have known him since the spring of 1854.

Q. 4. Do you know his reputation in the community in which he lived?

A. I do.

Q. 5. What was, and is, his reputation for truth and veracity in the community in which he lived?

A. It was, and is, bad.

Q. 6. From what you know of his reputation in the respect just mentioned, would you believe him on oath?

A. Not if he had any interest in the matter. In a matter in which he had no interest I don't know but what I would believe him,—I am not sure I would then.

## CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Birnie, by which your interests and his have come in conflict?

A. No, sir.

Q. 8. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify, by a Mr. Highton?

A. Mr. Highton and Mr. Mills came and asked me if I knew Mr. Birnie,—if I knew his character; I said he had a bad character in the community; they then asked me to come here, and served a subpœna on me. At the time they asked the question I did not know what they wanted.

Q. 9. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation?

A. No, sir.

Examination closed.

JAMES L. SWANEY.

Sworn to and subscribed, this 3d day of August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed, August 3, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF NAPOLEON B. SMITH.

District Court of the United States,
Northern District of California.

The United States
*vs.*
Andres Castillero.

San Francisco, August 3, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Napoleon B. Smith, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows: —

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Napoleon B. Smith; my age is 42 years, and I reside about two miles from Martinez, in Contra Costa county. I have lived in the county since 1849.

Q. 2. What is your occupation, and what offices, if any, have you held in the county or State?

A. I am a farmer and stock-raiser at present; I represented my county in the Assembly in 1852, and was county assessor in 1850, or 1851.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, and who now lives in Oakland?

A. I do; I have known him since 1849; he lived in my neighborhood, in Contra Costa county, up to the time he removed to Oakland.

Q. 4. Are you acquainted with his reputation in the community in which he lived all that time?

A. I am.

Q. 5. What is his reputation for truth and veracity in that community?

A. It is not very good.

Q. 6. Judging from that reputation would you believe him on his oath?

A. I would not.

## CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Mr. Birnie, by which your interests and his have been brought in conflict?

A. I have; I formerly dealt in merchandise in Martinez, where he dealt with me considerably; I have credited him with a small amount; he put his property out of his hands, and I could not get my pay; I believe that is all the controversy I had with him. My impression is that I had these dealings with him about the year 1853 or 1854.

Q. 8. Prior to these transactions was his reputation bad, to your knowledge?

A. It was not very good. As soon as I became acquainted with him I found out that he was not a very reliable man.

Q. 9. Is not your declaration, that you would not believe him upon oath, based upon those transactions, and upon the knowledge acquired, as expressed in your last answer?

A It is not altogether; but from his general reputation and those transactions I would not believe him on oath.

Q. 10. Supposing his general reputation to be good, and the transactions mentioned in your answer to question 7, to have happened, by which you obtained a knowledge of his character, would you still believe him on oath?

A. I have no particular feeling against the man; I would believe him on oath if I could, but I can't do it.

Q. 11. Were you, like the witnesses heretofore examined relative to Mr. Birnie's reputation, asked to come here and testify by a Mr. Highton?

A. Him and Mr. Mills both asked me, and served me with a subpena.

Q. 12. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. I have not.

Q. 13. State, if you can recollect, how long before Mr. Highton's investigations was the reputation of Mr. Birnie discussed in the community of which you have spoken?

A. I don't know anything about this case; this case never was discussed that I know of.

Q. 14. You have testified that, judging from the reputation of

Mr. Birnie in the community in which he lived, you would not believe him upon oath. State, if you can recollect, when his reputation was discussed in that community prior to the time when Mr. Highton commenced his investigations?

A. I don't know when Mr. Highton commenced his investigation; Birnie's character was discussed from the time I first knew him up to the time he left the county.

### DIRECT RESUMED.

Questions by counsel for the claimant.

Q. 15. Is not Birnie a half-breed Indian?
A. He is said to be a half-breed or a quarter.

Examination closed.

N. B. SMITH.

Sworn to and subscribed before me, this 3d day of August, A. D. 1860.

W. H. CHEVERS,
U. S. Commissioner.

Filed August 3d, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF EDWARD LEE.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 3d, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Edward Lee, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

A. My name is Edward Lee; my age is 39 years, and I reside in Oakland, Alameda county, and have resided there nearly five years.

Q. 2. What is your occupation?

A. I am a carpenter.

Q. 3. Did you ever live in Contra Costa county; if so, how long?

A. I lived in Martinez, in Contra Costa county, from 1850 to 1856.

Q. 4. Do you know a man by the name of Robert Birnie, who lived in and near by Martinez during the time that you resided there, and who removed to Oakland about the year 1856, where he is now living?

A. I do.

Q. 5. Do you know his reputation?

A. I do. Since I have been in Oakland I have not heard much about him. While I lived in Martinez I knew his reputation there.

Q. 6. What was his reputation in the community in and about Martinez, for truth and veracity?

A. It was very bad.

Q. 7. Judging from his reputation for truth and veracity in that community, would you believe him on oath?

A. I would not believe him on oath.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. Have you ever had any legal or other controversy with Birnie, by which your interests and his have been brought in conflict?

A. No, sir, I have not.

Q. 9. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by Mr. Highton?

A. Yes, sir.

Q. 10. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No sir, never.

Examination closed.

EDWARD LEE.

Sworn to and subscribed, this 3d day of August, A. D. 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 3d, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF MATTHEW R. BARBER.

District Court of the United States,
Northern District of California.

The United States
*vs.*
Andres Castillero.

San Francisco, Cal., August 3, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Matthew R. Barber, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Matthew R. Barber, my age 44 years, and I reside about two miles south of Martinez, Contra Costa county.

Q. 2. What is your occupation, and what offices, if any, have you held in the county of Contra Costa?

A. My occupation is that of farmer and stock-raiser, and I held the office of Public Administrator from 1847 to 1849.

Q. 3. Do you know a man named Robert Birnie, who formerly lived in Contra Costa county, and who now lives in Oakland?

A. I do; I have known him since the summer of 1850. During two years of that time, from the spring of 1851 to the fall of 1852, I was in the Atlantic States. Birnie lived in my neighborhood all the time until the fall of 1856, when he left the county.

Q. 4. Do you know what was his reputation in the community in which he lived?

A. I do.

Q. 5. What was his reputation for truth and veracity in that community?

A. When I first knew him, that is, before I went to the States in 1851, nothing was said against his character. After I returned from the States in 1852, up to the time that Birnie left the county in 1856, his reputation for truth and veracity was bad.

Q. 6. From your knowledge of his character, derived from his general reputation in that community, would you believe him on his oath?

A. Where he had any pecuniary interest, I could not.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Birnie, by which your interests and his have been brought in conflict?

A. I have not.

Q. 8. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come and testify by a Mr. Highton?

A. I was spoken to by Mr. Mills, in the presence of Mr. Highton. I was subpœnaed by Mr. Highton. It was entirely against my wish that I came here.

Q. 9. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No, sir; never.

### DIRECT EXAMINATION RESUMED.

Questions by counsel for claimant.

Q. 10. Is not Birnie a half-breed Indian?

A. I have understood so.

Examination closed.

M. R. BARBER.

Sworn to and subscribed, this 3d of August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 3d, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF WILLIAM V. HIGGINS.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 3, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came William V. Higgins, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is William V. Higgins; my age is 22 years; and I live in Martinez, Contra Costa county.

Q. 2. What is your occupation?

A. I am a carpenter.

Q. 3. Do you know Robert Birnie, who now lives in Oakland?

A. I do.

Q. 4. How long, and where did you know him?

A. I have known him in Martinez and its vicinity from about 1850 until he left, somewhere about 1856?

Q. 5. Do you know his reputation at the time that he lived in that community?

A. I do.

Q. 6. What was his reputation for truth and veracity in that community?

A. It was bad. He had a bad name for truth and veracity among all.

Q. 7. Judging from his reputation for truth and veracity in that community, would you believe him on his oath?

A. I would not under oath, nor in any other way.

## CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. Have you ever had any legal or other controversy with Mr. Birnie, by which your interests and his have been brought in conflict?

A. No, sir.

Q. 9. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. I was subpœnaed by Mr. Highton to come here and testify.

Q. 10. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. This is the first time.

Examination closed.

W. V. HIGGINS.

Sworn to and subscribed, this 3d day of August, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 3, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF EDWIN BALDWIN.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, August 3, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Edwin Baldwin, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by the counsel for the claimant. What is your name, age and place of residence?

Answer. My name is Edwin Baldwin; my age is 45 years, and my residence is in San Pablo, Contra Costa county.

Q. 2. What is your occupation?

A. I keep a hotel at San Pablo.

Q. 3. How long have you lived in Contra Costa county, and how far is San Pablo from Martinez and Oakland?

A. From 1850 to 1854, I lived in Martinez; I then left the county, and returned a year ago. San Pablo is about 18 miles from Martinez, and about 12 miles from Oakland.

Q. 4. Do you know one Robert Birnie, who formerly lived in Martinez, and who now resides in Oakland?

A. I do.

Q. 5. Do you know his reputation in both communities?

A. I know his reputation in and about Martinez.

Q. 6. What was, and is, that reputation for truth and veracity?

A. It was not good in Martinez while I lived there.

Q. 7. Judging of the man's character by his reputation, would you believe him under oath?

A. No, sir. I would not where there was any papers relating to land cases or land claims to be signed. I could not conscientiously believe him under oath, where he had any pecuniary interest in testifying falsely. I have no confidence in the man.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 9. Have you ever had any legal or other controversy, with Birnie, by which your interests and his have been brought in conflict?

A. No, sir.

Q. 10. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. Mr. Highton subpœnaed me.

Q. 11. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No, sir.

Examination closed.

EDWIN BALDWIN.

Sworn to and subscribed, this 3d day of August, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 3, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF DANIEL HUNSAKER.

—

District Court of the United States,
Northern District of California.

The United States
*vs.*
Andres Castillero.

San Francisco, Cal., August 3d, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc. etc., came Daniel Hunsaker, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Daniel Hunsaker; my age is 56 years, and I reside near La Fayette, in Contra Costa county.

Q. 2. What is your occupation, and what offices, if any, have you held in that county?

A. My occupation is that of farming and stock-raising. I held the office of County Treasurer twice, once in 1850, and again in 1852.

Q. 3. Do you know Robert Birnie, who lives in Oakland?

A. Yes, sir.

Q. 4. Where and how long did you know him?

A. I knew him in Martinez, and have known him since 1850.

Q. Do you know his reputation in the community in which he then lived?

A. I do.

Q. 6. What was his reputation in that community for truth and veracity?

A. When I first knew him, it appeared to be as good as that of any other stranger; afterwards his reputation for truth and veracity was not good.

Q. 7. Judging of his character by his reputation, would you believe him on oath?

A. I would not.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. Have you ever had any legal or other controversy with Birnie, by which your interests and his have been brought into conflict?

A. No, sir; not that I know of.

Q. 9. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. I was asked by Mr. Mills and Mr. Highton; the latter served a subpœna on me.

Q. 10. Since you have known Mr. Birnie have you ever before been called upon to testify as to his reputation for truth and veracity?

A. I have not.

Examination closed.

DANIEL HUNSAKER.

Sworn to and subscribed, this 3d August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 3d, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF WILLIAM FORD.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, August 3, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came William Ford, a witness on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for claimant: What is your name, age, and place of residence?

ANSWER. My name is William Ford; my age is 46 years; and I am now living in Martinez; I have lived there for the last five months, and I lived there formerly in the years 1853 and 1854.

Q. 2. Do you know Robert Birnie; where did you know him, and how long?

A. I do; I knew him in Martinez in 1853 and 1854, and I have known him ever since.

Q. 3. Did you know his reputation while he lived in Martinez?

A. I did.

Q. 4. What was his reputation for truth and veracity in that community?

A. It was bad.

Q. 5. Judging of his character from his reputation, would you believe him under oath?

A. I would not.

CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 6. Have you ever had any legal or other controversy with Birnie, by which your interests and his have been brought in conflict?

A. I have not.

Q. 7. What was Mr. Birnie's occupation while he lived in Martinez?

A. I could not tell you.

Q. 8. What was your occupation?

A. I was in the land business. I owned lands under the Welch title.

Q. 9. When you first knew Mr. Birnie, was he not interested in the Welch ranch by marriage, and was not his interest in that ranch opposed to yours?

A. I understand that he was so interested. His interest was not opposed to mine that I know of.

Q. 10. When you went to reside at Martinez, was not Mr. Birnie already a resident of that place; and, if so, state how soon after your location there you heard that his reputation in that community was bad?

A. I cannot tell the time; it was of course when I was living there.

Q. 11. Was it before or after you settled upon the lands you owned under the Welch title?

A. It was after, in 1853 and 1854.

Q. 12. State any act committed by Birnie in the community of which you have spoken, which caused his alleged bad reputation.

A. I don't recollect.

Q. 13. Did not Mr. Birnie take some action with respect to the partition of the Welch ranch, which threatened to disturb the people under that title in and about Martinez, and was not that the cause of ill feeling on their part against him?

A. I don't know; I never had a word with Mr. Birnie; he always treated me well; they called me down here, but I did not want to come. All that I have said is based upon his general reputation.

Q. 14. Aside from his general reputation, would you believe him on oath?

A. I don't like to answer such a question, because I don't understand it.

Q. 15. You have testified that, judging from Mr. Birnie's reputation in the community of which you have spoken, you would not believe him on oath. From your own knowledge of Mr. Birnie, and in a case in which that community was not interested, would you, or not, believe him on oath?

A. I would not, as matters stand up there. I have had no dealings with Mr. Birnie; I only know him through his reputation up there; I have no feeling against Mr. Birnie. I was brought down here against my wishes.

Q. 16. Do I understand that because Mr. Birnie happens to be unpopular at Martinez, you would refuse to believe him on oath without knowing anything yourself against him?

A. There is such a strong current running against him that I could not do otherwise.

Q. 17. Cannot you state any reason why so strong a current should run against him in Martinez and its vicinity?

A. Something about law matters and land fixings.

Q. 18. Try and recollect of any other cause for the enmity existing against Mr. Birnie, in Martinez and its vicinity, than these law matters and land fixings that you have spoken of.

[Question objected to by counsel for claimant, on the ground that it does not appear that any enmity does exist against Mr. Birnie, but a general and deep-seated distrust of his truthfulness.]

A. I don't recollect of anything more than that.

Q. 19. Who asked you to come here and testify in this case?

A. Mr. Mills came and asked me; he was in company with Mr. Highton.

Q. 20. Were you ever before required to testify with regard to Mr. Birnie's reputation?

A. Never.

Q. 21. How long before Mr. Highton appeared in your neighborhood do you recollect last hearing Mr. Birnie's reputation discussed by the community of which you have spoken?

A. I heard it discussed last May, when the District Court was sitting. I remember remarking to a whole crowd who were discussing Birnie's character, that I was sorry he did not stand any better then than he had before. What I said was in a jocular manner. I don't recollect what kind of a suit it was, nor what it was about.

Examination closed.

WM. FORD.

Sworn to and subscribed, this third day of August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed Aug. 3, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF CALVIN BOSS.

District Court of the United States,
Northern District of California.

The United States
*vs.*
Andres Castillero.

San Francisco, August 2, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Calvin Boss, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for claimant: What is your name, age, and place of residence?

Answer. My name is Calvin Boss; my age is 30 years, and I reside in Pacheco Valley, about five miles from Martinez, Contra Costa county.

Q. 2. What is your occupation?

A. Farmer and stock-raiser.

Q. 3. Do you know Robert Birnie, who now lives in Oakland; if so, how long have you known him, and where?

A. I do know him. I first became acquainted with him about 1851, and I have known him ever since. He lived about three or four years after I first knew him in my neighborhood, in Contra Costa county.

Q. 4. Do you know his reputation in the community in which he lived?

A. I do.

Q. 5. What is his reputation for truth and veracity in the community in which he lived, and what was it while he lived there?

A. It was not good, and it is not any better now.

Q. 6. Judging of his character from what his reputation was and is in that community, would you believe him under oath?

A. I would not, if he was testifying in his own favor.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

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SAN FRANCISCO, CAL., August 3, 1860.

Examination of Calvin Boss resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Birnie, by which your interests and his have been brought into conflict?

A. I don't know that I have. I worked for him about a month. He owed me ten dollars, but I never tried to get it, thinking it would be more trouble than it was worth.

Q. 8. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. No, sir; a subpœna was left at my father's house.

Q. 9. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No, sir.

Examination closed.

CALVIN BOSS.

Sworn to and subscribed this 3d of August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 3, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF HENRY MATTHEWS.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, August 4, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Henry Matthews, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., of counsel for the United States.

Question 1st, by counsel for claimant: What is your name, age, and place of residence?

Answer. My name is Henry Matthews; my age is 36 years, and I reside in San Francisco.

Q. 2. What is your occupation?

A. I am a retired merchant.

Q. 3. Do you know Robert Birnie?

A. I first became acquainted with him in 1848. I knew him in Martinez.

Q. 4. Do you know his reputation in the community in and about Martinez?

A. I do.

Q. What is his reputation for truth and veracity in that community?

A. It is very bad.

Q. 6. From what you know of his character, derived from his general reputation, would you believe him on his oath?

A. Judging from what I know of his reputation in and about Martinez, I would not believe him on his oath.

### CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 7. Have you ever had any legal or other controversy with Birnie, by which your interest and his have been brought in conflict?

A. No, sir.

Q. 8. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. I was subpœnaed by Mr. Highton. Before that, Mr. Highton came to me and asked me if I knew the man Birnie; I told him I did. He asked me if I knew his reputation for truth and veracity. I told him yes, that it was bad, so far as I knew about him. He then said, I shall want you as a witness.

Q. 9. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No, sir.

Direct examination closed.

H. MATTHEWS.

Sworn to and subscribed, this 4th day of August, 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 4th, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF JOHN STURGIS.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, CAL., August 4, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came John Sturgis, a witness produced on behalf of the claimant, Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of said Board of Commissioners, and testified as follows:—

Present: A. C. Peachy, Esq., of counsel for claimant, and E. Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is John Sturgis, my age is 52 years, and I reside in Martinez, Contra Costa county, and have resided there most of the time since 1850.

Q. 2. What is your occupation?

A. That of hotel-keeper.

Q. 3. Do you know Robert Birnie?

A. I do.

Q. 4. From 1850 to about 1856, he lived in Martinez township, did he not?

A. He did.

Q. 5. Do you know what his reputation was in the community during that time?

A. Yes, sir.

Q. 6. What was his reputation for truth and veracity in that community?

A. It was bad.

Q. 7. From what you know of his character, derived from his general reputation in that community, would you believe him under oath?

A. If he had any interest in testifying falsely, I would not.

## CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 8. Have you had any legal or other controversy with Birnie by which your interest and his have been brought into conflict?

A. None whatever.

Q. 9. Were you, like the witnesses heretofore examined as to Mr. Birnie's character, asked to come here and testify by a Mr. Highton?

A. Mr. Highton merely asked me some time ago if I knew Mr. Birnie. I replied that I did. That was all that passed between us then. He afterwards served a subpœna on me.

Q. 10. Since you have known Mr. Birnie, have you ever before been required to testify as to his reputation for truth and veracity?

A. No, sir.

Examination closed.

JOHN STURGIS.

Sworn to and subscribed before me, this 4th day of August, A D. 1860.

W. H. CHEVERS,
U. S. Commissioner.

Filed August 4, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF JOSÉ NORIEGA.

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DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 27th, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came José Noriega, a witness produced on behalf of the claimant Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter; to wit, by Richard Tobin, Esq.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is José Noriega, my age is 60 years, and I reside in San José. I was born in Asturias, Spain.

Q. 2. In "Exhibit J. Y. No. 1, W. H. C." annexed to the deposition of John Young in this case, is a document beginning with the words "No encontrandose," etc., purporting to be a testimonio of the act of possession of the Mine of Santa Clara, given by Alcalde Pico to Castillero. This document is signed by Antonio Maria Pico, the Alcalde, by Antonio Suñol and José Noriega, assisting witnesses, and is dated 30th December, 1845. Please examine it—say if you know in whose handwriting is the body of the instrument, whose the signatures; and if they were subscribed on the day of its date.

A. The handwriting of the body of the document is that of Gutierrez; it bears the genuine signatures of Antonio Maria Pico, Antonio Suñol, and myself; we all signed it at the same time, and in each others' presence; I presume it was signed on the date of its date; I have no reason to suppose it was not.

Q. 3. In whose handwriting is the receipt from Antonio

Maria Pico to Castillero, for twenty-five dollars, appearing in the same Exhibit?

A. It is in the handwriting of the same Gutierrez.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, Cal., July 28, 1860.

Examination of José Noriega resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

W. H. CHEVERS,
U. S. Commissioner.

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SAN FRANCISCO, August 6, 1860.

Examination of José Noriega resumed from July 28, 1860.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

### CROSS-EXAMINATION.

Q. 24. What makes you say you *presume* that you signed the paper (in "Exhibit J. Y. No. 1, W. H. C." commencing with the words "No encontrandose," etc., purporting to be a Testimonio of the act of possession of the Mine of Santa Clara, given by Alcalde Pico to Castillero); why did you not swear positively that you signed it on that day?

A. I don't remember when I signed it; but I presume I signed it on that day; I have no doubt I did.

Q. 5. Before you signed that paper, had you not seen old Mr. Alexander Forbes in California?

A. I never knew him before I signed the paper; I knew him long after that.

Q. 6. Will you positively swear that Mr. Alexander Forbes had not arrived in California at the time you signed that document?

A. I had never seen him; this I can positively swear.

Q. 7. Have you come twice to San Francisco to give this deposition?

A. Yes, sir; Mr. Randolph was not ready the first time.

Q. 8. Did you not come with Suñol, Chavoya, Pico and Mr. Young?

A. Yes, sir; Mr. Chavoya did not come up with us the first time.

Q. 9. Did you, Suñol and the rest, talk together about this new paper that had been found, and also about the evidence, and what you knew about it, etc?

A. No, sir; we were only told that some new papers had been found, and that they wanted us to see them, to see our signatures to them, etc.

Q. 10. When you signed this paper, how many more just like it did you sign?

A. I remember that I signed the document for the possession of the mine; but I don't know whether I signed any other similar one or not.

Q. 11. What is the reason that you did not say anything about signing two papers just alike, when you were examined before in this case?

A. I was not asked.

Q. 12. What compensation have you received, and what do you expect to receive, for your trouble in giving your testimony in this case?

A. My expenses.

Q. 13. What sum will they amount to, perhaps?

A. Some four or five dollars a day.

Examination closed.

JOSÉ NORIEGA.

Sworn to and subscribed, this 6th day of August, A. D. 1860, before me,

W. H. Chevers,
U. S. Commissioner.

Filed August 6, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF PEDRO CHAVOYA.

—

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

SAN FRANCISCO, July 27, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Pedro Chavoya, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows: his evidence being interpreted by a sworn interpreter; to wit, by Richard Tobin, Esq.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

QUESTION 1st, by counsel for the claimant: What is your name, age, and place of residence?

ANSWER. My name is Pedro Chavoya; I was born in May, 1790; I live about three miles from the Pueblo of San José.

Q. 2. In "Exhibit J. Y. No. 1, W. H. C.," annexed to the deposition of John Young in this case, there are two documents, purporting to be copies of two representations by Andres Castillero to the Alcalde of the Pueblo of San José, dated respectively the 22d November and 3d December, 1845. These copies purport to be certified by you as Alcalde, with P. Sainsevain and José Suñol, assisting witnesses, on the 13th January, 1846. Examine them, state whether your name thereto subscribed is your genuine signature, and whether the signatures of the subscribing witnessess are also genuine.

A. I have examined those documents, and I know the signatures; one of them is my own, the others are the genuine signatures of P. Sainsevain and José Suñol. The signature of each of us appears twice, that is to say, on each of those decuments. I was Alcalde at that date, January, 1846. I signed those documents at their respective dates.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, U. S. Commissioner.

San Francisco, Cal., August 6, 1860.

Examination of Pedro Chavoya resumed from July 27th.

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

### CROSS EXAMINATION.

Questions by counsel for the United States.

Q. 5. What day, month and year was it that you signed the two documents in "Exhibit J. Y. No. 1, W. H. C.," purporting to be copies of two representations by Andres Castillero to the Alcalde of the Pueblo of San José, dated respectively the 22d November and 3d December, 1845?

A. I don't remember the day, but it must appear on the papers. I think it was on the 13th February, 1846.

Q. 4. What is it that fixes that date in your mind?

A. Because I have been shown the papers here.

Q. 5. What else makes you remember that date?

A. Nothing else; if I had not seen them, perhaps I should not have remembered them, it was so long ago.

Q. 6. Who showed you the papers?

A. I was shown them the other day on my examination. I was not shown them before.

Q. 7. Are you not mistaken; were they not shown to you in Mr. Barron's office by somebody?

A. No, sir. I was shown them here, also the signatures of Sainsevain, Noriega, Suñol and my own.

Q. 8. Who asked you to sign your name on that paper?

A. A person named Gutierrez, or a name very like that.

Q. 9. What had Gutierrez to do with it; what is the reason he asked you?

A. They were papers relating to the mine. I was in authority at that time. I was asked to sign them, and I signed. I don't know what Gutierrez had to do with them. I only remember that he brought them, and I signed with the other witnesses.

Q. 10. Where did he get them from?

A. I don't know, but he probably got them from the mine?

Q. 11. Who had them at the mine, perhaps?

A. I can't say.

Q. 12. How did you know the papers were correct when you signed them?

A. I supposed they were correct, as they were brought by those people. I did not examine them at all; it was not for me to do that.

Q. 13. What do the papers purport to be, in your opinion, and according to your present recollection?

A. They are papers.

Q. 14. Look at these papers and read them; say what they are?

A. I can't read writing well; I can only read it with great difficulty.

Q. 15. Don't you know how to write?

A. It is with difficulty I can paint my signature. I never learned to write.

Q. 16. When did you learn to paint out your signature; who taught you?

A. I learned alone, I had no teaching. I had a liking for writing, and learned by my own efforts alone.

Q. 17. What compensation have you received, or are you to receive, for giving your testimony in this case?

A. I don't know what I am to receive; I have only received my expenses. I have never been offered any payment for my testimony.

Q. 18. As you were only Second Alcalde, what had you to do with the keeping of the documents, or the certifying to copies?

A. It was my duty as Judge to keep the records. The First Alcalde was sick and I acted for him. Dolores Pacheco was First Alcalde.

Q. 19. How do you happen to remember now that he was sick at that time; it was a very long time ago?

A. Because we were named Judges together, and I remember that when he took sick I had to notify the Prefect, who required that I should act during his sickness.

Q. 20. Who was the Prefect?

A. Manuel Castro. I got an order from him to act as First Alcalde during the sickness of the incumbent, otherwise I should not have done so.

Examination closed.

PEDRO CHABOYA.

Sworn to and subscribed this 6th day of August, A. D. 1860, before me.

W. H. Chevers,
U. S. Commissioner.

Filed August 6th, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF PEDRO SAINSEVAIN.

District Court of the United States,
Northern District of California.

The United States
*v.*
Andres Castillero.

San Francisco, August 7, 1860.

On this day, before me, William H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Pedro Sainsevain, a witness produced on behalf of the claimant Andres Castillero, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by a sworn interpreter, to wit; by Richard Tobin:

Present: A. C. Peachy, Esq., of counsel for claimant, and Edmund Randolph, Esq., for the United States.

Question 1st, by counsel for the claimant: What is your name, age, and place of residence?

Answer. My name is Pedro Sainsevain, my age is 41 years, and I reside in San Francisco.

Q. 2. Where were you born, when did you come to California, and what relatives did you have living in this country when you came here?

A. I was born in Bordeaux in France; I came to California in 1839; I had an uncle, Don Jean Louis Vignes, who was then living at Los Angeles. I came out here as the agent of his family, they supposing that he was dead.

Q. 3. Is your uncle the same person who was generally known in California as Don Luis Vignes, the owner of the large and celebrated vineyard at Los Angeles?

A. Yes, sir. It is the same person.

Q. 4. What is your occupation?

A. I am the proprietor of the vineyard above mentioned, and I am occupied in making and selling California wines.

Q. 5. Did you ever live in the Pueblo of San José?

A. I did. I lived there from 1844 to 1855. I own another vineyard near that place now.

Q. 6. While you were residing in the Pueblo of San José, you married the daughter of Don Antonio Suñol, did you not?

A. Yes, sir. In the month of October, 1845.

Q. 7. Were you acquainted with Don Andres Castillero: Do you remember to have heard anything about the discovery of the quicksiver mine, now called New Almaden, at the time it occurred?

A. Yes, sir, I know him; and I heard of that event when it occurred.

Q. 8. When did you hear of it, and what? and please state all you remember on the subject.

A. It was towards the close of the year 1845, that I heard of the discovery. Mr. Castillero was then at Santa Clara, assaying some specimens of the ore, and I learned from himself that at first he supposed it contained gold and silver. After making several experiments, he found that it contained quicksilver. At first he used the barrel of a gun, to fuse the ore, and afterwards he employed two large boilers, which answered the purpose better. His experiments ceased with this.

Q. 9. Did you ever hear of the possession of this mine being given to Castillero?

[Question objected to by counsel for the United States, as leading.]

A. Yes, sir; I did. I heard from my father-in-law, that he and some others, with the Alcalde, amongst whom was Mr. Noriega, I believe, had gone there to give possession, and that it had been given.

[Answer objected to by counsel for the United States, as hearsay.]

Q. 10. Where were you living in December, 1845, and January, 1846; in what house?

A. At the house of my father-in-law, Mr. Suñol.

Q. 11. In "Exhibit J. Y. No. 1, W. H. C." are copies of Castillero's two representations to the Alcalde, dated the 23d November, and 3d December, 1845, purporting to be certified on the 13th January, 1846, by Pedro Chaboya, Alcalde, with yourself and José Suñol, assisting witnesses. Please examine these papers; say if you know in whose handwriting they are, and whether the signatures are genuine, and whether they were signed on the day of their date, and whatever you may remember about them.

A. I don't know the handwriting of the body of these documents. The signatures are that of my brother-in-law, José Suñol, that of Pedro Chaboya, and my own. I believe these papers were signed on the day of their date, because I have no knowledge of having signed them at any other time, and because I recollect that I did sign them about that time. Mr. Chaboya brought these papers to the house of my father-in-law, Mr. Suñol, and my brother-in-law, José Suñol and I signed them there, Mr. Chaboya being present.

Q. 12. In the year 1846, did you visit your uncle in Los Angeles, and what time in the year?

A. I was in Los Angeles in March, 1846. I returned to San José early in May, the same year.

Q. 13. Was Castillero in California at the time you started for Los Angeles on that vist?

A. I believe that he was in Santa Clara at the time that I started to go to Los Angeles; and when I returned to San José I did not see him, nor have I seen him since. I have heard he had gone to Mexico; I think I heard it when I came back.

CROSS-EXAMINATION.

Questions by counsel for the United States.

Q. 14. Your father-in-law is the same Antonio Suñol who testified in this case?

A. Yes, sir.

Q. 15. Did you never see Mr. Alexander Forbes, of Tepic, at your father-in-law's house, in San José?

A. I think I saw that gentleman a couple of times at San José, but I am not certain whether at my father-in-law's house or elsewhere.

Q. 16. You saw him more than twice, very often heard him spoken of, and remember very well the fact of his being in California, do you not?

A. I don't know that I saw him more than twice. I don't remember how often I saw him; and if I were to see him again I would not recognize him. I heard him spoken of pretty often, and I know that he has been in California.

Q. 17. Will you now swear that you did not sign those papers, of which you have just testified, after Mr. Alexander Forbes, of Tepic, came to California?

A. I certainly did not; it was long before. I remember the fact of signing those papers well, because I signed them two or three months after my marriage, and two or three months before I went to Los Angeles, and I believe I was the bearer of the first news of the discovery to that place.

Q. 18. When you signed those papers, did you compare them with any other papers to see that they were correct copies, and if so, with what other papers; in whose possession were those other papers, and at what place did you make the comparison?

A. I did not compare them with any other papers.

Q. 19. Do you remember to have seen at or about that time, originals, corresponding precisely with these copies, with the exception of the certificate and the signatures of Pedro Chaboya, yourself and José Suñol thereto attached?

A. I remember having seen on the door of the court-room a notice of denouncement, but I cannot say whether it was a copy of any of these or not.

Q. 20. Have you not seen in print, in this city, within a few years past, copies of these papers as to which you have just testified, which copies included the certificates to these papers, with the signatures of Pedro Chaboya, yourself and José Suñol thereto attached?

A. I saw the other day for the first time, in the Alta California newspaper, copies of these papers.

Q. 21. Have you not seen printed in a book, in this city, certain documents in the Spanish language, containing the same words, and the same signatures thereto attached, and in all respects of precisely the same import with these two certified copies of the representations of Andres Castillero, concerning which you have just now testified on your direct examination?

A. I have not the slightest recollection of any such thing. I have seen some pamphlets relating to the Berreyesa rancho claim, in opposition to the Almaden mine, but I don't know whether it contained copies of these documents or not.

Q. 22. Have you not seen printed in a book, in this city, certain documents in the English language, purporting to be translations of certain documents in the Spanish language, and that were altogether the same as those that I have described to you in the preceding question?

A. No, sir. The only place where I have seen copies is in the Alta California; nowhere else.

Q. 23. Have you not seen at the office of Mr. E. W. F. Sloan, in this city, the documents I have described above, printed in a book both in the English and Spanish languages, or in either of those languages?

A. It was there that I saw the pamphlet I spoke of before, but I have not the least knowledge of having seen, either in the English or Spanish, copies of these documents.

Q. 24. You understand, of course, that a pamphlet is a book?

A. Yes, sir.

Q. 25. Have you not seen at the office of Mr. E. W. F. Sloan, in this city, a book or pamphlet which purported to be, in whole or in part, a copy of the record in this case of Andres Castillero v. The United States, as it existed before the Board of U.

S. Land Commissioners, and which book or pamphlet contained in print, in the English and Spanish languages, or in either of those languages, the documents which I have described in question 21 and question 22?

A. I had some books in my possession some three weeks, which related to the contest between the Berreyesa family and the owners of Almaden; they had been sent to me by Mr. Sloan. I read portions of them, but I have no knowledge at all of having read these documents there. I then had charge of the interests of a portion of the Berreyesa family, and Mr. Sloan lent me these books, so that I might inform myself about the controversy.

Q. 26. Do you not distinctly remember that you were shown, at the office of Mr. A. P. Crittenden, in this city, some time in the year 1857, a book or pamphlet purporting to be a copy of the record of this case when pending before the Board of U. S. Land Commissioners, and which contained in the English and Spanish languages, or in one of those languages, copies of these documents, to wit,—the representations of Andres Castillero, etc., above referred to,—and that your attention was at that time drawn to the fact that you appeared on the same to be an assisting witness; that is, that your name was printed on the same as such a witness?

A. I don't remember having been shown such a book at that office, but I remember distinctly that Mr. Crittenden spoke to me about that. He wanted me to attend court as a witness in that matter; he told me that my name appeared as that of an assisting witness. I stated to him that it was true I had signed, as assisting witness, some document relating to the denouncement of the Almaden mine, but that I could not remember when I had done so, nor even what the document was, without seeing it. About the same time I was called upon by Mr. Young, for the Almaden Company, to testify in the same matter, and I gave him the same answer.

Q. 27. Is it only the sight of the paper that now enables you to recollect so much more precisely the date when you signed it,—that recalls to your mind that it was so many months after your marriage, and so many months before you went down to Los Angeles, and that you probably carried to that city the first news of the discovery of quicksilver, etc., etc.?

A. It is because I remember that it was between those two events; and if it had been ante-dated, or did not bear the true date, I should have noticed it when I signed.

Q. 28. You have since made many other journeys to Los Angeles?

A. Yes, sir; many of them.

Q. 29. Now, do you not remember that Mr. Domingo Marks, the gentleman now present, at the office of Mr. E. W. F. Sloan, in this city, and some time during the present year (A. D. 1860), and more than four months ago, showed you in a printed book, copies of these documents, to wit,—the representations of Andres Castillero, etc., as described in the foregoing questions, the same being in the Spanish and English language, or in one of those languages,—that Mr. Marks called your attention to the fact, that your name appeared on the same as an assisting witness, and that you then said to him in substance, "these are only copies, let them produce the originals; it is true I did sign them, but it was only in the year 1848, and not before"—did you not make this declaration to Mr. Marks, both in the English and Spanish languages; and did you not at the same time and place make the same declaration, in the English language, to Mr. E. W. F. Sloan, aforesaid?

A. No, sir. It is true that, about five or six months ago, I called at the office of Mr. Sloan frequently to speak to him about the affairs of the Berreyesa family. These gentlemen had there several pamphlets concerning this same business of the Berreyesa rancho. I don't remember that they ever read copies of these papers to me, or that anything was said about my signature, but I am certain that I never stated that I had signed them in 1848, either to Mr. Sloan, Mr. Marks, or anybody else. I could not state a falsehood.

Q. 30. Do you now swear that you did not make to Messrs. Marks and Sloan, or either of them, the declarations mentioned in question 29, or any of the same, at the office of Mr. Sloan in this city, neither on any of the occasions which you have mentioned above in your last answer, nor at any other time during the present year (A. D. 1860), nor at any other time whatsoever?

A. I cannot swear as to their ever having read to me those papers, or whether there was anything said about their being copies; I remember nothing of this, but I do swear that I never did say that I had signed the papers in 1848.

Q. 31. When did you cease to be the agent for a portion of the interest of the Berreyesa family, which you say you represented; and what disposition, if any, did you make of that interest?

A. I sold the interests which were confided to me, except the interest of José S. Berreyesa, to Mr. Billings, in February last. I mean Mr. Frederick Billings, of the firm of Halleck, Peachy and Billings.

Q. 32. It was before the sale to Mr. Billings, that Mr. Sloan lent you the books concerning the controversy between the Berreyesa family and the Almaden company?

A. Yes, sir.

Q. 33. At the same time Mr. Sloan was counsel for the Berreyesa family, or some of them, representing their interests in the controversy with the New Almaden Company, and maintaining and defending generally their rights in the Berreyesa rancho, and had been for some time before so retained and employed by or in behalf of the Berreyesa family or some of them; and Mr. Domingo Marks was also known to you at that time as a friend of the Berreyesa family or some of them, who concerned himself very much about their interest in the rancho, —I mean the Mr. Marks and Mr. Sloan above referred to in this examination?

A. I don't believe that Mr. Sloan was acting for the family particularly. I think he was employed by a number of persons who hold shares in the mines on the Berreyesa rancho. Mr. Marks was known to be interested in the mine, under the Berreyesa title.

Q. 34. Do you know of any reason, other than the sight of the papers which have been shown you with your signature to them, which makes you more able or more willing to testify in this cause now, after you have made the sale of the Berreyesa interest to Mr. Billings, than you were before you made that sale?

A. Long before I had made that sale, I was asked to testify by Mr. Crittenden, Mr. Laurencel and Mr. Young, but they said the papers were lost, and I answered them as I have before stated. Moreover, I thought of the matter since I have seen the paper, and I recollect that it happened about that time.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. Chevers,
U. S. Commissioner.

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San Francisco, Cal., August 8th, 1860.

Examination of Pedro Sainsevain resumed from yesterday.

Present: A. C. Peachy, Esq., of counsel for claimant; and Edmund Randolph, Esq., for the United States.

Q. 35. I now repeat to you question 29th, with this further specification of the time: Did you not make the declarations in that question mentioned,—to wit, the declarations to Mr. Domingo Marks and Mr. E. W. F. Sloan,—in the month of January of the present year, A. D. 1860, some short time after Mr. Sloan had drafted a deed of trust to you from some members of the Berreyesa family, and also a certain contract to be executed by himself (said Mr. Sloan) on one part, and some members of the Berreyesa family on the other part, both of which papers were handed to you at the same time by Mr. Domingo Marks, and which contract aforesaid the members of the Berreyesa family referred to refused to execute?

A. With regard to those statements of mine, I can only repeat what I stated yesterday; and as to the documents spoken of, they were delivered to me by Mr. Sloan or Mr. Marks not in January of this year but in December of last year. José Santos Berreyesa was present when I received them. He had them translated for his mother. She refused to sign them because there was a clause in them which authorized Mr. Sloan to continue to manage the affairs, that he should have the control, whereas it was desired that it should be given to me. We had another drawn by Mr. Samuel Hermann, which they signed. The object of the other document, I believe, was to give Mr. Sloan ten per cent. of the proceeds of the mine. They also refused to sign this document, because they said they had already given away too much, without any consideration.

Q. 36. Do you say positively now, that you did not at the time mentioned in the last question make the declarations set out in question 29, to Messrs. Domingo Marks and E. W. F. Sloan, at the office of the said Mr. Sloan, in this city?

A. No, sir; I did not.

### DIRECT EXAMINATION RESUMED.

Questions by counsel for claimant.

Q. 37. Who first spoke to you about your having signed as assisting witness certain papers connected with the title to the Almaden mine?

A. I am not certain whether it was Mr. A. P. Crittenden or Mr. John Young, but it was one or the other of them. It was about the year 1857, I believe.

Q. 38. What induced these gentlemen to speak to you on the subject?

A. I suppose they wanted me to testify in court. They asked me if I recollected having signed the document as witness, and I said yes; but that I supposed my testimony would be of but little use, inasmuch as I did not remember when I had signed it, nor what the document was. They both spoke to me about the same time, and I gave substantially the same reply to each.

Q. 39. What interest had those gentlemen in making the inquiry of you?

A. I believe Mr. Crittenden was employed as counsel for Mr.

Laurencel in the matter of the Capitancillos rancho, and Mr. Young was acting on behalf of the Almaden company.

Q. 40. Do you remember when you were next asked any question about these papers by any person acting on behalf of the New Almaden Company?

A. About that time, 1857, I don't remember whether I had more than one conversation on that subject with each of those gentlemen; but from that time until about a month ago, I have no recollection of having been spoken to on the subject at all. I was called upon by Mr. Young about a month ago, and accompanied him to the office of Messrs. Peachy & Billings, where I was shown these documents and questioned about my signature. I was told that those documents had been found among Mr. Walkinshaw's papers. I was asked if I recognized my signature; I said I did, and I also recognized that of my brother-in-law. I said I remembered having signed, and seeing him sign.

Q. 41. Do you remember what you stated to me at my office at that time about the circumstances of your marriage in October, 1845, and your trip to Los Angeles in March, 1846, enabling you to fix two epochs, between which you remembered that you signed those papers as assisting witness?

A. Yes, sir.

Q. 42. Did any person ever ask you if you signed these papers in the year 1848?

A. No, sir. I believe yesterday was the first time that I was asked that.

Q. 43. Did E. W. F. Sloan, Esq., or Don Domingo Marks, ever say to you that they desired you to give your testimony in this case, to prove that certain papers which they showed you, purporting to be copies of papers signed by yourself as assisting witness on the 13th January, 1846, were false, for the reason that although you might remember to have signed papers of a similar import, they were not signed until 1848?

A. No, sir.

Q. 44. Did they, or either of them, ever tell you that they would require your testimony in this case for any purpose?

A. I have no recollection of their having done so.

Q. 45. Were you ever called upon by any person at any time to testify in this case on behalf of the Government: I mean were you ever subpœnaed or requested to appear as a witness in this case on behalf of the Government?

A. No, sir. I was never spoken to on the subject, except by the persons I have already named.

Q. 46. How long have you known A. P. Crittenden, Esq.?

A. Since 1849, when he was a member of the Assembly at San José. He has been my lawyer ever since, and is now.

Q. 47. Then I suppose that your relations with Mr. Crittenden have been friendly, have they not?

A. Yes, sir.

Q. 48. I suppose further, that your business and social relations with Mr. Crittenden have been such as to have given him full opportunity to inquire of you about the discovery of the mine, and any matter relating to its history; and that the same circumstances would naturally induce you to make known to him any fact within your knowledge tending to advance his interest, and that of his clients, in their claim to the mine?

A. Mr. Crittenden had those opportunities, but very seldom spoke to me about matters of the mine; and if I had known anything that would be useful or agreeable to him, of course I would have informed him of it.

Examination closed.

P. SAINSEVAIN.

Sworn to and subscribed, this 8th August, 1860, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed August 8, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF ISAAC D. MARKS.

DISTRICT COURT OF THE UNITED STATES,
Northern District of California.

THE UNITED STATES *v.* ANDRES CASTILLERO.
In Land Cases; District Court No. 420, Land Com. No. 366.

SAN FRANCISCO, August 8, 1860.

On this day, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California, to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil cases depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared I. D. Marks, a witness produced in behalf of the United States in the above entitled cause, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and A. C. Peachy, Esq., for claimant.

[Witness is asked, by counsel for claimant, what form of oath he considers most binding, to which he replies upon the Holy Bible. The witness is then asked what he means by "upon the Holy Bible," to which he replies, on the Old Testament only.]

WITNESS SWORN ON HIS VOIR DIRE.

Questions by counsel for claimant.

QUESTION 1. Are you not interested in the Berreyesa rancho, meaning the rancho called "San Vicente," alleged to have been granted to José Reyes Berreyesa by Governor Alvarado in the year 1842?

ANSWER. Yes, I am interested in part of it, which is occupied by Andres Castillero, or those who claim under him; I mean the New Almaden Company.

Q. 2. Then by virtue of your interest in the Berreyesa rancho, you claim title to a part of the New Almaden Mine and hacienda?

A. I do.

Q. 3. That is, the mine and the land claimed by Andres Castillero against the Government in this case; am I correct?

A. It is the same mine, and part of the same land.

Q. 4. Berreyesa's title has been confirmed by the Supreme Court of the United States, has it not?

A. I am so advised and believe.

Q. 5. What is the amount of your interest in that part of the Berreyesa rancho which you say is in the possession of the New Almaden Company?

A. My interest was one-eighth; it is now one-twelfth.

Q. 6. What did you pay for your interest, either in money or in services agreed to be rendered, or both?

A. I paid nothing in money. The services I agreed to render, was to put them in possession of the property they claimed, and to use my best endeavors to do so.

Q. 7. Your agreement with them embraced an undertaking on your part to institute all necessary legal proceedings for the recovery of the property, the payment of all law expenses, the conduct of such suits in procuring testimony, taking the depositions of witnesses, etc., did it not?

A. I think it stated correctly; but for a better understanding, I desire to file a copy of the original agreement.

Q. 8. What is your interest worth now; and what would it be worth in the event that the present claim of Castillero, or the New Almaden Company, be defeated in this suit?

A. It is impossible for me to say what its value is at present, it being involved in litigation. In the event mentioned in the question, it would be worth perhaps $50,000. It is impossible to state with any degree of certainty.

Q. 9. Can you not appreciate the difference between its present value and what it would be worth if this claim shall be rejected?

A. I cannot; it being involved in a law suit, it is impossible to say what value it has at present.

Q. 10. Can you not state with certainty that the difference would be at least as much as $10,000?

A. It would, I think.

Q. 11. You claim then that the Berreyesa rancho, a part of which you own, embraces the Almaden Mine and the hacienda?

A. I do.

Q. 12. You regard, also, the title to the Almaden Mine and to the lands claimed in this case as a cloud on the Berreyesa title, affecting an interest in one-twelfth of the mine and land which you claim, to the extent at least of ten thousand dollars; is it not so?

A. Most assuredly I regard the claim of Andres Castillero and the New Almaden Mine as a cloud upon the Berreyesa title, more or less; I cannot fix any sum.

Q. 13. Do you claim title to the Almaden Mine and to part of the lands, to procure the confirmation of which by the Government this claim was filed before the Land Commissioners, from any other source than that you have named?

A. I do not.

Q. 14. Then you have no interest, I presume, in the Justo Larios claim?

A. I have not.

[The testimony of the witness is objected to by the counsel for claimant as incompetent, on the ground of interest, who desires the ruling of the Court upon this objection.]

Adjourned until to-morrow morning, at 11 o'clock.

JNO. B. WILLIAMS,
U. S. Commissioner.

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SAN FRANCISCO, August 9th, 1860.

Examination of J. D. Marks, a witness produced in behalf of the United States, continued.

Present: E. Randolph, Esq., for United States, and A. C. Peachy, Esq., for claimant.

[The Court having overruled the objection made by the counsel for claimant, the latter desires his exception to such ruling to be noted by the Commissioner.]

Questions in behalf of United States.

Q. 15. State your name, age, nativity, present residence, and occupation.

A. Isaac D. Marks; age, 40; born in Richmond, Va.; residence, San Francisco; and occupation at present the prosecution of claims for lands against the United States.

Q. 16. Have you at any time held any employment under the Government of the United States; and, if so, what?

A. I have; as Vice Consul of the United States at Matamoras, in the years 1842, 1843, and part of 1844. I was also attached to the Legation of the United States at Mexico, in 1850, 1851, and 1852, as private secretary of the Minister, Mr. Letcher.

Q. 17. Do you know Pedro Sainsevain, a witness examined in behalf of the claimant in this case on the 7th and 8th days of the present month?

A. I do. I have known him since December last, and before that by sight.

Q. 18. Look at the papers now shown you, purporting to be copies of two representations addressed by Andres Castillero to the Alcalde of the 1st Nominacion of the pueblo of San José Guadalupe, bearing date, respectively, the one on the 22d day of November, 1845, and the other one the 3d day of December, 1846; and which said copies bear a certificate of the 13th day of January, A. D. 1846, and which said certificate is signed "Pedro Chabolla," "De asā. P. Sainsevain," "De asā. José Suñol." Please say if you have ever seen any printed documents in this city in the same words and figures, and bearing the same signatures as in the papers now shown you.

A. I have frequently seen printed documents bearing the same signatures, and purporting to be the same documents, but I have never compared them with the papers now shown me.

Q. 19. Mention in what book or publication you have seen the printed documents to which you refer.

A. In a pamphlet entitled "Before the U. S. Board of Commissioners to ascertain and settle Private Land Claims in California. No. 366. Claim of Andres Castillero to the Mine and Land of New Almaden." It was published and circulated in this State. On pages 6 and 7 of this pamphlet there are two documents in the Spanish language; and on pages 10 and 11 appear their translations. To these I refer, and file herewith a copy, marked by the Commissioner "Exhibit A," to this deposition.

Q. 20. Have you at any time had any communications with the witness to whom you have referred, Pedro Sainsevain, on the subject of his signature which appears printed as that of a witness "De asā." on those printed documents?

A. I have.

Q. 21. At what time did you have such conversation; did Pedro Sainsevain say anything to you as to the fact whether he had or had not ever signed his name as a witness "De asā." to any papers of which the printed documents to which you refer were copies; if yea, what did he say?

[Objected to as leading.]

A. I think it was some time in the month of last January, during one of Mr. Sainsevain's visits to the office of E. W. F. Sloan, Esq., that he mentioned the fact of his having signed those papers. He did say that he had signed such papers.

Q. 22. Did he say when; and if yea, please mention at what time he said he had signed the papers of which the printed documents you refer to were copies?

A. He did; he said he signed them in the year 1848.

Q. 23. Please state fully all that passed between yourself and

Mr. Sainsevain at the time that he made this declaration to you.

A. I observed to Mr. Sainsevain that he had signed some of the denouncement documents, or copies, in regard to the Mine of New Almaden; he said he did not recollect having done so. I then took a pamphlet like the one I have spoken of, of which there were several in Mr. Sloan's office, and showed him his name signed as an assisting witness. He turned it over and looked at it, and observed that they were copies which had been filed. He said that he did not think that they would file the originals. I asked him why; he replied, because he had signed them in 1848. This conversation was in the Spanish language. Mr. Sloan was present. I then observed in English to Mr. Sloan, that Mr. Sainsevain had said that he had signed those papers in 1848. Mr. Sainsevain then spoke in English, addressing Mr. Sloan, and said,—Yes, I signed those papers in 1848.

## CROSS-EXAMINATION.

Questions by counsel for claimant.

Q. 24. How long have you been in California?

A. I arrived in California on the 19th day of Nov. 1852.

Q. 25. Have you been here ever since?

A. In the State I have been ever since.

Q. 26. Are you certain that it was in the month of January of this year that you had the conversation with Mr. Sainsevain you refer to?

A. I have had so many conversations with Mr. Sainsevain respecting the Berreyesa claim, that I cannot state positively that the one referred to took place in January last, although I think it did.

Q. 27. Was this the only conversation you had with Mr. Sainsevain with regard to these papers?

A. It was.

Q. 28. Who was present during this conversation?

A. Mr. Sloan, Sainsevain and myself; no one else.

Q. 29. Who was present while you held the conversation with Mr. Sainsevain in Spanish?

A. The same parties.

Q. 30. Whom did you inform of the particulars of this conversation shortly after it occurred?

A. I don't recollect of having informed any one shortly afterwards.

Q. 31. Did you and Mr. Sloan have any conversation shortly afterwards with respect to that declaration of Mr. Sainsevain?

A. Mr. Sloan, on one occasion, said that it would be as well to take Mr. Sainsevain's deposition.

Q. 32. When was that?

A. A month or two months afterwards; I do not recollect the exact time.

Q. 33. Who was the first person that you informed of this declaration of Mr. Sainsevain, and when?

A. I think it was Mr. Randolph, the counsel in this case; and after the documents "Exhibit J. Y. No. 1," of which these papers are a part, were filed in this case, or after it was known that the papers had been discovered. Mr. Brodie gave me the first information I had as to their discovery.

Q. 34. How long after the deposition of Mr. Young was taken was it that you informed Mr. Randolph of Mr. Sainsevain's declaration?

A. It was before, a week or ten days.

Q. 35. Mr. Young's deposition was taken on the 20th July, 1860; therefore it must have been about the 10th of July, 1860, when you gave the information; must it not?

A. I cannot state positively the day; it was a short time after I heard the papers had been found. It may have been about the 10th of July.

Q. 36. Who has represented the Government of the United States in this claim since the 1st January, 1860?

A. Mr. Edmund Randolph.

Q. 37. What has been your occupation since you have been in California; and what is it now?

A. My occupation is familiar to the gentleman who propounds the question,—that of prosecuting land claims against the Government of the United States.

Q. 38. What claims have you prosecuted?

A. The Yturbide claim; the Berreyesa claim for the same mine; the claim of the Rancho Santa Teresa, in which Mrs. Berreyesa was interested, and the Rancho Quito; also the Fuentes claim. The Rancho Quito is near the town of Santa Clara, and was presented in the names of Fernandez and Alviso. The Fuentes claim was for the potrero of the Mission of San José, and presented in the name of Fuentes to the commission. These are all the land claims.

Q. 39. Are you a lawyer by profession?

A. I am not.

Q. 40. Then I suppose you have not a license to practice law in the Courts of this State, nor in those of the United States?

A. I have none.

Q. 41. In the prosecution of these claims did you employ associate counsel or did you conduct the prosecution yourself?

A. I employed attorneys as counsel in them.

Q. 42. How long have you been employed by the Berreyesa's, and endeavored to dispossess the New Almaden Company of the mine and hacienda?

A. Since November, 1853, I have been employed to recover this property, which in my opinion justly belongs to the Berreyesa family.

Q. 43. What legal proceedings was first taken by the Berreyesa family, or their assigns, to recover possession of the mine after you were employed, and what was the character of that proceeding?

A. An action was brought in the Circuit Court of the United States for the Districts of California in ejectment; also a bill was filed on the equity side of the Court for an injunction restraining the working of the mine. I don't recollect when the action was commenced; I think in 1856.

Q. 44. In the action of ejectment the plaintiffs contended, did they not, that the boundary line between the ranchos of Justo Larios and Berreyesa had been fixed by agreement between the original grantees of said tracts of land a short time after the dates of their respective grants, and ran from the junction of the Arroyos Seco and Alamitos *across* the lomita in the middle of the Cañada to the Sierra? This was called the conventional line in that suit, and the plaintiff attempted to establish it by the testimony of Justo Larios and his wife, did they not?

A. I think the plaintiff filed a copy of the expediente in the Berreyesa case from the archives, to show that the line between the two ranchos was judicially settled in 1842, before the grants were issued to the parties. It is true that Justo Larios and his wife did give their testimony in relation to this line.

Q. 45. Do you not know that Justo Larios and his wife in that suit swore to the fact that, a short time after Berreyesa and Larios returned from Monterey with their titles, they went upon the ground, and fixed the line between them by marking trees?

A. I think they did.

Q. 46. Are you not perfectly sure that they did?

A. It is very possible. I was not present all the time that the witnesses were examined on that trial. I was not present when the wife of Larios gave her testimony.

Q 47. Do you not know that Larios and his wife were made witnesses in that case for the principal, if not the sole, purpose of proving that such a line had been agreed upon between Larios and Berreyesa on the ground, and fixed by marked trees—marked after they returned from Monterey with their title papers in their hands?

A. With respect to Larios and his wife, and to all witnesses in that suit, I know nothing whatever. I paid very little attention at the time to the suit, because my opinion was that the suit was brought prematurely, and before the Berreyesa title was finally confirmed.

Q. 48. Justo Larios testified on that occasion that, before he came on the stand to testify, you had spoken to him with reference to these marked trees; that you had visited him to learn something about them; did he not tell the truth?

A. Not exactly. I had a conversation with Larios with regard to his testimony before the Land Commission in the Berreyesa claim about that boundary line and marked trees.

Q. 49. You have been a very regular attendant, have you not, at the taking of all the depositions which have been filed in this case since your employment by the Berreyesa's?

A. I have been in constant attendance at the taking of the depositions in this case, and have devoted much of my time in that way.

Q. 50. Among other witnesses who have been called in this case, are Señores Bassoco, Balcarcel, Castillo, Yrisarri, Miranda, Velasco, Castillo y Lanzas, Negrete and Villalon. Their examination occupied about eighty-five days of hard work; between 3000 and 4000 questions were propounded to them. You were present, were you not, during the whole examination of each of them, or very nearly so?

A. I was present the greater part of the time—all the time with the exception of perhaps a few days.

Q. 51. You were also present during the examination of every other witness whose testimony has been taken in this case, were you not?

A. It is very probable, but I cannot be certain.

Q. 52. You heard the arguments of the counsel for the United States—I mean Messrs. Randolph and Stanton—on the motion for an injunction and receiver in the case of The United States vs. John Parrott and others, did you not?

A. I was present.

Q. 53. You know Mr. Randolph contended on that occasion that all the papers alleged by the claimants to have emanated from the Supreme Government of Mexico, and to constitute a part of their title to the mine and land of New Almaden, were made in or after the year 1849, in consequence of the suggestions and advice of James Alexander Forbes, and were simulated and ante-dated, do you not?

A. I think he did, but I cannot say positively that he contended they were made in 1849, or afterwards.

Q. 54. If you are not certain that that was Mr. Randolph's theory of the time in which our title papers were made, what did you understand to be his view of the matter?

A. That the papers were ante-dated; but I really cannot say whether he contended they were made in 1849 or 1850. I think in 1849, but will not be positive.

Q. 55. However that may be, I presume you must be certain of the theory of Mr. Randolph in his argument of that case, in regard to the time at which the papers in this case offered as evidence of the discovery and registry of the mine, and of juridical possession of the same, were made. Do you not know for certain that he contended in argument upon that motion that all the papers offered in evidence by the claimant to prove the registry of the mine in November and December, 1845, and the act of juridical possession given by the Alcalde to Castillero in December, 1845, were made in the year 1848, during Alexander Forbes' visit to California, and are ante-dated and fraudulent?

A. I heard Mr. Randolph in his argument so state.

Q. 56. Do you not know, moreover, that what was called in that argument the Weekes copy of the expediente of title papers, contains a copy of these two certified copies of Castillero's representations; the said Weekes copy being in the handwriting of James Alexander Forbes, and certified by Alcalde Weekes, on the 20th January, 1848, to be a faithful copy of the original espediente in his office?

A. I have never seen the original of the Weekes copy. I have seen a traced copy. I have no doubt but the original is in the handwriting of James Alexander Forbes.

Q. 57. You know further, do you not, that this Weekes copy, as it was called, is the document which contains the printed copy of these two representations of Castillero's, concerning which Sainsevain made the alleged declaration to you; when I speak of the Weekes copy, I refer to the documents printed in the pamphlet which you have exhibited?

A. I do.

Q. 58. You know further, do you not, that Mr. Randolph, in his argument upon that motion, laid great stress on the fact that this Weekes copy had been filed by the claimants with their petition before the Board of Land Commissioners, as tending to establish his theory that all the papers relative to the registry and possession of this mine, offered in evidence by the claimant in this case, were made in 1848?

A. I cannot recollect distinctly that Mr. Randolph laid any very great stress on this point.

Q. 59. You are thoroughly posted up in all the testimony which has been taken in this case, are you not?

A. I think I am with respect to the greater part, perhaps not the whole.

Q. 60. With what part of the testimony are you unacquainted?

A. Perhaps with some of the testimony of the witnesses from Mexico I am not acquainted. I was not present at the depositions of the Professors of the Mining College of Mexico; at any rate, but part of the time, if at all.

Q. 61. You are pretty well posted up, are you not, in the testimony of Benito Diaz, James Alexander Forbes, and Robt. Birnie?

A. I must say that I was not present when the testimony of Benito Diaz was taken; but part of the time when that of Forbes was taken, although I know its substance pretty well; and I also know the substance of Birnie's testimony, which I have read in print.

Q. 62. Knowing as you did the view taken by the counsel for the Government of the time at which the papers relating to the registry and possession of the mine were made; knowing as you did that he contended that those papers were made while Alexander Forbes was in California, in 1848: is it not strange, and in fact unaccountable, that you, the agent of the Berreyesa's, and yourself deeply interested in the defeat of this claim, should have been informed, as far back as the month of January of this year, by Mr. Sainsevain, that he signed the papers in 1848, being copies of the registry of the mine—which copies purport to have been made and certified on the 13th of January, 1846—without having informed the counsel of the United States of what Sainsevain had said, and without taking a single step towards calling him as a witness in behalf of the government in this claim?

A. It certainly was not strange on my part that I did not inform the counsel for the United States, as we, Mr. Sloan and myself, have always taken a different view of the case. We consider the documents which have been filed in this case, supposing them all genuine, to be utterly worthless as conferring any title on Castillero, legally considered. Hence, when Mr. Sainsevain mentioned the fact, I said that whether the papers were signed in 1846, 1847 or 1848, I considered them valueless; consequently I did not take any pains to inform the counsel for the United States.

Q. 63. It is a common practice among lawyers to take advantage of all fair means for attack or defense, and as a general thing, however confident a lawyer may be of the legal insufficiency of a title-paper of an adverse party, yet if he knows he has the means of proving that title paper to be ante-dated, fraudulent, and therefore void, he would hardly consider himself justified in failing to introduce proof of the fraud. Do you mean to say that yourself and Mr. Sloan are an exception to that general rule, or rather, that your neglect to take the deposition of Mr. Sainsevain is an instance of such an exception?

A. I cannot answer for Mr. Sloan; I may be such an exception. Mr. Sloan said it would be proper to take Mr. Sainsevain's deposition.

Q. 64. Did you ever say to Mr. Sainsevain that you desired to have his deposition taken on behalf of the government in this case?

A. I never did.

Q. 65. Did Mr. Sloan ever request you to see Mr. Sainsevain on the subject of having his deposition taken in this case?

A. I think he did, but cannot be certain; if he did it was after I heard that the papers had been found, and before there had been any deposition taken about them.

Q. 66. Did you ever see Mr. Sainsevain in compliance with Mr. Sloan's request?

A. I did not.

Q. 67. Did Mr. Sloan ask you if you had seen him?

A. He did not.

Q. 68. You and Mr. Sloan, then, must have regarded the declaration of Mr. Sainsevain as of very little moment, did you not?

A. We did,—that is, we thought very little of it.

Q. 69. So little of it, that you never thought of mentioning it to a human being until the papers were discovered, and you had reason to suppose that Mr. Sainsevain would be called upon as a witness on behalf of the claimant; is that so?

A. It is.

Q. 70. Does not Mr. Sainsevain bear the reputation of a man of property, industry, and substance in this community?

[Objected to by counsel for the United States, as incompetent testimony.]

A. He does, as far as I know.

Q. 71. Then your neglect to call him as a witness on behalf of the United States in this case, to prove that what purports to be copies of title papers, certified on the 13th of January, 1846, and signed by him as an assisting witness, were not signed by him as such until 1848, was not owing to any supposed want of credibility of Mr. Sainsevain?

A. It was not.

Q. 72. Is it not rather singular, and did you not so consider it at the time, that Mr. Sainsevain, a gentleman of good character, of business habits, and of considerable property, should volunteer to you the statement, in the year 1860, that in the year 1848 he had lent himself as the instrument of a gross fraud; that as an assisting witness he had signed a paper in 1848, the date of which was the 13th of January, 1846?

A. I did consider it strange and singular.

Q. 73. You have said you were so well satisfied of the legal inefficiency of the papers in this case, supposing them all genuine, that you regarded all proof of fraud as a matter of no moment; entertaining those views, I presume you did not state to Mr. Sainsevain at any time before he made his alleged declaration to you, the importance of proving that he signed those certified copies in 1848; am I correct?

A. You are correct.

Q. 74. Being surprised at this degrading confession of Mr. Sainsevain, thus voluntarily and uselessly made, did you ask Mr. Sainsevain, after he had made that alleged declaration, if you understood him aright; did you ask him if he really intended to say that in 1848 he signed as assisting witness a certified copy of certain title papers, bearing date the 13th of January, 1846?

A. I did not.

Q. 75. Mr. Marks, are you sure that Mr. Sainsevain meant as you understood him?

A. It is possible that he was mistaken.

Q. 76. Did Mr. Sainsevain examine carefully the papers to which you directed his attention?

A. I don't think he did.

Q. 77. Did you read them aloud to him?

A. I did not.

Q. 78. Does not Mr. Sainsevain know that both you and Mr. Sloan have an interest in defeating the Almaden claim?

A. He does.

Q. 79. Is it not again very singular, that knowing that fact, he should have given the testimony he has in this case, and in your presence?

A. I does appear to me very strange.

Adjourned until to-morrow morning at 10 o'clock.

JNO. B. WILLIAMS,
U. S. Commissioner.

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SAN FRANCISCO, August 10, 1860.

Present: Edmund Randolph, Esq., for the United States, and Mr. Peachy, of counsel for claimant.

## CROSS EXAMINATION RESUMED.

Q. 80. Have you brought with you the conveyance from the Berreyesa's to yourself and others, under which you derive title to a part of the rancho, of which you have spoken?

A. I have, and now produce it.

[The witness produces a conveyance from certain members of the Berreyesa family to C. K. Garrison, J. M. Moss, H. I. Thornton, V. E. Howard, and I. D. Marks, the latter being the witness now under examination. The deed is dated November 3, 1853, and purports to convey to C. K. Garrison and J. M. Moss one-sixth of the mine; to H. I. Thornton one-twelfth of the mine; to V. E. Howard one-twelfth of the mine, and to I. D. Marks, the witness, one-eighth of the mine; in all, eleven-twelfths of the mine, the consideration being that the grantees undertake by their money and personal services to conduct all suits against the New Almaden Company for the purpose of recovering possession of the mine, there being no other consideration.]

Q. 81. I wish to file a copy of this deed as an Exhibit to your deposition: will you permit me to take a copy of it to be used for that purpose?

A. I have no objection.

[The copy will be marked as Exhibit B. to this deposition.]

Q. 82. Is the pamphlet which you have produced the identical one you showed Mr. Sainsevain?

A. I am not certain that it is, as there were several copies of the same book in Mr. Sloan's office.

Q. 83. Why did you not, while Mr. Sainsevain was under examination, you being present the whole time, except when you absented yourself for a short time at my request, produce this pamphlet and hand it to the counsel for the United States, that he might show it to Mr. Sainsevain and ask him whether he had ever seen it before, or had examined the documents therein which you have said you showed him, and on which he made the alleged declaration?

A. My intention was to have done so. I called at the office of Mr. Sloan, but found it locked, and therefore could not get in.

Q. 84. Why did you hold your conversation with Mr. Sainsevain in Spanish?

A. It is the language in which Mr. Sainsevain and myself always converse.

Q. 85. Does not Mr. Sainsevain speak English very poorly?

A. I think he speaks English very well.

Q. 86. Why then should you have selected the Spanish language to converse in, especially as Mr. Sloan was present, who, I believe, does not speak Spanish, nor understand a conversation conducted in that language, and especially also while you were conversing on a matter affecting the interests of the Berreyesa's, whose counsel Mr. Sloan was?

A. I must again repeat that Mr. Sainsevain and myself always conversed together in the Spanish language in Mr. Sloan's office.

Q. 87. Even in Mr. Sloan's presence, when you were conversing on a subject concerning which it was proper for him, as the counsel for the Berreyesa's, to receive all possible information?

A. Yes, sir.

Q. 88. Then I suppose you were in the habit of rendering such conversations into English for Mr. Sloan's benefit; were you not?

A. Yes, sir; when I considered it material or interesting.

Q. 89. Would it not have been better and the more natural way of doing business to have carried on these conversations in English; would not Mr. Sloan by that means have received information in the very words of Mr. Sainsevain, and would he not have been enabled to judge for himself of the importance or materiality of anything Mr. Sainsevain might say, instead of your being the judge of those matters?

A. Mr. Sainsevain preferred to converse with me in Spanish; I presume because he spoke the Spanish language more fluently.

Q. 90. When Mr. Sainsevain told you that in 1848, as an assisting witness, he signed a certified copy of an important title paper, purporting to be dated the 13th of January, 1846, did you ask him at whose instance he signed it?

A. I did not.

Q. 91. Did you ask him where he signed it?

A. I did not.

Q. 92. Did you ask him in whose presence he signed it?

A. I did not.

Q. 93. Did you ask him whether it was signed by Chabolla, the Alcalde, when he signed it?

A. I did not.

Q. 94. Did you ask him whether it had been signed by the other assisting witness, José Suñol, at the time he signed it?

A. I did not.

Q. 95. Did you ask him whether Chabolla, the Alcalde, José Suñol, the one assisting witness, and himself the other, signed it at the same time or at different times?

A. I did not.

Q. 96. Did you ask him if he knew at what time it was signed by Chabolla, the Alcalde, and José Suñol, one of the assisting witnesses?

A. I did not.

Q. 97. Did you ask him whether Mr. Alexander Forbes, of Tepic, or Mr. James Alexander Forbes, of Santa Clara, or Mr. Robert Walkinshaw, or Padre Real, or either of the Robles', or General José Castro, or anybody acting on behalf of any one of these, brought him that paper in 1848, and requested him to sign it?

A. I did not.

Q. 98. Did you ask him whether at the time he signed it in 1848, he knew that it bore date the 13th January, 1846?

A. I did not.

Q. 99. Did you ask him whether the difference between the date of the paper and the time he actually signed it was the result of oversight or of fraud?

A. I did not.

Q. 100. Did you ask him what object he had in signing in 1848 a paper purporting to be dated and signed on the 13th of January, 1846?

A. I did not.

Q. 101. Did you tell him that the fact stated by him to you of his having signed this paper in 1848, accorded marvelously well with the theory of the counsel for the United States as to the time at which the papers relating to the registry of the mine were really made?

A. I did not.

Q. 102. Did you tell him that he had communicated to you a fact which, in the opinion of the counsel for the United States in this case, whatever might be your own opinion, it was of great importance to establish in evidence?

A. I did not.

Q. 103. When did you and Mr. Sloan begin to converse about this declaration of Sainsevain's, preparatory to giving your testimony in this case, if any such conversation occurred?

A. I have had no conversation with Mr. Sloan about it, except to mention to him that I had received a subpœna to testify.

Q. 104. And you have seen no written statement, and heard no verbal account from a third person, of Mr. Sloan's recollection of what Sainsevain said, to which he would testify?

A. I have not.

### DIRECT RESUMED.

Q. 105. In what language did Mr. Sainsevain speak when he conversed directly with Mr. Sloan, if he ever did?

A. I have heard Mr. Sainsevain speak in English to Mr. Sloan.

Q. 106. In what language did Mr. Sainsevain speak when you and he and Mr. Sloan conversed together, if you ever did?

A. In English.

Q. 107. During your cross-examination has anything further occurred to you which happened at the time and place at which Mr. Sainsevain made the declaration to which you have testified; if so, state what?

[Objected to by counsel for claimant, so far as anything the witness may allege Mr. Sainsevain said, other than the alleged declaration concerning which Mr. Sainsevain was interrogated.

The counsel for the United States declines to press the question under the objection.

The counsel for the claimant states he made the objection to furnish a ground for recalling Mr. Sainsevain.]

Examination closed.

I. D. MARKS.

Sworn to and subscribed before me, this 11th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 13, 1860.
W. H. Chevers, Clerk.

## EXHIBIT MARKS A., J. B. W.

Señor Alcalde de 1a Nominacion:

Andres Castillero, Capitan de Caballeria permanente, y residente hoy en este Departmento ante la notoria justificacion de Vd. hace presente, que habiendo descubierto una veta de plata con ley de oro, en terreno del rancho perteneciente al Sargento retirado de la compañia presidial de San Francisco, José Reyes Berreyesa, y quierendo trabajarla en compañia suplico á Vd., que arreglado á la ordenanza de mineria, se sirva de fijar rotulones en los parajes publicos de la jurisdiccion para que llegado el tiempo de la posesion juridica, asegure mi derecho, segun las leyes de la materia, á Vd. suplico provea de conformidad, en lo que recibiré merced y justicia: admitiendo este en papel comun por falta del sellado correspondiente. Pueblo de San José Guadalupe, Noviembre veinte y dos de mil ochocientos cuarenta y cinco.

ANDRES CASTILLERO.

Es copia á la que me remito, firmandola con dos testigos de asistencia en la pueblo de San José Guadalupe á 13 de Enero de 1846.

PEDRO CHABOLLA.

De asistencia—P. SAINSEVAIN: de asā. JOSE SUNOL.

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Señor Alcalde de 1ª Nominacion del Pueblo de San José Guadalupe:

Andres Castillero, Capitan permanente de Caballeria, ante la notoria justificacion de Vd. comparezco y digo: entablando el mineral que con anterioridad denuncié á ese juzgado, he sacado, á mas de plata con ley de oro, azogue liquido, en presencia de algunos concurentes que podré citar en caso oportuno. Y por convenir mi derecho le he de merecer á Vd. que unido ál escrito del denuncio, se archive esta presentacion, no yendo en papel del selló por no haberlo.

Á Vd. suplico provea de conformidad; en lo que recibiré merced y justicia.

Santa Clara, Decembre 3 de 1845.

ANDRES CASTILLERO.

Es copia á la que me remito, firmandolo con los testigos de mi asistencia en el pueblo de San José Guadalupe á 13 de Enero de 1846.

PEDRO CHABOLLA.

De asistencia—P. SAINSEVAIN: de asā. JOSE SUNOL.

### TRANSLATION.

Señor Alcalde of 1st Nomination:

Andres Castillero, Captain of permanent cavalry, and at present resident in this Department, before your notorious justification, makes representation: that having discovered a vein of silver, with a ley of gold, on the land of the rancho pertaining to José Reyes Berreyesa, retired Sergeant of the Presidial company of San Francisco, and wishing to work it in company, I request that, in conformity with the ordinance on mining, you will be pleased to fix up notices, in public places of the jurisdiction, in order to make sure of my right when the time of the juridical possession may arrive, according to the laws on the matter. I pray you to provide in conformity, in which I will receive favor and justice; admitting this on common paper, there being none of the corresponding stamp.

Pueblo of San José Guadalupe, November twenty-second, eighteen hundred and forty-five.

ANDRES CASTILLERO.

This is a copy of the original to which I refer, signing it with two assisting witnesses, in the pueblo de San José, on the 13th of January, 1846.

PEDRO CHABOLLA.

Assisting witnesses: P. Sainsevain, Jose Sunol.

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Señor Alcalde of First Nomination:

I, Andres Castillero, permanent Captain of Cavalry, before your well known justification, appear and say: That on opening the mine which I previously denounced in this Court, I have taken out, besides silver with a ley of gold, liquid quicksilver, in the presence of several bystanders, whom I may summon on the proper occasion. And, considering it necessary for the security of my right so to do, I have to request you, that, uniting this representation to the denouncement, it may be placed on file, it not going on stamped paper, because there is none. I pray you to take measures to this effect, in which I will receive favor and grace.

Santa Clara, December 3, 1845.

ANDRES CASTILLERO.

This is a copy of the original to which I refer, signing it with the witnesses of my assistance, in the pueblo of San José Guadalupe, on the 13th of January, 1846.

PEDRO CHABOLLA.

Assisting witnesses: P. Sainsevain, Jose Sunol.

## EXHIBIT MARKS B., J. B. W.

Sepan todos por el presente, que nosotros, Maria Z. Bernal de Berreyesa, Ygnacio Berreyesa, Santiago Berreyesa, José S. Berreyesa, Nemecio Berreyesa, M. Carmen Berreyesa, Francisco Berreyesa, Loreto Berreyesa, y su esposa Juan Bojorquez, Magdalena Berreyesa, y su esposa M. Fernandez, Fernando Berreyesa y Encarnacion Berreyesa, de las primeras partes del condado de Santa Clara y Estado de California, Celebramos, el contrato contenido en los articulos siguientes con los Señores C. K. Garrison, J. M. Moss, H. I. Thornton, V. E. Howard y I. D. Marks, de la segunda parte, del condado de San Francisco y Estado dicho. Articulo primero—Las primeras partes, de la primera parte, como dueños al presente del Rancho de San Vicente (en el Condado de Santa Clara) y sus pertenencias, y al mismo tiempo, reconociendo como porcion integra de dicho Rancho, la Mina de Nuevo Almaden y sus pertenencias, tratamos y enagenamos, una porcion de dicha Mina conforme sigue. Articulo segundo—Las primeras partes de la primera parte, comprometen, ceden y traspasan, para siempre, á favor de las segundas partes y sus herederos ó susesores, once barras (de la veinte y cuatro en que se considera dividéda una Mina) de la Mina de Nuevo Almaden, como del mismo modo Once partes, de veinte y cuatro, sobre sus maquinas y demas mejoras pertenecientes a dicha Mina, y la distribucion entre las segundas partes en las barras y mejoras, se hará como mas adelante se dirá. Articulo tercero—Las primeras partes en esta contrata, ceden y traspassan en la mejor forma, como queda dicho in el Articulo segundo de esta contrata, bajo estas condiciones y son, que las segundas partes, compromiten sus bienes y servicios personales, para el mantenimiento de todos los pleitos, tramites y apelaciones, que fuesen necesarios en las Cortes de esta Estado y en las de cualquier otra de los Estados Unidos, y sus pertenencias, hasta obtener una final decision, y recivir, una pacífica posecion, de todas las propiedades arriba mencionades. Articulo cuarto—Las segundas partes se comprométen á no vender, traspasar, ni enajenar ninguna de los derechos adquiridos en esta contrata, hasta despues de obtener una total y final favorable decision en dichos pleitos y apelaciones, y si lo podran hacer en algun caso urgente, para proteger en adelanto de las mismos tramites.

Articulo quinto—Las partes que corresponden á cada una de las partes de la segunda parte, seran como sigue, C. K. Garrison y J. M. Moss cuatro barras y sus pertenencias, H. I. Thornton dos barras y sus pertenencias, V. E. Howard dos barras y sus pertenencias, aqui distríbuidas se entenderá de las once partes de las veinte y cuatro como arriba queda dicho. Articulo sesto—Las segundas partes, tendran derecho á once partes de veinte y cuatro, sobre cualquier suma ó cantidad que alcancen á recobrar contra la compañia que ilegalmente ocupa y ha ocupado la referida Mina de Nuevo Almaden, por razon de perjuicios y metales estraidos en proporcion a las partes que les corresponda; mas, queda entendido que todo lo que sea recobrado, por valor de leñas, pastos y cales de San Vicente, perteneceran esclusivamente á las partes de la primera parte. Articulo septimo—Ambas partes estan conformes, en que, obtenida una final y favorable decísion, y tomada una pacífica posecion de la Mina de Nuevo Almaden y sus pertenencias, entre las mismas partes interesadas, convendran y arreglaran de la manera mas conveniente, el modo de administrar la negociacìon de la manera mas favorable, como tambien, queda entendida, que cada una de las partes interesadas pagaran sus *taxes* respectívos, y demas gastos consequentes, al beneficio y demas trabajos de las metales. Articulo octavo—Las primeras partes no contraeran responsabilidad directa ni indírecta para con las segundas partes en el ultímo caso de un mal resultad, en las cortes y apelaciones al recobro de las propíedades mencionadas.

Articulo noveno—Las primeras partes de la primera parte, declaran y cónvíenen, que en el ultímo caso de un mal resultado en los pleitos y apelaciones relatívos al recobro de la Mina de Nuevo Almaden y sus pertenencias, cederan la misma cantidad de barras, a cada una de las personas arriba mencíonada, en cualquiera otra Mina, que primero se abra en el referido Rancho de San Vicente y el fé de lo cual lo firmamos con nuestros propias manos y sellos en el referido Rancho de San Vicente á los veinte y tres dias de Noviembre de mil ocho cientos y tres años.

Magdalena † Fernandez, [s.]
Maximo Z. Fernandez, [s.]
Loreto B. de † Bojorquez, [s.]
Juan † Bojorquez, [s.]
M^a del carmen † Berreyesa, [s.]
Maria Z. B. † Berreyesa, [s.]
Yg. Berreyesa, [s.]
Jose S. Berreyesa, [s.]
Nemecio Berreyesa, [s.]
Fernando † Berreyesa, [s.]
Encarnacion † Berreyesa, [s.]
Santiago Berreyesa. [s.]

Testigo: L. Archer, Cubas Fernandez.

STATE OF CALIFORNIA, } ss:
County of Santa Clara. }

On the twenty-third day of November, A.D. 1853, personally appeared before me, a Notary Public in and for said county Maria Z. Bernal de Berreyesa, Ygnacio Berreyesa, José S. Berreyesa, Nemecio Berreyesa, Fernando Berreyesa, Encarnacion Berreyesa, Santiago Berreyesa, Magdalena Fernandez, and Maximo Fernandez, known to me to be the persons described in, and who executed the foregoing instrument, who each acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned; and the said Magdalena Fernandez, wife of the said Maximo Fernandez, being personally known to me to be the person whose name is subscribed thereto as a party, and who, having been made acquainted with contents of said instrument, acknowledged on examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion or undue influence of her husband, and that she did not wish to retract the execution of the same. Given under my hand and Notarial Seal at the said county of Santa Clara, this November 23d, A. D. 1853.

L. ARCHER,
[SEAL] Notary Public.

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STATE OF CALIFORNIA, }
County of Santa Clara. }

Be it remembered, that on this 23d day of November, A. D. 1853, personally appeared before me, Caswell Davis, a Notary Public within and for the County and State aforesaid, Loreto B. de Bojorquez, Juan Bojorquez, Maria del Carmen Berreyesa, all personally known to me to be the identical persons whose names are subscribed to the foregoing instrument of writing, who executed the same in my presence, and severally acknowledged the same to be their act and deed for the purposes therein mentioned; that they executed the same freely, voluntarily, and of their own good will. Given under my hand and Seal this the day and year above written.

CASWELL DAVIS. [SEAL.]

Aceptamos el contrato que precede, y en fé de lo cual firmamos esta escritura con nuestras propias manos y ponemos nuestros sellos, en la ciudad de San Francisco á los 26º dias de Noviembre de 1853 años.

C. K. GARRISON, [S.]
HARRY I. THORNTON, [S.]
J. MORA MOSS, [S.]
V. E. HOWARD, [S.]
I. D. MARKS, [S.]

Testigos, JAS. TOBIN.

—

STATE OF CALIFORNIA,
County of San Francisco, } ss:

On this thirtieth day of November, A. D. one thousand eight hundred and fifty three before me, Erastus V. Joice, a Notary Public in and for said County, personally appeared James Tobin, to me personally known, who being duly sworn says, that he was present and saw C. K. Garrison, Harry I. Thornton, V. E. Howard, I. D. Marks and J. M. Moss execute the annexed instrument; that he, the witness, subscribed his name as a witness at the time; that the said parties are to him known to be the individuals described in and who executed the annexed instrument, and acknowledged that they executed the same freely and voluntarily for the uses and purposes therein mentioned. In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

E. V. JOICE,
[SEAL] Notary Public.

Filed for record at 9 o'clock A. M., Dec. 3d, A. D. 1853.

S. A. CLARK, Recorder.

Recorded at request of J. B. Hewson.

S. A. CLARK, Recorder.

(Certificate of Record in Book of Deeds "F," pages 490, 491, 492, and 493.)

## TRANSLATION OF EXHIBIT MARKS B.

Know all men by these presents: That we, Maria Z. Bernal de Berreyesa, Ygnacio Berreyesa, Santiago Berreyesa, Nemecio Berreyesa, M. Carmen Berreyesa, Francisco Berreyesa, Loreto Berreyesa, and her husband Juan Bojorquez, Magdalena Berreyesa, and her husband M. Fernandez, Fernandez Berreyesa, and Encarnacion Berreyesa, parties of the first part, of the county of Santa Clara, and State of California, do make the contract contained in the following articles, with Messrs. C. K. Garrison, J. M. Moss, H. I. Thornton, V. E. Howard, and I. D. Marks, of the second part, of the county of San Francisco, and State aforesaid:

Art. 1.—The parties of the first part, as owners at present of the Rancho San Vicente (in the county of Santa Clara) and its appurtenances, and at the same time recognizing as an integral part of said rancho the mine of New Almaden and its appurtenances, do bargain and convey a part of said mine as follows:

Art. 2.—The parties of the first part do bind, grant and transfer forever in favor of the parties of the second part, and their heirs or successors, eleven barras (of the twenty-four into which a mine is supposed to be divided) of the mine of New Almaden, as also, in like manner, eleven twenty-fourths of its machinery, and other improvements belonging to said mine; and the distribution of the barras and improvements among the parties of the second part shall be made as hereinafter stated.

Art. 3.—The parties of the first part in this contract do grant and transfer, in the best form, as stated in Art. 2d of this contract, under these conditions,—to wit, that the parties of the second part pledge their property and personal services, to maintain all suits, proceedings and appeals which may be necessary in the courts of this State, and in those of any other of the United States, and its dependencies, until a final decision is had, and peaceable possession received of all the property above mentioned.

Art. 4. The parties of the first part bind themselves not to sell, transfer, or convey any of the rights acquired by this contract, until after they shall have obtained a full and final favorable decision in said suits and appeals; but they may do so in case of necessity to sustain and advance said proceedings.

Art. 5.—The parts which belong to each one of the parties of the second part, shall be as follows: C. K. Garrison and J. M. Moss, four barras and their appurtenances; H. I. Thornton, two barras and their appurtenances; V. E. Howard, two barras and their appurtenances; I. D. Marks, three barras and their appurtenances—this distribution being understood to refer to eleven out of the twenty-four parts as above stated.

Art. 6.—The parties of the second part shall be entitled to eleven twenty-fourths of any sum or amount which they may be able to recover from the company which illegally occupies and has occupied the said New Almaden Mine, on account of damages and ores extracted, in proportion to the parts which they own; but it is understood that whatever may be recovered for the value of the timber, pasture, and lime of San Vicente, shall belong exclusively to the parties of the first part.

Art. 7.—It is agreed between both parties that—a final and favorable decision having been obtained, and peaceable possession of the mine of New Almaden and its appurtenances having been taken—the said parties in interest will agree to, and regulate, in the most convenient manner, the mode of administering the "negociacion" in the most favorable manner; and it is also understood, that each one of the parties interested shall pay his respective taxes, and other necessary expenses, for the smelting and other working of the ores.

Art. 8.—The parties of the first part shall not contract, directly nor indirectly, any responsibility to the parties of the second part, in case of a final bad result in the Courts, and appeals for the recovery of said property.

Art. 9.—The parties of the first part declare and agree that, in case of a final bad result in the suits and appeals relating to the recovery of the mine of New Almaden, and its appurtenances, they will grant the same number of barras to each one of the persons above mentioned in any other mine which may be first opened on the said rancho of San Vicente: and in witness whereof we sign the same with our hands and seals at the said rancho of San Vicente, on the twenty-third day of November, of the year eighteen hundred and fifty-three.

Magdalena † Fernandez, [s.]
Maximo Z. Fernandez, [s.]
Loreto B. de † Bojorquez, [s.]
Juan † Bojorquez, [s.]
M$^{A}$ del carmen † Berreyesa, [s.]
Maria Z. B. † Berreyesa, [s.]
Yg. Berreyesa, [s.]
Jose S. Berreyesa, [s.]
Nemecio Berreyesa, [s.]
Fernando † Berreyesa, [s.]
Encarnacion † Berreyesa, [s.]
Santiago Berreyesa. [s.]

Witness: L. Archer, Cubas Fernandez.

STATE OF CALIFORNIA, }
County of Santa Clara. } ss:

On the twenty-third day of November, A. D. 1853, personally appeared before me, a Notary Public in and for said county, Maria Z. Bernal de Berreyesa, Ygnacio Berreyesa, José S. Berreyesa, Nemecio Berreyesa, Fernando Berreyesa, Encarnacion Berreyesa, Santiago Berreyesa, Magdalena Fernandez, and Maximo Fernandez, known to me to be the persons described in, and who executed the foregoing instrument, who each acknowledged to me that they executed the same freely and voluntarily, for the uses and purposes therein mentioned; and the said Magdalena Fernandez, wife of the said Maximo Fernandez, being personally known to me to be the person whose name is subscribed thereto as a party, and who, having been made acquainted with contents of said instrument, acknowledged on examination, apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion, or undue influence of her husband, and that she did not wish to retract the execution of the same.

Given under my hand and notarial seal, at the said County of Santa Clara, this November 23d, A. D. 1853.

[SEAL.] L. ARCHER,
Notary Public.

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STATE OF CALIFORNIA, }
County of Santa Clara. }

Be it remembered, that on this twenty-third day of November, A. D. 1853, personally appeared before me, Caswell Davis, a Notary Public within and for the county and State aforesaid, Loreto B. de Bojorquez, Juan Bojorquez, Maria del Carmen Berreyesa, all personally known to me to be the identical persons whose names are subscribed to the foregoing instrument in writing, who executed the same in my presence, and severally acknowledged the same to be their act and deed, for the purposes therein mentioned, that they executed the same freely, voluntarily, and of their own good will.

Given under my hand and seal, this the day and year above written.

CASWELL DAVIS. [SEAL.]

We accept the preceding contract, and in witness thereof we sign this writing with our hands, and affix our seals, at the city of San Francisco, on the 26th day of November, in the year 1853.

C. K. GARRISON, [L. S.]
HARRY I. THORNTON, [L. S.]
J. MORA MOSS, [L. S.]
V. E. HOWARD, [L. S.]
I. D. MARKS. [L. S.]

Witness: JAS. TOBIN.

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STATE OF CALIFORNIA,
County of San Francisco, } ss:

On this thirtieth day of November, A. D. one thousand eight hundred and fifty-three, before me, Erastus V. Joice, a Notary Public in and for said city and county, personally appeared James Tobin, to me personally known, who, being duly sworn, says that he was present, and saw C. K. Garrison, Harry I. Thornton, V. E. Howard, I. D. Marks, and J. M. Moss execute the annexed instrument; that he, the witness, subscribed his name, as a witness, at the time; that the said parties are to him known to be the individuals described in, and who executed the annexed instrument, and executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year first above written.

[SEAL.] E. V. JOICE,
Notary Public.

Filed for record at 9 o'clock, A. M., December 3d, A. D. 1853.
S. A. CLARK, Recorder.

Recorded at the request of J. B. Hewson.
S. A. CLARK, Recorder.

(Certificate of record in Book of Deeds "F," pages 490, 491, 492 and 493.)

# DEPOSITION OF E. W. F. SLOAN.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
In Land Cases: District Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 10th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgements of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared E. W. F. Sloan, a witness produced in behalf of the United States in the above entitled cause, now pending in the said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and A. C. Peachy, Esq., for claimant.

Witness sworn on his voir dire.

Questions in behalf of the claimant.

QUESTION 1st. You know very well the issues involved in this suit, and the property claimed: Do you own an interest, or do you claim an interest, in the lands and mine of New Almaden adverse to the title of the claimant in this case?

A. I do; the interest I claim is under the Berreyesa's.

Q. 2. You have been counsel for the Berreyesa's a long time, have you not?

A. I have, since 1852.

Q. 3. You have conducted various suits at common law and equity against the New Almaden Company, claiming under Andres Castillero, to recover possession of the mine and part of the lands claimed in this case, and to obtain an injunction restraining the New Almaden Company from working the mine, and to have a receiver appointed to take charge of and conduct the operations of the mine, and for a decree ordering an account, etc., have you not?

A. I have.

Q. 4. In all this litigation you have claimed, have you not, that the direction of the dividing line between the rancho of Berreyesa and that of Justo Larios, as described in their titles, is such as to throw the Almaden mine and hacienda, or reducing establishment, within the general limits of the Berreyesa rancho?

A. I have, and do so claim still.

Q. 5. Do you not consider that the defeat of the title or claim, for the establishment of which against the government of the United States this suit is prosecuted, will greatly add to the value of the Berreyesa rancho?

A. I do.

[The competency of the witness to testify, is objected to by the counsel for claimant.]

Questions in behalf of the United States.

Q. 6. State your name, age, place of birth, present residence, and occupation.

A. E. W. F. Sloan; age, 43; place of birth, South Carolina; present residence in San Francisco, and since 1851; am a lawyer by profession.

Q. 9. Are you acquainted with Pedro Sainsevain, the witness who testified in this case on the 7th and 8th instant?

A. I am, and have been since some time last winter.

Q. 8. Have you ever conversed with him on the subject of any papers, or copies of papers, in evidence in this case? If yea, describe the papers concerning which you held such conversation with him.

A. I have had conversations with him in my office concerning the claim of Castillero, or those who hold under him, to the New Almaden mine; and of the claim of the Berreyesa's to the tract of land mentioned in the questions which have been asked me by counsel for claimant, which I contend embraces the mine. Most of the conversations I have had with Mr. Sainsevain concerned the boundary line between the Berreyesa and Justo Larios ranchos. I have had some general conversations with Mr. Sainsevain, in which I briefly expressed my views touching the legal validity of the claimant Castillero's title to the mine; but, according to my present recollection, my conversations with him were mostly directed to the other question, to wit, the dividing line between Berreyesa and Larios.

Mr. Sainsevain called from time to time whilst I was in the office, I think during the month of January last, as near as I can recollect without reference to a deed of trust which I drew from some of the members of the Berreyesa family to himself, as often as ten or twelve times at least; once or twice before the deed was drawn, perhaps oftener, and several times afterwards. At every call we interchanged some little conversation in regard to these claims, sometimes more protracted. The greater part of the time, however, whilst he was in my office, he and Mr. Marks conversed with each other, while I was writing at the table, to which I would pay no attention. Sometimes one or the other would address an observation to me directly, at which time I would participate in the conversation for a minute or two, and then resume my business.

During all this time Mr. Marks and Mr. Sainsevain were frequently engaged in looking at various documents and papers connected with these claims, and occasionally I was asked regarding my opinion and views upon some matter about which they seemed to have been conversing. The only printed pamphlet that I remember to have opened and examined with Mr. Sainsevain during his calls at the office, was one which contains copies of the diseños in the Berreyesa case and in the Larios case, and a copy of the record as printed in Washington city in the case of Tobin v. Walkinshaw *et al.*, containing the testimony of witnesses in the bill of exceptions touching the dividing line between the two ranchos; and our conversation with regard to those two was directed almost entirely to the question of boundary.

When I was first introduced to Mr. Sainsevain, and for some time afterwards, I had either forgotten that there were any papers in the Castillero case signed by him as an assisting witness, or it never occurred to me that he was the same person, until it was suggested to me in the office by Mr. Marks one evening, that certified copies of the two representations signed by Castillero and the certificate of possession, usually called the denouncement papers, had been signed by Pedro Sainsevain, and that the time he signed them was in 1848. That was the first time I had ever wakened up to the fact, since my introduction to him, that the Mr. Sainsevain I knew had ever signed any papers in the case. Mr. Marks simply turned to me and made that observation. Mr. Sainsevain was present at the time, I think, because I turned to him at the time or soon afterwards, while the occurrence was fresh in my memory, and observed to him, "You, I understand, are the same Sainsevain who signed those papers as an assisting witness." He said he was.

In regard to the time he signed it, I don't now remember whether I put any question directly at the moment, or whether Mr. Marks repeated the observation he had made before with regard to the time. What I understood Mr. Sainsevain to say was, that it was in 1848. I did not at the moment know or remember that that was a different date from that borne by the papers themselves, but I afterwards noticed the variance. If I had, at the moment, realized the discrepancy between his statement and the date inserted in the papers, I should have had a full and protracted conversation with him on the subject, for though I never attached a great deal of value to the date of those documents, or to the time of certifying the copies, yet I regarded any statement showing either a mistake in dates or contradicting dates as worthy of being noticed in connection with the general question of the genuineness of the papers.

Q. 9. In what language did you always converse with Mr. Sainsevain on the occasions referred to?

A. Always in English; though he and Marks were in the habit of conversing together in Spanish.

Q. 10. In what language did you transact business with him on those occasions?

A. In English. The only business I transacted in writing, was the drafting of a deed of trust, and also a conveyance from the Berreyesa's to myself of an interest of ten per cent., according to our original contract, some of the family having as yet not signed any conveyance. That was never executed. The deed of trust was, with some alterations made from my draft, as Mr. Sainsevain informed me. He consulted with me at the same time in regard to my views about the interests of the family, and in that connection, also in reference to a conveyance which Bojorquez and wife had made, which was deemed a very improvident one. All this was in the English language. However, I must say I think Mr. Sainsevain expresses himself with some difficulty in English. He may understand it pretty well, but does not speak it fluently.

Q. 11. Is your recollection and present impression of what passed between Mr. Sainsevain and yourself on the subject of the date on which he signed the papers in question, clear and distinct?

[Objected to by counsel for claimant as leading.]

A. My recollection of the impression is clear and distinct.

Q. 12. Is there anything further which you now recall on the subject of that interview between Mr. Sainsevain and yourself, and particularly, relating to the time when he signed those papers?

A. I cannot think of anything more that occurred at that time. It was not, as I before remarked, until some time afterwards that I observed particularly that the time mentioned did not correspond with the date in the papers. Since that I have had no conversation with Mr. Sainsevain, and no opportunity to call his attention again to it. Some time afterwards, when I discovered that further testimony was being taken in this case, I mentioned to Mr. Randolph what I understood Mr. Sainsevain to say, suggesting to him that unless he was examined on that subject in behalf of the claimant, it would be as well to examine him in behalf of the United States.

## CROSS-EXAMINATION.

Questions by counsel for claimant.

Q. 13. What time of day did this conversation occur between yourself, Mr. Marks and Mr. Sainsevain?

A. I think it was at night, as most of Mr. Sainsevain's visits were made after candle-light.

Q 14. What were you doing at the time Mr. Sainsevain and Mr. Marks were conversing?

A. It would be impossible for me to state more particularly than that I was occupied in reading or writing.

Q. 15. Did you listen to the conversation at that time between Mr. Marks and Mr Sainsevain, so as to understand it?

A. It may have been the eighth or ninth time that my attention was called by Mr. Marks to something they had been conversing about, but I paid no attention to their conversation as a general thing, unless my attention was specially called by one or the other to it.

Q. 16. Did you hear and attend to the conversation between Mr. Marks and Mr. Sainsevain that night, which preceded Mr. Marks' report to you of what Sainsevain had told him?

A. I do not recollect that I did. I worked in one room, where there was a fire-place; sometimes Mr. Marks and Mr. Sainsevain were engaged in conversation when I came to my office, and would continue it, mostly in the Spanish language, while I was at work at my table. Sometimes they would call my attention by putting a question or making an observation. On these occasions I sometimes made but a remark or two, and then resumed my reading or writing, and sometimes I would continue the conversation with them for several minutes.

Q. 17. I understand you to say that you have no recollection of having attended to the conversation between Mr. Sainsevain and Mr. Marks on the occasion referred to in the last question, which preceded Mr. Marks' report to you of what Mr. Sainsevain stated to him, and that this conversation between Mr. Marks and Mr. Sainsevain was one of those to which your attention was first called by something which Mr. Marks addressed to you?

A. I cannot from memory say that my attention was called to anything previous to Mr. Marks' report to me of Mr. Sainsevain's statement, nor can I from memory state the contrary.

Q. 18. Do you remember now whether on that occasion Mr. Sainsevain and Mr. Marks conversed in Spanish or English?

A. I do not. I can only say that according to my recollection they always spoke to each other in the Spanish language, except when they seemed desirous that I should participate in the conversation.

Q. 19. Do you remember the particulars of that conversation which preceded Mr. Marks' report to you?

A. I do not. I don't know that I understood it even.

Q. 20. The printed copies of the certified copies of Castillero's two representations, signed by Mr. Sainsevain as an assisting witness on the 13th of January, 1846, are parts of an espediente of papers relating to the denouncement and possession of the Almaden Mine, which espediente was copied in the year 1848, and certified by James W. Weekes, Alcalde, on the 20th of January in that year;—in other words, the two papers signed by Mr. Sainsevain are those from which were copied the instrument certified by Weekes, and known in this case as the Weekes copy; I ask you are they not?

A. They purport to be copies of parts of an espediente, as it appears in the pamphlet referred to by Mr. Marks, on pages 6, 7, 8 and 9, certified by James W. Weekes, Alcalde, on the 20th January, 1848.

Q. 21. The pamphlet to which you have referred is the same which was produced by Mr. Marks when he was examined yesterday, and the documents concerning which Mr. Sainsevain testified are found copied on pages 6 and 7 of that pamphlet; and it was with reference to these printed copies that Mr. Marks says he had the conversation with Mr. Sainsevain: Now are not the printed copies on pages 6 and 7 of that pamphlet parts o. the Weekes copy which is there printed?

A. They seem to be so.

Q. 22. On what page of this pamphlet is Weekes' certificate, dated 20th January, 1848?

A. On page 9.

Q. 23. When Mr. Marks made his statement to you of what Sainsevain had told him, do you remember the precise words he used?

A. I do not.

Q. 24. Did you ask Mr. Sainsevain any question in consequence of what Mr. Marks had told you?

A. I can't, from memory, say that I did. My impression is, I did; though it may have been another observation made by Mr. Marks in my hearing.

Q. 25. Did Mr. Sainsevain then say anything, either in reply to a question from you or to an observation made by Mr. Marks?

A. He did; he made some observation after my attention had been called to what Mr. Marks stated his former observation to have been, which I supposed was a brief repetition of what he just before observed to Mr. Marks, although I was not certain, for I did not know what he had said to Mr. Marks.

Q. 26. Do you remember the words of Mr. Sainsevain in that observation?

A. I would not undertake to repeat precisely those words, but I think I can substantially. According to my recollection he said substantially this, "Yes, it was in 1848."

Q. 27. From those words, I presume you inferred that Mr. Sainsevain had signed himself certain papers in 1848?

A. I did.

Q. 28. What induced you to make that inference?—the words themselves do not contain such a declaration.

A. It was the observation of Mr. Marks, calling my attention to what I understood him to say Mr. Sainsevain had just observed in regard to the time he signed those papers.

Q. 29. Then if Mr. Marks had beeen mistaken in his report to you of what Sainsevain said, if Mr. Sainsevain had really remarked to Mr. Marks that this Weekes copy was made in 1848, the words in which he confirmed Mr. Marks' statement, he supposing Mr. Marks had reported to you what he had himself really told him--to wit, "Yes, it was in 1848," would have produced the same impression on your mind which they appear to have done, would they not?

A. I suppose they would.

Q. 30. Did you ask Mr. Sainsevain what papers were made in 1848?

A. I did not, that I now remember.

Q. 31. Was the pamphlet here produced by Marks, or any other copy of it, handed to you on that occasion, and certain printed documents therein shown you as copies of certain originals which Sainsevain then declared he made in 1848?

A. I don't think I looked at any documents, written or printed, at the time or in connection with that particular conversation.

Q. 32. Is your recollection of the words used by Mr. Sainsevain on that occasion so vivid as to enable you to repeat them? Can you say the words were "Yes, it was in 1848," or "Yes, it was made in 1848," or "Yes, I signed them in 1848," or "Yes, it was signed in 1848?" I call your attention to this particularly, because you must perceive that what Mr. Sainsevain said was intended as a confirmation, as you understood it, of what Mr. Marks had reported him to have said. I desire to know if the form of words used by Mr. Sainsevain in confirming what Mr. Marks had said, was such as to convey an express assertion that in the year 1848 he had signed papers purporting to be dated 13th January, 1846.

A. I cannot undertake to repeat the words with more accuracy than I have done. He may have used either of those expressions. I can only say that the impression made on my mind, which I may confound with the language he used, was that he had signed those papers in 1848.

Q. 33. But it is very obvious, is it not, that if Mr. Marks had told you, or if you had inferred from what Mr. Marks said, that Mr. Sainsevain had signed certain papers in 1848; and if, on turning to Mr. Sainsevain for a confirmation of Mr. Marks' statement, Mr. Sainsevain had merely said "Yes," you would have drawn the same inference, would you not?

A. I would.

Q. 34. You say that at the time you inferred from Marks' statement, confirmed as it was by Mr. Sainsevain, that Mr. Sainsevain had signed some papers in 1848, you did not reflect that those papers purport to have been signed by him on the 13th of January, 1846: what papers did you understand Mr. Sainsevain to say he had signed in 1848?

A. I understood them to be copies of what are called the "denouncement" papers in this case, and I supposed them to be the copies put in evidence in this case.

Q. 35. You are very familiar with the title papers of the claimant in this case, are you not?

A. I have been. I cannot at this moment call to memory all the documents and papers put in evidence as well as I could two or three years ago, when I had occasion to examine them. My present recollection is, that the first copy filed in the case was the Weekes copy, purporting to be certified by him in 1848, and containing copies of the documents on pages 6 and 7 of the printed pamphlet referred to by Mr. Marks in his testimony, and that afterwards, since the cause has been pending in the District Court, that a copy was made out from certain papers brought here from the office of the County Recorder of Santa Clara county, which were claimed to be, as I understood, the original expediente, but to which was not attached the articles of partnership appearing in the Weekes copy.

Q. 35. You are correct in saying that the first copy of the title papers filed in the Land Commission was the Weekes copy, or a copy of that copy, but you are mistaken in supposing that the original papers in the archives at San José were first introduced in evidence in the District Court; they were first offered and proved before the Land Commission, and copies of them filed. However that may be, you have for a long time been familiar with the facts that this mine is claimed to have been discovered by Castillero in 1845, to have been registered by him before the Alcalde in that year, and to have been delivered into his possession by the same officer in December of that year, have you not?

A. I have.

Q. 36. Before your conversation with Mr. Marks and Mr. Sainsevain on the occasion referred to, you had heard Mr. Randolph's argument before the Circuit Court of the United States for this district, on a motion for injunction and receiver in the case of the United States v. John Parrott *et al.*, had you not?

A. I heard part of his argument only.

Q. 37. Did you hear that part of it in which he contended that all the papers offered in evidence by the claimant in this case, of the registry and possession of the mine, were made in 1848, while Mr. Alexander Forbes, of Tepic, was in California, and, being ante-dated and fraudulent, were void?

A. I heard that part of his argument in which he undertook to show that the documents and papers introduced in evidence in the case from the city of Mexico had been ante-dated; and I knew that he entertained similar views in regard to what purports to be the expediente of the denouncement and possession of the mine, and that these last mentioned papers were really written in 1848.

Q. 38. When Mr. Marks called your attention to what he said Mr. Sainsevain told him in regard to the time when he signed, as assisting witness, the certified copies of the denouncement papers, to wit, in 1848, you say you did not recollect that this copy purports to have been signed by Mr. Sainsevain on the 13th January, 1846, but that some time after that conversation the discrepancy occurred to you, and you determined to have a very full and particular conversation with Mr. Sainsevain on the subject; or rather, as you now correct me in regard to what you said, you stated that if the discrepancy had occurred to you at the time you certainly would have conversed with him fully, or at any subsequent time if you had seen him: of what importance, then, did you regard the communication which Mr. Marks made to you as to the time when Sainsevain signed these papers?

A. I did not at the moment attach any particular importance to it, and only directed my attention to it for the moment because my attention was called to it by Mr. Marks; nor did the discrepancy ever occur to me until Sainsevain ceased to come to the office, which was soon afterwards. In looking over some of the copies I had there, I discovered the fact that his signature appeared to have been affixed in January, 1846; I then recalled to mind what had occurred that evening.

Q. 39. Considering your familiarity with the claimant's title papers in this case, and with the copies of them which have been filed, and with the alleged dates of the various facts connected with the history of the mine; and considering further your intimate knowledge of all the charges made against the title papers in the case by the Government, of fraud, forgery and ante-dating; and considering further, that you knew the Government counsel contended that the papers relating to the registry and possession of the mine were made as late as 1848, and are ante-dated,—I presume that your mind must have been very much engaged on other subjects, when you paid so little attention to Mr. Marks' report of Mr. Sainsevain's statements: is it not so?

A. Yes, I was engaged every time he called there. Almost all these calls were interruptions to other business which I had before me.

Q. 40. After Mr. Sainsevain had used certain words in confirmation, as you understood them, of what Mr. Marks had reported him to have said, did you ask Mr. Sainsevain any further questions about the matter?

A. I don't know that I asked him any second question. I don't know that the first was a question, or whether it was a mere observation made by me or Mr. Marks.

Q. 41. Then I understand the sum and substance of the matter to be this: That on a certain evening in your office, while you were engaged in your business, Mr. Marks and Mr. Sainsevain were conversing; that you paid no attention to what they were saying, and can recollect none of the particulars of the conversation; that Mr. Marks, interrupting you in your engagements, called your attention to a statement just made to him by Mr. Sainsevain, to the effect that he, Sainsevain, had signed certain copies of the denouncement papers in 1848, as you understood Mr. Marks' relation to you; that thereupon, and in reply to what was either a question or an observation, you do not remember which, uttered by Mr. Marks or by yourself, you cannot remember by whom, Mr. Sainsevain used words which you regarded as a confirmation of what Mr. Marks reported him to have said; that at that time you considered Sainsevain's statement, as reported to you by Mr. Marks, as of but little or no importance—of so little importance that you asked Mr. Sainsevain no further question about it; and that since that time you have never interrogated him on the subject: is not this the sum and substance of what you have said?

A. That is substantially it. I cannot express myself more clearly than I have already. It is the case with myself, and I presume with other lawyers also, that a client calls my attention to a fact or circumstance connected with his case, when I am engaged upon other cases, and which I listen to for the moment because I discover that it appears to him to be of importance, but which I immediately discard from my mind until I afterwards take up or recur to his case, when the observation will be revived in my memory. I mean to say that this was the case with this conversation.

Q. 42. Is not the constitution of your mind such, and are not your habits of study and reflection such, that you become absorbed in the particular case you are engaged upon, and that it occupies your attention to the exclusion of every thing else, so as to make interruptions disagreeable; and frequently, when these interruptions apparently occur, are you not all the while thinking of the business on hand when the attempt was made to distract your attention from it?

A. I have experienced all you have suggested in your question. I cannot say whether I am more absorbed in matters than other men. I have been in Court, managing ejectment cases that have occupied several days, and have discovered that my recollection, without taking notes of particular facts proven, was often better than those who took notes of the testimony. On such occasions the case monopolizes my whole attention.

### DIRECT RESUMED.

Q. 43. State, if you please, the words or the substance of Mr. Marks, when he reported to you—or, more correctly, when he called your attention to what Mr. Sainsevain was saying on the occasion you have testified to.

[Objected to by counsel for claimant, on the ground that it does not appear that Mr. Marks called Mr. Sloan's attention to what Mr. Sainsevain *was saying*; on the contrary, it appears that Mr. Marks stated to Mr. Sloan what Mr. Sainsevain *had said.*]

A. It is utterly impossible for me to repeat his language. His observation was substantially this: I don't know whether Mr. Marks reported to me what Mr. Sainsevain had *said* or what Mr. Sainsevain had *done*—but calling me by name, to direct my attention, he either said, "those copies of the denouncement papers filed in evidence in the Castillero case were signed by Mr. Sainsevain in 1848," or, "Mr. Sainsevain says they were either signed or written in 1848."

Q. 44. State the language or the substance of the question or observation which thereupon you think you addressed to Mr. Sainsevain, but which nevertheless you say might possibly have been addressed to him by Mr. Marks.

A. The observation, whether made by Mr. Marks or myself, was substantially a repetition of the same language in an interrogative form, running something like this: "What, you say that was in 1848?"—a mere repetition of what Mr. Marks had said.

Q. 45. Repeat in this connection the response which Mr. Sainsevain thereupon made.

A. He assented to the statement something like this: "Yes, in 1848," or equivalently. I know he assented to it, whether we all understood each other or not. I admit the possibility that we might not.

### CROSS-EXAMINATION RESUMED.

Q. 46. It is very much to be desired, when one witness is called upon the stand to discredit another, on the ground of former statements inconsistent with those made under oath and now denied under oath, for the impeaching witness to state *verbatim* the former conversation. For this reason I call your attention particularly to the words of the observation which you think you addressed to Mr. Sainsevain; they are these: "What, you say that was in 1848?" Are not these, as nearly as you can recollect, the very words you addressed to Mr. Sainsevain?

A. They are, as nearly as I can recollect.

Examination closed.

[The counsel for claimant desires that a copy of the documents referred to in this deposition, as they appear in the printed pamphlet testified to, shall be, with the translation, attached to this deposition as Exhibit A.]

E. W. F. SLOAN.

Sworn to and subscribed before me, this 10th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 13, 1860.
W. H. Chevers, Clerk.

## EXHIBIT SLOAN A., J. B. W.

[Page 6.]

Copy of espediente of denouncement, possession and partnership.

—

Exhibit "A" to petition. Exhibit "A" (P. L.) to depositions of Lewis, Suñol and Noriega.

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### Año de 1845.

Espediente del denuncio, posesion y compañia, de la mina de azogue, nombrada "Santa Clara," en la Alta California.

Señor Alcalde de 1a Nominacion:

Andres Castillero, Capitan de Caballeria permanente, y residente hoy en este Departmento ante la notoria justificacion de Vd. hace presente, que habiendo descubierto una veta de plata con ley de oro, en terreno del rancho perteneciente al Sargento retirado de la compañia presidial de San Francisco, José Reyes Berreyesa, y quierendo trabajarla en compañia suplico á Vd., que arreglado á la ordenanza de mineria, se sirva de fijar rotulones en los parajes publicos de la jurisdiccion para que llegado el tiempo de la posesion juridica, asegure mi derecho, segun las leyes de la materia, á Vd. suplico provea de conformidad, en lo que recibiré merced y justicia: admitiendo este en papel comun por falta del sellado correspondiente. Pueblo de San José Guadalupe, Noviembre veinte y dos de mil ochocientos cuarenta y cinco.

ANDRES CASTILLERO.

Es copia á la que me remito, firmandola con dos testigos de asistencia en la pueblo de San José Guadalupe á 13 de Enero de 1846.

PEDRO CHABOLLA.

De asistencia—P. Sansevain: de asā. Jose Suñol.

—

Señor Alcalde de 1a Nominacion del Pueblo de San Jose Guadalupe:

Andres Castillero, Capitan permanente de Caballeria, ante la notoria justificacion de Vd. comparezco y digo: entablando el mineral que con anterioridad denuncié á ese juzgado, he sacado, á mas de plata con ley de oro, Azogue liquido, en presencia de algunos concurentes que podré citar en caso oportuno. Y por convenir asi á [Page 7] mi derecho le he de merecer á Vd. que unido al escrito del denuncio, se archive esta presentacion, no yendo en papel del sello por no haberlo.

Á Vd. suplico provea de conformidad; en lo que recibiré merced y justicia.

Santa Clara, Diciembre 3 de 1845.

ANDRES CASTILLERO.

Es copia á la que me remito, firmandolo con los testigos de mi asistencia en el pueblo de San José Guadalupe á 13 de Enero de 1846.

PEDRO CHABOLLA.

De asistencia—P. Sansevain: de asã. Jose Suñol.

—

No encontrandose en el Departamento de California, Diputacion de Mineria: y siendo esta la unica vez desde la poblacion de Alta California, que se trabaja, con arreglo á las leyes, un mineral; y careciendo ademas de Juez de Letras el 2o distrito, Yo, el Alcalde de 1a Nominacion, C. Antonio Maria Pico, he venido, acompañado de dos testigos, para actuar por receptoria ã falta de escribano publico que no lo hay, para dar posesion jurídica de la mina conocida con el nombre de Santa Clara, en este jurisdiccion, situada en el rancho del Sergento retirado, José Reyes Berreyesa; porque habiendo fenecido el tiempo que señala la ordenanza de minería para deducir su accion el C. D. Andres Castillero, y que otras pudieran algar mejor derecho, desde el tiempo del denuncio á la fecha. Y encontrandose dicha mineral con abundancia de metales explotados, el pozo hecho con las reglas del arte, y produciendo la elaboracion de la mina, abundancia de Azogue liquido, segun las muestras que tiene el juzgado; y estando tan recomendado, por leyes vigentes, la proteccion de un articulo tan necesario para la amalgamacion de oro y plata en la Republica, he venido en conceder tres mil varas de terreno por todos rumbos, á reserva de lo que señale la Ordenanza General de mineria, por ser trabajada en compañia, de lo que doy fé, firmando conmigo los testigos, quedando agregado este acto de posesion al cumulo del expediente que queda depositado en esta archivo de mi cargo no yendo en papel sellado porque no lo hay en los terminos de la ley.

Juzgado de San José de Guadalupe y Diciembre 30, de 1845.

ANTONIO MARIA PICO.

De asa—Antonio Suñol. De asa Jose Noriega.

[Page 8.]

He recibido del Senor D. Andres Castillero la cantidad de viente y cinco pesos por cuenta de los derechos de posecion de la mina de Azogue, que está en la jurisdiccion de mi cargo, nombrada de Santa Clara.

Juzgado de San José Guadalupe, Diciembre 30, de 1845.

ANTONIO MARIA PICO.

Son 25 pesos.

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Escritura de compañia que el Sr. Dn. Andres Castillero capn. de caballeria permanente celebra con el Sor. Comdte. Gral. Dn. José Castro, los Srēs. Secundino Robles y Teodoro Robles, y una cesion voluntaria que hacen los compañeros perpetualmente al R. P. F. José Ma del Refugio Suares del Real, de una mina de plata, oro, y azogue en el Rancho de D José Reyes Berreyesa, en la jurisdiccion del pueblo de San José Guadalupe.

Art. 1. El Snr, Dn Andres Castillero, arreglandose en un todo á la ordenanza de mineria, hace formal compañia perpetualmente con los mencionadas Señores en esta forma. La mitad de la mina que es de la que puede disponer, se dividira en tres acciones en esta forma. Cuatro barras al Sor Don José Castro; cuatro barras a los Sres. Secundino y Teodoro Robles; y las otras cuatro al R. P. F. José Maria R. S. del Real en close de donacion perpetua.

Art. 2. Ninguno de los compañeros podrá vender ó enagenar ninguna de sus acciones—de manera que el que lo verificare, perderā su derecho, quedando reunido en los demas compañeros.

Art. 3. Los gastos se haran en proporcion a las acciones llevandose una cuenta formal por un contador, que se pagará del fondo comun.

Art. 4. Arreglandose en un todo á lo que previene las ordenanzas de mineria, cualquiera diferencia se resolverá por los mismos compañeros.

Art. 5. Dirigirá las labores, gastos y trabajos Dn. Andres Castillero; y en su defecto, el R. P. F. José Ma. R. S. del Real.

Art. 6. No se extraerá de los productos, mas cantidades que las que necesitan para el arreglo de la negociacion, hasta que se arreglen los trabajos; y cualquiera cantidad que sea, ha de ser con consentimiento de todos los compañeros hasta que este arreglada la negociacion.

Art. 7. Estos convenios se autorizaran per el señor Prefecto del 2o. distrito D. Manuel Castro, depositandose el documento original en el archive del partido; quedando una copia certificada por S. S. á los interesados.

[Page 9.]

Mision de Santa Clara dos de Noviembre de mil ochocientos cuarenta y cinco.

"ANDRES CASTILLERO.

"Por el Señor Comd'te Gral. Don José Castro, Andres Castillero.

"FR. JOSE MA. DEL R. S. DEL REAL,

"Por los Sres. Secundiño Robles y Teodoro Robles, Franco Arce.

"Es copia fiel del original al que me remito, Sta. Clara, Diciembre ocho del mil ochocientos cuarenta y cinco.

"MAN'L CASTRO.
"ANTONIO M. PICO.

Juzgado de Paz del Pueblo
de San José Guadalupe, Alta
California.

Certifico en todo forma lo que antecede es copia fiel sacada á la letra de su original expediente de la mina de Sta Clara ó Nuevo Almaden, que obra en el archivo de mi cargo, á que me remito. Y para su debida constancia he firmado este hoy, viente de Enero del mil echo cientos cuarenta yocho.

JAMES W. WEEKS.
*Alcalde.*

## Translation of Expediente of denouncement, possession, and partnership.

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Exhibit "B," to petition being translation of exhibit "A."

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### YEAR, 1845.

Expediente of the denouncement, possession, and partnership of the Quicksilver Mine, called "Santa Clara," in Upper California.

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### SEÑOR ALCALDE Ó 1ST NOMINATION.

Andres Castillero, Captain of permanent cavalry, and at present resident in this Department, before your notorious justification, makes representation: that having discovered a vein of silver, with a ley of gold, on the land of the rancho pertaining to José Reyes Berreyesa, retired sergeant of the presidial company of San Francisco, and wishing to work it in company, I request that, in conformity with the ordinance on mining, you will be pleased to fix up notices, in public places of the jurisdiction, in order to make sure of my right when the time of the juridical possession may arrive, according to the laws on the matter. I pray you to provide in conformity, in which I will receive favor and justice; admitting this on common paper, there being none of the corresponding stamp.

Pueblo of San José Guadalupe, November twenty-second, eighteen hundred and forty-five.

ANDRES CASTILLERO.

This is a copy of the original, to which I refer, signing it with two assisting witnesses, in the pueblo de San José Guadalupe, on the 13th of January, 1846.

Assisting witnesses: PEDRO CHABOLLA.

P. SANSEVAIN,
JOSE SUÑOL.

—

### SEÑOR ALCALDE OF 1ST NOMINATION.

I, Andres Castillero, permanent captain of cavalry, before your well known justification, appear and say: that on opening the mine which I previously denounced in this Court, I have taken out, besides silver with a ley of gold, liquid quicksilver, in the [Page 11] presence of several bystanders, whom I may summon on the proper occasion. And, considering it necessary for the security of my right so to do, I have to request of you, that uniting this representation to the denouncement, it may be placed on file, it not going on stamped paper because there is none. I pray you to take measures to this effect, in which I will receive favor and grace.

Santa Clara, December 3d, 1845.

ANDRES CASTILLERO.

This is a copy of the original, to which I refer, signing it with the witnesses of my assistance, in the pueblo of San José Guadalupe, on the 13th of January, 1846.

Assisting witnesses, PEDRO CHABOLLA.

P. Sansevain,
Jose Suñol.

There being no deputation on mining in the Department of California, and this being the only time since the settlement of Upper California, that a mine has been worked in conformity with the laws, and there being no "Juez de Letras," (professional Judge,) in the second district, I, the Alcalde of First Nomination, citizen Antonio Maria Pico, accompanied by two assisting witnesses, have resolved to act in virtue of my office, for want of a Notary Public, there being none, for the purpose of giving juridical possession of the mine known by the name of Santa Clara, in this jurisdiction, situated on the rancho of the retired sergeant, José Reyes Berreyesa, the time having expired which is designated in the ordinance of mining, for citizen Don Andres Castillero to show his right, and also for others to allege a better right, between the time of denouncement and this date, and the mine being found with abundance of metals discovered, the shaft made according to the rules of art, and the working of the mine producing a large quantity of liquid quicksilver, as shown by the specimens which this court has; and as the laws now in force so strongly recommend the protection of an article so necessary for the amalgamation of gold and silver in the Republic, I have granted three thousand varas of land in all directions, subject to what the General Ordinance of Mines may direct, it being worked in company, to which I certify, the witnesses signing with me; this act of possession being attached to the rest of the expediente, deposited in the archives under my charge; this not going on stamped paper, because there is none, as prescribed by law.

Juzgado of San José Guadalupe, December 30, 1845.

(Signed) ANTONIO MARIA PICO.

Assisting witnesses:
ANTONIO SUÑOL.
JOSE NORIEGA.

]Page 12.]

I have received of Don Andres Castillero the sum of twenty-five dollars, on account of the fees for the possession of the quicksilver mine, which is in this jurisdiction, under my charge, named Santa Clara.

Court House of San José Guadalupe, December 30, 1845.
$25.

ANTONIO MARIA PICO.

Writing of partnership executed by Don Andres Castillero, Captain of permanent cavalry, with the Commanding General, Don José Castro, and the Señores Secundino Robles and Teodoro Robles, and a voluntary grant which the partners make perpetually to the Rev. Father Friar José Maria del Refugio Suarz del Real, in a mine of silver, gold and quicksilver, in the rancho of Don José Reyes Berreyesa, in the jurisdiction of the Pueblo de San José Guadalupe.

Art. 1. Don Andres Castillero, conforming in all respects to the ordinance of mining, forms a regular, perpetual partnership with the said persons in this form. The half of the mine, which is that of which he can dispose, will be divided into three parts, in this manner: four shares to Don Josë Castro, four shares to Señores Secundino and Teodoro Robles, and the other four shares to the Rev. Father José Maria R. S. del Real, as a perpetual donation.

Art. 2. Neither of the partners can sell or alienate any of his shares, so that he who may do so shall lose his right, which shall revert to the other partners.

Art 3. The expenses shall be borne in proportion to the shares, a formal account being kept by an accountant, who will be paid from the common fund.

Art. 4. That prescribed by the ordinance of mining being complied with in everything, whatever deficiency may arise shall de decided by the partners themselves.

Art. 5. Don Andres Castillero shall direct the labors, expenses and works, and in his absence the Rev. Father Friar José Maria R. S. del Real.

Art. 6. Of the products, no larger quantities will be taken out than are necessary for the arrangement of the negotiation, until the works shall be regulated; and whatever the quantity may be, it must be with the consent of all the partners until the negotiation may be arranged.

Art. 7. These agreements shall be authenticated by the Prefect of the Second District, Don Manuel Castro, the original document being deposited in the archives of the district, (*partido*) a coyy certified by his Honor being left with the persons interested.

[Page 13.]

Mission of Santa Clara, November 2d, one thousand eight hundred and forty-five.

ANDRES CASTILLERO,
For the Comdg. Gen. DON JOSE CASTRO,
ANDRES CASTILLERO,
FR. JOSE MARIA DEL R. S.
DEL REAL,
For the Señores SECUNDINO ROBLES and
TEODORO ROBLES,
FRANCISCO ARCE.

It is a copy of the original, to which I refer.
Santa Clara, December 8, 1845.

MANUEL CASTRO.

Antonio Maria Pico.

—

Court of the Justice of the Peace,
San José Guadalupe, Upper California,

I certify in due form, that the foregoing is a faithful copy, made to the letter from its original, the "espediente" of the mine of Santa Clara or New Almaden, which exists in the Archives under my charge, to which I refer.

And in testimony thereof, I have signed it this twentieth day of January, one thousand eight hundred and forty-eight.

JAMES W. WEEKS, *Alcalde.*

# DEPOSITION OF MICHAEL O'GRADY.

In the District Court of the United States,
For the Northern District of California.

| | |
|---|---|
| The United States<br>*vs.*<br>Andres Castillero. | In Land Cases. District Court No. 420.<br>Land Commission No. 366. |

Be it remembered, that on this 14th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Michael O'Grady, a witness produced in behalf of the United States, in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:—

Present: E. Randolph, Esq., for United States; A. C. Peachy, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age, and residence.

Answer. Michael O'Grady, age 39, and residence at Oakland, Alameda county.

Q. 2. How long have you lived in that vicinity, and what has been your occupation during that time?

A. About eight years; my occupation has been that of keeping a livery stable.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, and now resides in Alameda, and who is now present?

A. I do.

Q. 4. Do you know his reputation generally in the community where he lives?

A. I have never heard much about him, one way or the other, until the last week or so.

Q. 5. Do you know his general reputation in that community for truth and veracity—is it good or bad?

A. I have never heard it doubted.

Q. 6. Judging from his reputation for truth and veracity in that community, would you believe him on his oath?

A. I can assign no reason why I should not believe him on oath, and would just as soon as that of any other man in Oakland.

## CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 7. How long have you known Birnie?

A. From a year to two years.

Q. 8. Do you know anything about his history?

A. Nothing before I knew him.

Q. 9. What is his occupation?

A. I don't know of any, except that he acts as agent for that sort of fictitious title of Galindo's.

Q. 10. As a general thing, do the inhabitants of Oakland know anything more about Mr. Birnie than you do?

A. I cannot say; I don't come in contact with his dealings as much as others.

Q. 11. Do you know where he was born; where he came from to Oakland; what his business was before he came there?

A. I know none of these things.

Examination closed.

MICHAEL O'GRADY.

Sworn to and subscribed before me this 14th day of August, A. D. 1860.

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed August 16, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF WILLIAM HOSKINS.

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In the District Court of the United States,
For the Northern District of California.

| | |
|---|---|
| The United States<br>*v.*<br>Andres Castillero. | In Land Cases; District Court No. 420,<br>Land Com. No. 366. |

Be it remembered, that on this 14th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared William Hoskins, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and A. C. Peachy, Esq., for claimant.

Questions in behalf of the United States.

Question 1. Please state your name, age, and residence.

Answer. William Hoskins, age 48, and residence at Oakland.

Q. 2. How long have you resided in that vicinity, and what has been your occupation during that time?

A. Five years and over; my occupation, constable of Oakland township, and City Marshal of Oakland.

Q. 3. Are you acquainted with Robert Birnie, who formerly resided in Contra Costa county and who now lives in Alameda county, who is now present?

A. I am.

Q. 4. Do you know his general reputation in the community where he lives?

A. I do.

Q. 5. What is his general reputation in that community for truth and veracity; is it good or bad?

A. Good.

Q. 6. Judging from his general reputation for truth and veracity in that community, would you believe him on his oath?

A. I would.

## CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 7. How long have you known Mr. Birnie?

A. Between three and four years.

Q. 8. Where has he been living during that time?

A. He has lived about three years in the limits of the city of Oakland, about three quarters of a mile from the landing.

Q. 9. What has been his occupation there during that time, and what was it before he came there?

A. In Oakland he has acted as interpreter in the lower and the upper courts. Before he came to Oakland I don't know what he did. At his residence at Oakland I have seen him at work.

Q. 10. At what kind of work?

A. In his garden, which consisted of an acre or an acre and a half of land, and had fruit trees, etc., in it.

Q. 11. Do you regard Mr. Birnie as a very industrious gardener?

A. So far as keeping his own property in order and genteel. He may do it for recreation or amusement, as many families do.

Q. 12. Has he any means of livelihood besides gardening and interpreting in courts?

A. He has been acting as the business manager of Francisco Galindo's interest in his claim to the title to the city of Oakland,—attending to the property of Galindo generally, redeeming tax sales, etc.

Q. 13. Do you know when Galindo bought from Vicente Peralta?

A. I cannot recollect the time. There was a suit brought against Peralta by J. Black, who claimed under Hays and Caperton, to whom Vicente Peralta had previously sold the site of the city of Oakland, for selling that site twice; and I made the arrest of Vicente Peralta in that suit. This suit was brought about two years ago, and I think that Peralta had sold to Galindo prior to the commencement of that suit.

Q. 14. Was Robert Birnie living at Vicente Peralta's when you made that arrest?

A. I think not.

Q. 15. How long before Vicente Peralta's sale to Galindo was it, that he had sold the same property to Hays and Caperton?

A. I think Hays and Caperton purchased in 1853.

Q. 16. When Galindo made this purchase everybody in Oakland knew that Hays and Caperton had purchased a long time before, did they not?

A. They did.

Q. 17. Do you know to what extent Robert Birnie is interested in that Galindo purchase?

A. I do not.

Q. 18. Did you ever hear Birnie's character for truth and veracity discussed in Oakland?

A. I never heard Mr. Birnie's character for truth and veracity discussed in Oakland. I have heard casual remarks made, arising out of his connection with the Galindo title.

Q. 19. How much per annum do you suppose Birnie's fees for interpreting in justices and other courts would amount to?

A. To very little. Most of his labor is given gratuitously, owing to the refusal of the Board of Supervisors to allow such bills.

Q. 20. Does Birnie sell vegetables?

A. He does not.

Q. 21. Then, so far as you know, his whole pecuniary resources consists in what he can make out of this speculative purchase of Galindo's?

A. I don't know of anything else.

Examination closed.

WM. HOSKINS.

Sworn to and subscribed before me this 14th day of August, A. D. 1860.

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed August 16th, 1860.

W. H. CHEVERS, Clerk.

Q. 16. Did you ever hear any discussions upon the subject of Mr. Birnie's veracity?

A. I never did until lately, since the testimony taken in this case was spoken of.

Q. 17. Who asked you to come here and testify in this case?

A. No one. I was subpœnaed yesterday by a person representing himself to be an officer. This was the first I knew of it.

Q. 18. Before that time, had you had no conversation with Mr. Birnie on the subject?

A. I had. It was immediately after a gentleman had called on me—who was a stranger. He had my name on a memorandum book and showed it to me. This gentleman called on me and asked if I knew Birnie. I answered I did. He said he wished to impeach his character. I answered that I had a favorable opinion of him; that I had never heard nor seen anything to the contrary. Birnie came along soon afterward, and I asked him what he had been doing. He asked why? He then told me he supposed he knew what I alluded to. He said some parties were trying to impeach his testimony. I then related to him what had passed between myself and the gentleman who had just left me. I suppose this is why I was subpœnaed.

Q. 19. Do you know anything about Birnie's history?

A. Personally, I do not.

Q. 20. Do you know anything about his reputation, except as it is in Oakland?

A. I do not.

Q. 21. That you have known for one year, I believe?

A. It is only a little more than a year since I have known him much in Oakland, and after he became agent for Galindo. Before that, he was not known prominently, more than other people generally.

Q. 22. Do you own any land in Oakland?

A. I do not.

Examination closed.

JAS. LENTELL.

Sworn to and subscribed before me this 14th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 16th, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF CIPRIANO THURN.

In the District Court of the United States,
For the Northern District of California.

The United States
*v.*
Andres Castillero.

In Land Cases; District Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 15th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Cipriano Thurn, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court, under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States; and A. C. Peachy, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age and residence.

Answer. Cipriano Thurn; age 27; and residence, San Francisco.

Q. 2. How long have you resided in San Francisco, and where did you live before you came here to reside?

A. I have lived here about 3½ years; before that, I lived at Martinez, Contra Costa county, where I lived from the end of 1852 until I came to San Francisco.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, and who now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lives?

A. I do.

Q. 5. Do you know his general reputation for truth and veracity in the community where he lives?

A. I do.

Q. 6. What is his general reputation for truth and veracity in the community where he lives?

A. It is good.

Q. 7. Judging from his general reputation for truth and veracity in the community where he lives, would you believe him on his oath?

A. I would.

CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 8. Did you ever hear Mr. Birnie's reputation for truth and veracity spoken of in your community?

A. No, sir.

Q. 9. How long has he been living in Oakland, and what is he doing there?

A. About two years; he has been employed by Mr. Galindo as agent, in the determination of Galindo's claim to the city of Oakland.

Q. 10. Do you mean to say that he attends to the conduct of the litigation in that claim?

A. He assists Galindo's attorneys, and serves Galindo himself as an interpreter, and assists Galindo in the settlement and sales with those who wish to purchase Galindo's title.

Q. 11. How do you know that this is Birnie's occupation?

A. I know, because I saw him act, and by Galindo's stating it to me.

Q. 12. Besides being Galindo's agent, has not Birnie been in some case or cases as a witness for him?

A. I do not know.

Q. 13. How long did you live in Oakland while Birnie resided there?

A. I never did live in Oakland.

Q. 14. It appears from your second answer that you lived in Martinez, Contra Costa county, from the end of 1852 until some time in 1856. Do you mean to say that during the time you lived in Martinez, Mr. Birnie bore a good reputation for truth and veracity in that community?

A. Yes, sir, so far as my knowledge goes.

Q. 15. Do you mean to say, that during the 4½ years of your residence in Martinez, you never heard Robert Birnie's character for truth and veracity discussed, questioned, or spoken of?

A. I don't recollect of having heard his reputation questioned for truth and veracity.

Q. 16. Did you never hear of his testimony being impeached during that time, in any case, in any Court in Contra Costa county?

A. I never did.

Q. 17. What was your occupation in Contra Costa county?

A. Most of the time that I resided there I was clerk in Hiram Fogg's store.

Q. 18. Are you a particular friend of Mr. Birnie's?

A. I am.

Q. 19. Of what country are you a native?

A. Of Chilé.

Q. 20. You and Birnie both speak Spanish, do you not?

A. Yes, sir.

Q. 21. Have you any interest in the Galindo claim, or anything to do with it?

A. No interest, nor anything to do with it.

Q. 22. What is your occupation in San Francisco?

A. A broker; selling real estate, grain, etc., and procuring money.

Q. 23. Have you, or have you had, or do you expect to have, the sale of Galindo's title to the town lots in Oakland?

A. Neither.

Examination closed.

CIPRIANO THURN.

Sworn to and subscribed, this 15th day of August, A. D. 1860, before me,

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed August 16, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF SAMUEL H. ROBINSON.

In the District Court of the United States,
For the Northern District of California.

The United States v. Andres Castillero. In Land Cases; District Court No. 420, Land Com. No. 366.

Be it remembered, that on this 14th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Samuel H. Robinson, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: E. Randolph, Esq., for the United States, and A. C. Peachy, Esq., of counsel for claimant.

Questions in behalf of the United States.

Question 1st: State your name, age, and residence.

A. Samuel H. Robinson; age, 35; residence Oakland, Alameda county.

Q. 2. How long have you resided in that vicinity, and what has been your occupation during that time?

A. Since 1851, my occupation for most of the time has been that of justice of the peace, and all the time a notary public. At present I am a merchant.

Q. 3. Do you know Robert Birnie, who formerly resided in Contra Costa county, and now lives in Alameda, who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lives?

A. I think I do.

Q. 5. Do you know his general reputation for truth and veracity in that community; is it good or bad?

A. I will state that I have seen considerable of Mr. Birnie. His reputation for truth and veracity, that I know of, was never questioned until I heard Col. Coffee speak of him in relation to a business transaction concerning real estate.

Q. 6. Judging from his general reputation in that community for truth and veracity, would you believe him on his oath?

A. I would believe him on his oath, judging from his general reputation. I think he could be believed.

### CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 7. Do you know what Robert Birnie's means of livelihood are?

A. He has a small piece of ground under cultivation as a garden. He has acted as an interpreter in the Courts and before me. He has been and I believe still is acting as an agent for Mr. Galindo.

Q. 8. Does he sell vegetables? How much would his fees as interpreter amount to in a year?

A. I do not know—never heard of it. He may have received in my Court $5, and he may have received $100 as interpreter; I cannot say. When we havehad occasion for an interpreter I have generally sent for him, as I had confidence in his interpretation.

Q. 9. Is not his agency, or his interest in that speculative purchase of Galindo's, his principal source of support?

A. I think not; I have known of his attending to business for Vicente and Antonio Peralta, but to what extent I know not, nor whether he derived any compensation for it.

Q. 10. Vicente Peralta is the man from whom Galindo purchased a year or two ago the site of the City of Oakland, is he not?

A. He is.

Q. 11. Do you know where Robert Birnie was born?

A. I do not.

Q. 12. Anything of his history since he has been in this State, besides what you know of him at Oakland?

A. I do not.

Q. 13. Do the inhabitants of Oakland, as a general thing, know anything of him more than they have learned since he has lived there?

A. Not that I am aware of.

Examination closed.

SAMUEL H. ROBINSON.

Sworn to and subscribed, before me, this 14th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed Aug. 16, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF GEORGE M. BLAKE.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
In Land Cases; District Court No. 420,
Land Commission No. 366.

Be it remembered, that on this 14th day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared George M. Blake, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the Private Land Claims in the State of California, who, being duly sworn, testified as follows:—

Present: E. Randolph, Esq., for United States, and A. C. Peachy, Esq., for claimant.

Questions in behalf of the United States.

QUESTION 1. Please state your name, age, and residence?
ANSWER. George M. Blake; age 38, and residence at Oakland city.
Q. 2. How long have you resided in that vicinity, and what has been your occupation during that time?
A. Since the last part of 1851; my profession is that of attorney-at-law, and two years of the time I have carried on a farm.
Q. 3. Are you acquainted with Robert Birnie, who formerly resided in Contra Costa county, and now lives in Alameda, who is now present?
A. I am.
Q. 4. Do you know his general reputation in the community where he lives?
A. I have known him several years; I don't know that I ever heard him much spoken of—good, bad or indifferent,—until within a short time. I know him as well as I know any man in Oakland.

Q. 5. Do you know his general reputation in that community for truth and veracity; is it good or bad?

A. I never heard Mr. Birnie's character questioned for truth and veracity, until a very short time since, when I saw some depositions impeaching him; in the Alta, I think.

Q. 6. Judging from his reputation, as you know it, would you believe him on his oath?

A. I would believe him as soon as I would any man in town, unless his interest was at stake in the controversy; and then I don't know but I would believe him as soon as any other.

## CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 7. Do you know much about Birnie's reputation one way or the other?

A. I have already stated that I never heard his reputation questioned for truth and veracity until lately. I don't think it was ever talked of before the publication in the Alta.

Examination closed.

GEO. M. BLAKE.

Sworn to and subscribed before me, this 14th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 16, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF JOHN R. ROGERS.

IN THE DISTRICT COURT OF THE UNITED STATES, }
For the Northern District of California. }

THE UNITED STATES }
*vs.* } In Land Cases; District Court No. 420,
ANDRES CASTILLERO. } Land Com. No. 366.

Be it remembered, that on this 15th day of August, A. D. 1860, at San Francisco, in the district aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared John R. Rogers, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and A. C. Peachy, Esq., of counsel for claimant,

QUESTION 1. State your name, age, and residence.

ANSWER. John R. Rogers; age 48; residence, Oakland, Alameda county.

Q. 2. How long have you resided in that vicinity, and what has been your occupation during that time?

A. Between seven and eight years; and during that time my occupation has been and is that of a builder.

Q. 3. Are you acquainted with Robert Birnie, who formerly resided in Contra Costa county, and now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lives?

A. I do.

Q. 5. What is his general reputation for truth and veracity in the community where he lives; is it good or bad?

A. It is good.

Q. 6. Judging from his general reputation for truth and veracity in the community where he lives, would you believe him on his oath?

A. I would.

### CROSS-EXAMINATION.

Questions by A. C. Peachy, Esq.

Q. 7. How long have you known Mr. Birnie in Oakland?

A. About three years.

Q. 8. What is his business there?

A. Interpreting in the courts, and attending to some outside business for Galindo—such as compromising and settling up his claim to town lots in Oakland.

Q. 9. Does Mr. Birnie hang around the courts much?

A. I do not know. It is very seldom that I go to court.

Q. 10. How long since Birnie became Galindo's agent?

A. I could not name any specific time; perhaps a year and a half. I have seen him with Col. Coffee and others, relative to that business.

Q. 11. Do you own lots in Oakland?

A. Yes, sir.

Q. 12. Under the Hays and Caperton title?

A. Yes, sir.

Q. 14. If it's a fair question, about what per-centage did you pay for that you hold under Galindo?

A. I did not buy from Galindo, but from persons who had bought from Galindo, and who gave me a warranty deed. The per-centage they paid was seven per cent. as a compromise, so I understood.

Q. 15. Is that about the general rate at which Robert Birnie is willing and does compromise the Galindo title to lots in Oakland, with those who are willing to purchase?

A. No. About ten times that amount.

A. 16. Did you ever know any one to pay that?

A. Yes. Mr. Hurlburt. I saw the deeds about two months ago.

Q. 17. State what the property was worth which was compromised?

A. Seventy-five dollars per lot, for five lots.

Q. 18. How much money did he pay Mr. Birnie?

A. Hurlburt gave Birnie the Peralta sister's title to a number of lots, and Birnie gave him the Galindo title to others. It was an exchange; no money passed that I knew of.

Q. 19. Then there was an interchange of speculative titles, was there not?

A. I can't say they are speculative titles—or that they are not. I have paid for them myself. They are regarded in Oakland as speculative titles.

Examination closed.

JOHN R. ROGERS.

Sworn to and subscribed before me, this 15th day of August, A. D. 1860,

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed August 16, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF GEORGE F. WORTH.

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IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
In Land Cases: Dist. Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared George F. Worth, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: E. Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

QUESTION 1st. State your name, age, and residence.

ANSWER. George F. Worth; age, 50; and residence in Martinez, Contra Costa county.

Q. 2. How long have you lived in that county, and what has been your occupation during that time?

A. I have lived there since July, 1852, with an interval of five months, when I lived in San Francisco; I was Justice of the Peace, County Judge, Notary Public, and hotel-keeper; I am now acting as Notary Public.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, who now resides in Alameda county, and who is now here?

A. I do.

Q. 4. Do you know his general reputation for truth and veracity in the community where you both lived?

A. I do.

Q. 5. What was his general reputation in that community for truth and veracity—good or bad?

A. Generally good.

Q. 6. Judging from his reputation for truth and veracity in that community, would you believe him on his oath?

A. I would.

Q. 7. Do you know anything of a charge of larceny preferred against Mr. Birnie by a Mr. Boss, of Contra Costa county? and if so, state what you know about it.

A. I think, some time in March, 1854, a complaint was brought before me by Alexander Boss, charging Birnie with larceny. A jury was called, who brought in a verdict against Birnie. A new trial was granted. At that trial the jury disagreed. Birnie was finally acquitted, but whether by a jury or by the Court, I don't remember. Mr. Alex. Boss complained that Birnie had stolen some lumber from a piece of land claimed by Boss. Birnie brought evidence to show that the land was supposed to belong to his wife, Maria Birnie; that he supposed Boss was about to fence the land, and he removed the lumber and piled it up away from the land, in broad daylight, and in the presence of witnesses. One of the witnesses for Birnie was a brother of the man who made the complaint. The other members of the family were witnesses against Birnie. It was one of the innumerable quarrels going on in the county about land.

## CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 8. When did Birnie move away from Contra Costa county?

A. I think in 1856.

Q. 9. Have you known much about him since he moved away?

A. Very little,—have met him occasionally.

Q. 10. Are you acquainted with his reputation for truth and veracity in Alameda county?

A. I am not.

Q. 11. Your acquaintance, then, with his reputation refers back to the time when he lived in Contra Costa county?

A. It does. I know nothing of him since, one way or the other.

Q. 12. Did you never hear his character for truth and veracity called in question?

A. I have heard some complaint as to his being rather poor pay at one time; nothing more than that.

Q. 13. Are you quite sure that his character for truth and veracity was never called in question before you, as a judge?

A. I have no recollection of anything of the kind before me.

It might have been, but I have no recollection of any such thing.

Q. 14. Were you intimate with Birnie, and did you have any business with him?

A. Never was what can be called intimate; had dealings with him in a small way; had the run of him as is usual with respect to most every one in a small village like Martinez; he lived part of the time in the village, and part of the time four or five miles out.

Q. 15. Did you never hear his character for truth and veracity questioned by anybody?

A. I never did, that I can remember.

Q. 16. Never heard it discussed?

A. Never, until this proceeding commenced, (I first read in the "Alta" about it); with this exception,—some two or three years ago I met Birnie on Clay street; he requested me to go to the Fourth District Court Room to testify concerning his reputation at Martinez. I went there. I was asked questions concerning his truth and veracity, also concerning the trial for larceny before me as a justice, to which I have before referred to, about the lumber: and before I read the proceedings published in the "Alta," I was called upon by Mr. Mills and a Mr. Highton. Mr. Mills asked me if I would believe Birnie on oath; I told him that I certainly would, that I knew nothing against him.

Q. 17. Do you recollect the title of the case in the Fourth District Court?

A. I don't; it was about some lots on Montgomery street.

Q. 18. You were called then, as now, to sustain Birnie's reputation for truth and veracity, were you not, after witnesses were introduced to impeach him?

A. I was called to sustain his reputation, but don't know whether he had been impeached.

Examination closed.

GEO. F. WORTH.

Sworn to and subscribed before me this 22d day of August, A. D. 1860.

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed Aug. 3, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF JOHN H. LIVINGSTON.

In the District Court of the United States,
For the Northern District of California.

The United States
v.
Andres Castillero.

In Land Cases: District Court No. 420,
Land Commission, No. 366.

Be it remembered, that on this 22nd day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared John H. Livingston, a witness produced in behalf of the United States, in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:—

Present: E. Randolph, Esq., for the United States, and Frederick Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age, and residence.

Answer. John H. Livingston, age 35, and reside in Martinez, Contra Costa County.

Q. 2. How long have you lived in Contra Costa County, and what has been your occupation during that time?

A. I have lived there over ten years. I am a carpenter, and have worked at that business the principal portion of that time. I have held the office of Justice of the Peace, and have been chairman of the Board of Supervisors of that county. I was also one of the Commissioners appointed to adjust the debt between Alameda and Contra Costa counties. I have also acted as Under Sheriff.

Q. 3. Are you acquainted with Robert Birnie, who formerly lived in Contra Costa County, and now resides in Alameda, and who is now present?

A. I am.

Q. 4. Do you know his general reputation in the community where he lives?

A. Mr. Birnie has not lived in Martinez for the past two or three years, and I have very little acquaintance with the community where he now resides, or his reputation in that community. I knew his general reputation when he lived in Martinez, in the community there.

Q. 5. What was his general reputation in that community where you knew him, for truth and veracity—good or bad?

A. It was good—so far as I knew.

Q. 6. Judging from that reputation, would you believe him on his oath?

A. I would.

### CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 7. How well did you know Birnie.

A. I had more or less business with him; have known him since the Spring of 1850, and lived in the same community with him.

Q. 8. Did you know where he came from, or anything of his history?

A. I did not, previous to his residence in Martinez.

Q. 9. What is Birnie's business?

A. I do not know what it is now; when I knew him he was farming a portion of the time—the balance of the time he was engaged in matters connected with the Welch ranch—Las Juntas. He married one of the heirs. He sometimes acted as interpreter in the courts.

Q. 10. What business transactions have you had with him?

A. My transactions have been limited to small matters, except once, when I had some litigation with him respecting a tax title.

Q. 11. How did you settle that litigation?

A. We had a suit—after its termination, which was in favor of Mr. Birnie, he paid me back the taxes and per-centage.

Q. 12. Have you any business relations now, or are you in any way connected with him by marriage or otherwise?

A. I have no business relations with him, nor am I connected with him in any way.

Q. 13. When was your attention first called to Birnie's reputation for truth and veracity?

A. I don't know that I ever heard it called in question, until within the last two or three months.

Q. 14. Did you never hear his character discussed previous to that time?

A. Not as a general thing by the community. I have heard individuals, who may have had some difficulty with him, call his character for truth and veracity in question; but never heard it discussud as a general thing.

Q. 15. How far back have you heard individuals call his character for truth and veracity in question?

A. I cannot recollect when I first heard any individual speak ill of him—probably as far back as 1852 or 1851, when he first became connected with the Welch ranch.

Q. 16. Did you ever hear that he was accused of larceny?

A. I heard of such an accusation being made.

Q. 17. Do I understand you then to say, that the reputation of Birnie in the county where you reside was as clear and fair as that of men in general?

A. So far as my knowledge goes it was and is.

Q. 18. And you think that is the general sentiment of the community?

A. So far as I know it is.

### DIRECT EXAMINATION RESUMED.

Q. 19. In your answer to the 17th question, you state you heard of an accusation being made against Birnie of larceny. Please explain.

A. The nature of it was this: that there were some persons hauled some lumber on land claimed by him, which he hauled off—this was the ground. Whether he was indicted or not I don't know. Mr. Boss, I think, was the complainant.

Examination closed.

JOHN H. LIVINGSTON.

Sworn to and subscribed before me this 22d day of August, A. D. 1860.

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed August 22, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF PHILANDER FISHER.

In the District Court of the United States,
For the Northern District of California.

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|---|---|
| The United States<br>*vs.*<br>Andres Castillero. | In Land Cases; District Court No. 420,<br>Land Com. No. 366. |

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Philander Fisher, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1. State your name, age, and residence.

Answer. Philander Fisher, age 54, and residence in Contra Costa county.

Q. 2. How long have you lived in that vicinity, and what has been your occupation during that time?

A. I have lived in that county about four years. I first kept a store in Martinez, in 1853; then moved to San Francisco in November, 1853; then back to Contra Costa county three years ago; and since then have been raising stock at a place about twelve miles from Martinez, and three and a half miles from San Pablo.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, who now lives in Alameda county, and who is now present.

A. I do.

Q. 4. Do you know his general reputation in the community where you both lived?

A. I did at that time.

Q. 5. What was his general reputation in that community, at that time, for truth and veracity; good or bad?

A. It was good.

Q. 6. Judging from his general reputation in that community for truth and veracity, would you believe him on his oath?

A. I would.

### CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 7. When did you first know Birnie?

A. I think in January, 1853.

Q. 8. When did Birnie move away from Contra Costa county?

A. I don't know; he was there all the time I was there in 1853.

Q. 9. What is the time to which you refer in your answer to the 4th question, when you say you know his general reputation?

A. From January, 1853, to November, 1853.

Q. 10. Have you known anything particular about him since, or been acquainted with his general reputation since that time?

A. I have not.

Q. 11. Do you know his general reputation in Alameda county, where he now lives.

A. I do not.

Q. 12. How near did he live to you in 1853?

A. Some three or four miles. He traded with me at my store, and I hired a house of him.

Q. 13. Did you in 1853 ever have your attention called to his reputation for truth and veracity?

A. I did not. He traded with me, and I was glad to sell him what goods he wanted, and he always paid me.

Examination closed.

PHILANDER FISHER.

Sworn to and subscribed before me, this 22d day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 31, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF F. A. WALLEY.

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In the District Court of the United States.
For the Northern District of California.

The United States
v.
Andres Castillero.

In Land Cases; District Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 22d of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared F. A. Walley, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age and residence.

Answer. F. A. Walley, age 42, and residence Martinez, Contra Costa county.

Q. 2. How long have you lived in that county, and what has been your occupation during that time?

A. I have lived there since 1849, and my occupation has been stock-raising.

Q. 3. Do you know Robert Birnie, who used to live in that county, who now lives in Alameda, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where you both lived?

A. I do.

Q. 5. What is his general reputation for truth and veracity in that community; good or bad?

A. Never heard anything but good, until lately; some two or three months since, there were some two or three parties that came here from Martinez to testify against him; those parties told me he was a standing witness. This is the worst thing I ever heard against him.

Q. 6. Judging from his general reputation for truth and veracity in the community where you both lived, would you believe him on his oath?

A. I certainly would. I have no reason to disbelieve him.

CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 7. Do you know anything about Birnie's history?

A. I know he has lived in and about Contra Costa county since 1849. I think he was farming during 1852 and 1853. I was frequently at his farm. I knew him living in Martinez with his family. I always presumed he was an agent for the Welch family.

Q. 8. Do you know when he moved away from the county?

A. I don't know. It is very frequently the case that a man may leave the county to live in another, without another knowing it. I can't say now that Birnie does not live in Contra Costa county, as I frequently see him in Martinez.

Q. 9. Did you never have business dealings with him?

A. Never. I never had occasion to buy any land from him. I know he has sold land there.

Q. 10. Do you know what his business has been since he left off farming?

A. I do not.

Q. 11. Do you know where his family is now?

A. I do not.

Q. 12. You say the worst thing you heard against him was, that he was a standing witness.

A. I never heard anything else against him.

Q. 13. Did you never hear that his character had been impeached?

A. Only in this case.

Q. 14. Did you never hear his character for truth and veracity discussed?

A. There was a case in which he was charged with larceny, but as I knew the circumstances I did not consider the charge anything against him. It was decided in his favor.

Examination closed.

F. A. WALLEY.

Sworn to and subscribed before me, this 22d day August, A. D. 1860,

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed August 31, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF SALVIO PACHECO.

In the District Court of the United States,
For the Northern District of California.

The United States
*vs.*
Andres Castillero.

In Land Cases; District Court No. 420,
Land Commission No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Salvio Pacheco, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the Private Land Claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Thomas Jewett, a sworn interpreter.

Present: E. Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1. State your name, age, and residence.

Answer. Salvio Pacheco; age 54 and upwards; residence at Martinez.

Q. 2. How long have you lived in that vicinity, and what has been your occupation during that time?

A. I have lived there about 20 years; my occupation is that of ranchero.

Q. 3. Do you know Robert Birnie, who lived in Contra Costa county, now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lived for truth and veracity; and if so, what is it—good or bad?

A. He is a gentleman, I believe, in his truth and veracity; never heard that he had any difficulties; know him as an upright man, and know nothing bad about him.

Q. 5. Judging from his general reputation for truth and veracity in the community where he lived, would you believe him on his oath?

A. Yes, sir; because I never have heard him tell any falsehoods. I have never heard anything said about him, and don't know anything.

CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 6. Are you a Californian by birth?

A. I am.

Q. 7. Did you ever hear anybody say anything about the truth and veracity of Robert Birnie, one way or the other?

A. No, sir.

Q. 8. Can you speak or understand English when spoken?

A. No, sir; I don't understand it.

Examination closed.

SALVIO PACHECO.

Sworn to and subscribed before me this 22d day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed August 31, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF MARSHALL S. CHASE.

In the District Court of the United States,
For the Northern District of California.

The United States *vs.* Andres Castillero. — In Land Cases; District Court No. 420, Land Commission No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Marshall S. Chase, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: E. Randolph, Esq., for United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age, and residence.

Answer. Marshall S. Chase, age 37, and residence in Contra Costa county.

Q. 2. How long have you lived in that county, and what has been your occupation during that time?

A. I have lived there for the last five years and upwards—and profession, attorney-at-law.

Q. 3. Do you know Robert Birnie, who once lived in Contra Costa county, who now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where you both lived?

A. I think I do.

Q. 5. What is his general reputation for truth and veracity in that community—good or bad?

A. So far as I have heard, I have not heard it questioned, though I have heard it discussed.

Q. 6. Judging from his general reputation in that community for truth and veracity, would you believe him on his oath?

A. I should, when a competent witness.

## CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 7 Have you ever had any business relations with Mr. Birnie?

A. None whatever.

Q. 8. What is the extent of your acquaintance with him?

A. My personal acquaintance with him commenced about four years since, and has continued hitherto with casual interviews as acquaintances merely.

Q. 9. Did you ever hear that his character for truth and veracity had been impeached in any case?

A. I have heard it was attempted to be in this case, but never heard that it was in any other, or attempted to be.

Q. 10. Did you never hear that it was attempted to be impeached in the Gulnac case, in this city, several years ago?

A. I never did; nor until this moment was I ever advised that he was a witness in that case.

Q. 11. What has been Birnie's business since you knew him?

A. I think at the commencement of my personal acquaintance with him he was engaged in ranching on the Welch ranch in Contra Costa county; and subsequently he has been occupied as the agent of Francisco Galindo, for Galindo's property in and about the city of Oakland.

Q. 12. Are you professionally connected in any way with the Welch ranch?

A. Only as attorney in an application, by three minor heirs of Wm. Welch, before the Probate Court.

Q. 13. Are you not interested in the said Welch ranch?

A. I hold a deed for two or three town lots in Martinez, claimed under what is called the Welch survey of that town; and I represent a Sheriff's certificate of sale of some 70 or 80 other lots in that town, which I regard as nearly worthless.

Q. 14. Are you acquainted in Alameda county?

A. I am.

Q. 15. Do you know Birnie's reputation for truth and veracity in that county?

A. I should say I do not, except that what few persons there I have heard speak of his reputation, have spoken favorably of it.

Q. 16. When was the first time you heard his character discussed for truth and veracity?

A. About three weeks since, at the time when publication was made of the testimony given by some witnesses from Contra Costa county in this case, and upon this question.

Q. 17. Please explain what you mean when you say you have heard his character for truth and veracity discussed, but never questioned?

A. I mean that on this occasion I heard several remarks made by several individuals of the testimony as published—that these remarks in no wise questioned Birnie's truth, though his character and acts were discussed.

Examination closed.

M. S. CHASE.

Sworn to and subscribed before me this 22d day of August, A. D. 1860,

Jno. B. Williams.
U. S. Commissioner.

Filed August 31, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF BÉNITO VASSEROT MERLE.

IN THE DISTRICT COURT OF THE UNITED STATES
For the Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.
In Land Cases: Dist. Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgements of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Benito Vasserot Merle, a witness produced in behalf of the United States in the above entitled cause, now pending in the said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows,—his evidence being interpreted by Thomas Jewett, a sworn interpreter.

Present: E. Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

QUESTION 1st. State your name, age and residence.

ANSWER. Benito V. Merle; age, 41; and residence at Martinez.

Q. 2. How long have you lived in that vicinity, and what has been your occupation?

A. Seven years; two years I kept a grocery, liquor, and provision store in Pinole, about eight miles from Martinez, and five years I have kept a ranch, about half-a-mile from Martinez.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, who now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his reputation for truth and veracity in the community where he lived; and if so, what is it, good or bad?

A. I have known Mr. Birnie since 1854, and since 1855 I have been well acquainted with him up to this time. As for myself, he is a gentleman. I never heard the public say anything about him one way or the other.

Q. 5. From your knowledge of his reputation for truth and veracity, would you believe him on his oath?

A. I would.

CROSS-EXAMINATION.

Questions by Mr. Peachy.

Q. 6. What are you by birth?

A. French.

Q. 7. Why do you give your testimony though an interpreter?

A. Because I don't understand the English language well enough to answer words which I do not know.

Q. 8. Is it simply your own opinion that you have given of Birnie's truth and veracity?

A. It is my opinion, because I have known him as an upright man. I have never heard anything against him since I have known him.

Q. 9. Do you pretend to know what other people in Contra Costa county think of him?

A. I don't know what other people think or say about him, because I don't understand English well enough. I never heard anything against him.

Q. 10. Did you ever hear anybody that speaks French and Spanish say anything about his truth and veracity one way or the other?

A. Never; always heard that he was an upright man, and those who could understand me in Spanish and in English said the same thing.

Q. 11. Are you not interested in the same title to land in which Birnie is interested?

A. No, sir. My interest is in the Martinez, not the Welch grant.

Examination closed.

BÉNOIT VASSEROT MERLE.

Sworn to and subscribed before me, this 22d day of August, A. D. 1860.

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed Aug. 31, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF TOMAS PASTOR.

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IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

In Land Cases; District Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Tomas Pastor, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Edmund Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

QUESTION 1st. State your name, age, and residence.

ANSWER. Tomas Pastor, age 34, and reside at Monte Diablo, Contra Costa county.

Q. 2. How long have you lived in that vicinity, and what has been your occupation during that time?

A. From six to seven years I have been acting as agent for Mr. Pacheco, who owns the Monte Diablo ranch. I keep a billiard saloon in Martinez.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, who now lives in Alameda county, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lives and where you both lived.

A. I do.

Q. 5. What is his general reputation for truth and veracity in the community where he lives; good or bad?

A. Good.

Q. 6. Judging from his general reputation for truth and veracity in the community where he lives, would you believe him on his oath?

A. I would.

### CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 7. Where were you born?

A. In Cadiz, Spain.

Q. 8. When did you come to California?

A. In 1853.

Q. 9. How long have you been keeping a billiard saloon in Martinez?

A. Some three months. I own the business.

Q. 10. Where does Birnie now live?

A. In Oakland.

Q. 11. Did you ever live in Oakland?

A. No, sir.

Q. 12. Are you acquainted with that community, in Oakland?

A. No; I only know Mr. Peralta and a few others; Mr. Castro, etc.

Q. 13. What do you know about Birnie's reputation in Oakland and Alameda county?

A. I never heard anything good or bad about it there.

Q. 14. How many people do you know in Alameda county?

A. Very few, except the old Californians, of whom I know nearly all.

Q. 15. When did Birnie move to Oakland?

A. I think in 1856 or 1857 he left Contra Costa county. I don't know when he went to live in Oakland.

Q. 16. How long after you went to Contra Costa county was it before Mr. Birnie left?

A. Two or three years.

Q. 17. Since Birnie left the county, have you known anything about him?

A. I know he has been farming, and that he has been acting as agent for Mr. Galindo in selling lands in Oakland. He has also acted as an interpreter when employed.

Q. 18. Did you ever hear his character for truth and veracity discussed?

A. No, sir; he always had a good character among good people.

Examination closed.

TOMAS PASTOR.

Sworn to and subscribed before me, this 22d August, 1860,

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed August 31, 1860.

W. H. CHEVERS, Clerk.

# DEPOSITION OF A. R. MELONY.

In the District Court of the United States,<br>
For the Northern District of California.

The United States v. Andres Castillero. — In Land Cases; District Court No. 420, Land Commission No. 366.

Be it remembered, that on this 22d day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared A. R. Melony, a witness produced in behalf of the United States in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:—

Present: E. Randolph, Esq., for the United States, and F. Billings, Esq., for claimant.

Questions in behalf of the United States.

Question 1st. State your name, age, and residence.

Answer. A. R. Melony; age, 48; residence, Contra Costa county.

Q. 2. How long have you lived in Contra Costa county and vicinity, and what has been your occupation during that time?

A. Since 1850. Farming has been my principal occupation. I was Justice of the Peace for two or three years, and was associated with the Court of Sessions. I was a member of the Assembly from that county in 1856, and a member of the Senate of the State from the district which includes that county in 1857–'58. I was elected State Comptroller in 1858.

Q. 3. Do you know Robert Birnie, who formerly lived in Contra Costa county, and who now lives in Alameda, and who is now present?

A. I do.

Q. 4. Do you know his general reputation in the community where he lives?

A. I do not.

Q. 5. Do you know what it was when he lived in Contra Costa county?

A. I did.

Q. 6. What was his general reputation for truth and veracity in the community where he lived when you knew him?

A. I knew nothing against it; thought it was fair.

Q. 7. Judging from his general reputation for truth and veracity in the community where he lived, would you believe him on his oath?

A. I would.

### CROSS-EXAMINATION.

Questions by Mr. Billings.

Q. 8. Have you been intimate with Birnie?

A. I have been acquainted with him. I lived within three miles of where he resided most of the time when he was in Contra Costa county.

Q. 9. When did Birnie come into that county?

A. He was there when I went there in 1850.

Q. 10. When did he move away?

A. I cannot say whether in 1856 or 1857; my impression is, in 1857.

Q. 11. Have you known anything particularly of him since he left?

A. I have not; have seen him occasionally here and in Alameda county, and sometimes in Contra Costa county.

Q. 12. But you don't know anything particularly about his reputation since then?

A. No, sir.

Q. 13. Did you ever hear his character called in question for truth and veracity?

A. I have not, except what I have seen in the papers.

Q. 14. Did you ever have any particular occasion for knowing anything about his reputation one way or the other?

A. Nothing more than I would have had about any other neighbor. We met frequently together in 1854, and until he left the country. He married one of the heirs to the Welch ranch, and I was guardian for the minor heirs, and am still.

Q. 15. Are you interested in the Welch estate?

A. I am not. I was formerly a settler on some land claimed by that ranch, but have sold out.

Examination closed.

A. R. MELONY.

Sworn to and subscribed before me this 22d day of August, A. D. 1860,

JNO. B. WILLIAMS,
U. S. Commissioner.

Filed August 31, 1860.
W. H. CHEVERS, Clerk.

# EXHIBIT CASTILLERO No. 1, J. B. W.

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Ministerio De Fomento Colonizacion
Industria y Comercio De La Republica Mexicana.

Seccion 2ª. Habiendose recibido en esta Sriā. el ocurso de V., en que solicita se le libre una constancia para acreditar, que despues de extinguido el Trāl. general de mineria la practica que se ha seguido y continua observandose para las concesiones escepcionales á los registradores ó denunciantes de minas, es que el Supremo Gobierno de la Nacion concede ó niega, oyendo á la junta de mineria, las peticiones de mayor extension de terreno ó pertenencias que se solicitan; digo á V. en contestacion, que en efecto esa ha sido la práctica, pues á dicho Supº. Gobierno es á quien corresponde y ha correspondido la concesion de las prerogativas y priviligios de que habla el artº. 17 del titº. 6º. de las Ordenanzas, habiendo varios hechos ejecutoriados de esta naturaleza y uno especialmente, que fué resulto por esta Secretario.

Dios y Libertad, Mejico, Marzo 14 de 1856.

SILICEO.
[Rubric.]

Sr. D. Eustaquio Barron.

El Infrascrito Oficial mayor 1º. del Ministerio de Relaciones
47 Exteriores Certifico: que el Sr. Siliceo es Ministro
[SELLO.] de Fomento de la Republica y su firma que antecede
la misma que usa en los actos que autoriza.

México, Marzo 28, del 1856.

LUCAS DE PALACIO Y MAGAROLA.
[Rubric.]

Dros. 4 p$^{s}$.

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No. 93.

CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 28th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Lucas de Palacio y Magarola, subscribed to the foregoing certificate, is the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same, chief clerk of the Departmento of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register H, folio 126. Fees, $2. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[Sello.]

JOHN BLACK,
*U. S. Consul.*

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Ministerio de Fomento, Colonizacion
Industria y Comercio De La Republica Mexicana.

Seccion 2ª. Habiendo ocurrido á este Ministerio el Sr. Lic. D. Rafael Martinez de la Torre manifestando que esa Diputacion territorial no le admitio el denuncio que hizo de la mina de Moran y otras que menciona porque se creyó incompetente para conceder todo cuanto pedia porque segun previenen las ordenanzas de mineria, debe ocurrirse en los casos cómo el de que se trata al Tribunal general; no existiendo este y hallandose los interesados en el caso del articulo 17 del titulo 10 de las ordenanzas se hase dirigido á este Ministerio para que se resuelva lo conveniente; y en vista de lo expuesto asi como de las razones émitidas por la mesa respectiva de esta secretaria puede esa Diputacion admitir en su forma y terminos el denuncio de que se trata si no existiere otro impedimento legal, en cuyo caso dará U. cuenta á este Ministerio.

Dios y Libertad, Mexico, Julio 23, 1856

(Firmado.) SILICEO.
[Rubric.]

Sor. Presidente del Tribunal de Mineria de 1º. Ynstª. del Real del Monte.

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No. 170.

Consulate of the U. S. of America,
Mexico, August 9th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that I have this day carefully examined and compared the foregoing copy with the original document presented in this Consulate by Eustace Barron, and that it is a true and faithful copy of said original.

Register H, folio, 160. In testimony whereof, I have hereunto set my hand and affixed the Consulate Seal the day and year first above written.

[Sello.]

JOHN BLACK,
*U. S. Consul.*

Ministerio de Fomento, Colonization
Industria y Comercio De La Republica Mexicana.

República Mejicana.—Tribunal general de mineria.—E. S.—Este Tribunal tiene el honor de elevar á V. E. la solicitud que ha presentado D. Antº Garay á nombre de la Compañia Mejicana de minas del Departamento de Oajaca relativa á que se le concedan á la mina de San Baltazar una pertenencia de mil varas á cada viento sin incluir las que tiene medidas cuando se le dio possesion.—El Tribunal no encuentra el menor inconveniente en conceder esta gracia supuesto que se vé por el certificado que igualmente acompaña, no resulta perjuicio de tercero y tiene en su apoyo para concederla los articulos 17 del titulo 6 y 1º del 11º de los ordenanzas del ramo con tanta mas razon que en el Departamento de que se trata de establecer, esta grande empresa, la mineria está en abandono y los terreno desierto de manera que en conceder esta gracia puede despertar en aquel Departamento el espiritu minero, dar trabajo á multitud de gente ociosa y resultar grandes beneficios al Erario nacional. —Por lo que al ratificar este Tribunal su citada opinion y si á V. E. le parece conveniente la concesion de que se trata esto se paga siempre que no sea de perjuicio de tercero, fijandose los hregones para que en caso de que alguno se crea con derechos los deduzca ante qüien corresponda.—Dios y Libertad Mejico, Agosto 11 de 1855.—T. Manuel Herrera Presidente sustituto. —Manuel Couto secretario.—Exmo. Sr. Ministro de Fomento. —2ª—Agosto 17 de 1855.—Examinese pʳ la seccion y con su opinion, teniendo presente las disposiciones vigentes, vuelva al acuerdo.

Sello tercero.—Cuatro reales.—Años de mil ochocientos cincuenta y cuatro y cincuenta y cinco.—Antonio Garay, como Director de la Compañia mejicana de minas en el Departmento de Oajaca, por si y á nombre de la Compañia que dirijo, ante este Tribunal general hago presente; que en el mes de Mayo ultimo los socios de la misma Compañia denunciarion ante la Diputacion territorial de dicho Departamento, la mina nombrada Baltazar situadá en el Distrito y jurisdiccion de Villa Alta en terreno del Pueblo de Zayacatepec.—La mina y sus labores adyacentes pertenecen á un mineral decaido desierto y abandonado que existió en tiempos muy remotos y del que ni hay memoria de quien lo trabajo ni ha habido quien se ocupe de nuevo en explotarlo. Por lo mismo la compañia que dirijo obró en este denuncio como restan radora del antiguo mineral desierto y despoblado.—El lugar en que se halla la mina de San Baltazar, es una serrania escarpada distante como sesenta leguas de Oajaca. Las poblaciones, cercanas al mineral están reducidas á un corto numero de habitantes infelices indigenas proletarios, y los caminos que conducen al mismo mineral no merecen ese nombre pues son estrechas veredas practicadas en elevadas montañas y derrumbaderos y ensolvadas con la maleza que en ellas ha crecido despues del largo tiempo en que han dejado de ser transitadas.—Por tales razones, claro está, que para poder explotar la compañia el mineral denunciado necesariamente debe invertir y está ya invertiendo considerables caudales tanto en llevar barreteros y operarios para las labores de las minas, cuanto en abrir caminos por donde transitar sin riezgo ni embarazos, y cuanto en levantar las haciendas de beneficio, habitaciones y oficinas que son tan precisas para llevar á efecto una negociacion de esta magnitud enteramente nueva, situada en un páramo y tan distante de los pueblos en que hay viveres y pobladores, que puede considerarse verdaderamente aislada y falta de todo recurso.—La compañia se ha resuelto á emprender todos esos gastos y á hacer los sacrificios que demanda tan deficil negocio; pero como al aceptar semejante resolucion en tiende que va á impulsar considerablemente el ramo de mineria en el Departamento de Oajaca y á sembrar en los pueblos del Distrito de Villalta bienes incalculables, dando trabajo productivo á sus habitantes y activando su comercio y su industria que en esa demarcacion son ahora nulos y desconocidos, quiere la compañia por su parte y por un principio de equidad y justicia asegurarse y obtener alguna recompensa. Esta la vé eifrada en el mayor grado que pueda adquirir de esperanza en sacar buenos y cuantiosos frutos de las minas que va á explotar.—En la de San Baltazar se encuentran circunstancias exepcionales de que es necesario dar alguna idea para fundar mas aun la que voy á solicitar.—La veta de esa mina es de dimenciones extraordinarías; y tanto que por su caracter mas bien parece un manto prolongado que una veta ordinaria. Ella se estiende de Nor-oeste á sur Este por un espacio de mas de dos mil varas apareciendo y ocultandose alternativamente en la superficie del terreno por cuyo motivo son muchas las vocas ó labores que están abiertas de tiempo inmemorial sobre ese tramo y la mayor parte de ellas se encuentran ensolvadas, arruinadas y en Estado de muy dificil y costosa reparacion. Poco ó nada lograria pues la compañia dedicandose á desensol var y trabajar una ó dos de esay vocas. Para tener fundadas esperanzas de buen exito necesita ampliar sus esploraciones y trabajos á todas las vocas que estan aviertas y aun debe abrir otras nuevas para examinar por sus diversas faces la veta del mineral, pero como que la posesion dada de orden de la Diputacion territorial de Oajaca se limita á una area de ochocientas varas de longitud y cincuenta de cuadra, como consta de la copia adjunta, no puede la compañia pasar de esos estrechos límites, su esperanza está señida á ellos y por lo mismo es poco lisongera y nada remuneratoria de los cuantiosos gastos y grandes sacrificios que tiene que impender, ni de los inmensos bienes que los pueblos ínmediatos van á recibír; siendo de temer por otra parte que despues de que halla desarrollado sus proyectos, gastado su dínero y puesto en claro con sus afanes lo que pueda ser esa negociacion se aprovechan de ella personas estrañas sin que les cueste otra cosa que dar un simple denuncio de pertenencias que estén fuera de los estrechos límites señalados á la compañia.—Por tales consideraciones; siéndo como es la compañia por quien represente descubridora y restauradora de un mineral destréndo y abandonado y estando prevenido por el artículo 17 titulo 6º. de las Ordenanzas del ramo que en este caso se concedan á tales descubridores muchas pertenencias y cuantos privilegíos, exenciones y auxilios fueren de dispenzar.—A ese Tribunal general pido y suplico se sirva conceder á la compañia espresada, que en terreno sobre el cual están situada las vetas de la mina de San Baltazar se le mida una pertenencia que comprenda mil varas por cada veinto de los de la longitud y latitud de la veta partiendo las medidas como punto centrico desde la voca de San Baltazar, en la intelígencia de que á nadie se perjudica con esa medida por que en mas de veinte leguas en contorno no existe otro mineral, y de que solo de este modo podra costearse la compañia en sus trabajos y desarrollarlos en toda su plenitud.—Antonio Garay.—Otro si digo: que acompaño tambien un certifícado del Sr. Presidente de la Diputacion de Oajaca y suplico se tenga presente que en mi peticion de mil varas por cada rumbo no se incluyen las de las medidas por que se dio la posecion.—Antonio Garay.

Sello tercero—cuatro reales.—Años de mil ochocientos cincuenta y cuatro y cincuenta y cinco.—El Lic. Francisco Saenz de Enciso Presidente de la Diputacion territorial de mineria en el Departamento de Oajaca.—Certifico en legal forma: que en el expediente que èxiste en el archivo de la Secretaria de esta Disputacion de mineria, instrúido sobre denuncio y posesion de la mina de San Baltazar, situada en el Distrito de Villa alta en terreno del pueblo de Zayacastepec, consta que dicha mina fué denunciada por D. Ygnº. Megia y D. Tomas Franco, como interesados en la compañia mejicana de minas dirijida por el Sr. Dⁿ Antonio Garay: que en consecuencia de ese denuncio que fué admitido en tiempo y forma se dio posesion de la espresada mina en 2º de Marzo de este año por el diputado suplente, D. Miguel Castro comisionado al efecto por esta Diputacion, que de la diligencia posesoria, aparece que la veta de la mina de San Baltazar es de grandes dimenciones: que esa mina está situada en un mineral antiguo desierto y despoblado; que la posecion se dió con cuatro pertenencias legales como de denuncio hecho en compañia, partiendo la medida desde la boca de la mina de San Baltazar en adelante y dandosele la estension de ochenta varas al rumbo del sur-este y 720 varas al del Norioeste, y que la medida de la cuadra solo fué de 50 varas laterales sobre norte y sur. Asi mismo certifico; que por los informes que tiene esta Diputation territorial, y por el conocimiento practico que poseo del tereno en qué está situada la mina de Baltazar, por haber estado en él repetidas veces, me consta que dicha mina se halla situada en las distancia de mas de sesenta leguas de la Capital de Oajaca sobre el rumbo del nor-oeste; que no existe otro mineral en mas de veinte leguas en contorno de Zayacastepec; que los caminos que conducen á este punto y á la mina de San Baltazar son sumamente dificiles y peliogrósos, por estar practicados en veredas y derrumbaderos cubiertos de maleza: que los pueblos de esa comarca son de pocos habitantes y muy miserables y escasos de recursos; por todo lo cual opino que la compania Mejicana para explotar el mineral de Zayacastepec, con algun fruto, necesita hacer gastos de mucha consideracion, por cuanto á que tiene necesidad de abrir caminos, llevar desde largas distancias barretero, operarios y viveres, edificar habitaciones, hacienda de beneficio y sus oficinas anexas conducir maquinarias y herramientas y darles vida y movimiento á esos lugares, que son enteramente desierto, pues en algunos de ellos ni la planta del hombre ha transitado todavia.—Y á pedemiento que me ha hecho el Sr. Garay como Director de la Compañia espresada doy el presente en Oajaca á 22 de Junio de 1855, tachado, jurisdiccion.—Fran^co^. Enciso.

Ministerio de Fomento.—Seccion 2ª.—Señor.—En cumplimiento del anterior acuerdo de VE. ha examinado esta seccion el expediente promovido por D. Antº. Garay ante el Tribunal general de mineria pidiendo, á nombre de la compañia Mejicana de minas del Departamento de Oajaca, que se conceda á la mina de San Baltazar una pertenencia de mil varas á cada viento, sin incluir las que tenia yá medidas.—Al remitir esta solicitud el referido Tribunal manifiesta que no hay inconveniente en conceder esta gracia porque no resulta perjuicio de tercero y tiene en su apoyo los articulos 17º. del titulo 6º. y 1º. del 11º. de las ordenanzas de mineria alegando otras razones de conveniencia para el progreso del ramo en el mencionado Departamento.—La mesa cree igualmente que no hay disposicion ninguna, contraria á lo que se solicita y siguiendo en un todo la opinion respetable del Tribunal, opina porque se haga la concesion en los terminos propuestos.=Mejico 18 de Agosto de 1855.=Agustin S. de Tagle.=

=Agosto 18 de 1855.=De conformidad con lo que opina la seccion y el tribunal general de mineria, concedase el aumento de pertenencia que se solicita y dése la orden respectiva á la Diputacion territorial de mineria de Oajaca para que proceda á dar posesion á la compañia, siempre que no haya perjuicio de tercero, para lo cual de fijará previamente los pregones á fin de que los que tengan algunos derechos los hagan valer.

Ministerio de Fomento=Seccion 2ª.=De conformidad con lo que han opinado el Tribunal general de mineria y la seccion 2ª. de este Ministerio en la exposicion que presentó U. á dicho Tribunal á nombre de la compañia Mejicana de minas del Departamento de Oajaca, pidiendo se conceda á la de Sán Baltazar una pertenencia de mil varas á cada viento, el E. S. Presidente interino de la Republica se ha servido desponer se otorgue á U. dicha gracia en los términos propuestos por el repetido Tribunal; á cuyo efecto con esta fecha, se dá la orden correspondiente á la Díputacion de mineria de Oajaca para que se practique un el asunto el trámite correspondiente.=Comunico lo á U. para su satisfaccion é inteligencia y como resultado de la repetida exposicion.=Dios y Libertad.=Mejico Agosto 18 de 1855.=Lerdo de Tejada.=Sr. D. Antonio Garay.=

Ministerio de Fomento.=Seccion 2ª.=Con esta fecha digo al Sr. D. Antº. Garay lo que sigue:

(Aqui la comunicacion anterior) y lo trascribo á U. para su inteligencia y con el fin de que proceda á dar posesion á la Compañia, siempre que no resulte perjuicio de tercero, á cuyo efecto se fijarán previamente los pregones, para que los que se crean con algunos derechos puedan hacer los valer.=Dios y Libertad, Méjico Agosto 18 de 1855.=Lerdo de Tejada.=Sr. Presidente de la Diputacion territorial de mineria de Oajaca.

Son copias Méjico Julio 29 de 1856.

MAN. OROZCO.
[Rubric.]

El infrascripto oficial Mayor 1º. del Ministerio Relaciones Esteriores.

Certifico: que D. Manuel Orozco es oficial Mayor interino del Ministº. de Fomento; y en firma que antecede lo que esta en los documentos que autoriza. Méjico del Ministº. de Fomente; y su firma que antecede Agosto 9 de 1856.

[SELLO.]

Dros. 4 pˢ.

LUCAS DE PALACIO Y MAGAROLA.
[Rubric.]

No. 172. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, August 9th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Lucas de Palacio y Magarola, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register H. folio 161. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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U. S. DISTRICT COURT.

THE UNITED STATES
*v.* No. 420.
ANDRES CASTILLERO.

It is hereby stipulated and agreed that the within and annexed "Exhibit Castillero No. 1, J. B. W." be filed on behalf of the claimant, subject to all legal objections.

San Francisco, Sept. 12, 1860.

EDMUND RANDOLPH.
Asst. Counsel for U. S.
REVERDY JOHNSON.
For Claimants.

Filed Sept. 13, 1860.
W. H. CHEVERS, Clerk.

## TRANSLATION OF EXHIBIT CASTILLERO No. 1

Ministry of Encouragement, Colonization, Industry and Commerce of the Mexican Republic.

Section 2d. Your communication having been received in this office (secretaria), in which you ask that a document may be issued to you to prove that the practice which has been followed and continues to be observed since the extinguishment of the Tribunal General of Mining for exceptional concessions to the registerers or denouncers of mines, is that the Supreme Government (Gobierno) of the Nation grants or denies, after consulting the Mining Junta, the petitions for a greater extent of land or pertenencias which are asked for. I state to you in reply, that in fact such has been the practice, for it is and has been the right of said Supreme Government (Gobierno) to grant the prerogatives and privileges spoken of by Art. 17 of Title 6 of the Ordenanzas, there being various executive acts of this nature and one especially which was ordered by this office.

God and Liberty. Mexico, March 14, 1856.

SILICEO.
[Rubric.]

Sõr. Don Eustaquio Barron.

The undersigned, First Chief Clerk of the Ministry of Exterior Relations, Do certify: that Señor Siliceo is Minister of Encouragement (Fomento) of the Republic, and that his foregoing signature is the same which he uses in documents authenticated by him.

47
[SEAL.]

Mexico, March 28, 1856.

LUCAS DE PALACIO Y MAGAROLA.
[Rubric.]

Dues, $4.

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No. 93. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 28, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of Lucas de Palacio y Magarola, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Departmento of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register H, folio 126. Fees, $2. In testimony whereof, I have hereunto set my hand and affixed the Consular Seal, the day and year first above written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

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Ministry of Encouragement, Colonization, Industry and Commerce of the Mexican Republic.

Section 2d. The Sōr Licenciate Don Rafael Martinez de la Torre, having applied to this Ministry representing that that territorial deputation did not admit the denouncement which he made of the mine of Moran and others which he mentioned, because it deemed itself incompetent to grant all he asked, because according to the provisions of the Ordenanzas de Mineria recourse should be had, in cases like the one under consideration, to the Tribunal General; this (the Tribunal General) not existing, and the parties entered being within the provisions of Art. 17, Title 10 of the Ordenanzas, they have addressed themselves to this Ministry to have decided what may be proper; and in view of the matters aforesaid, and of the reasons stated by the respective bureau of this office, that deputation may admit in its form and terms the denouncement referred to, if there should exist no other legal impediment; if there should, you will inform this Ministry.

God and Liberty. Mexico, July 23, 1856.

(Signed) SILICEO.

Sōr. President of the Mining Tribunal of Santa Ynsta of Real del Monte.

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No. 170.

CONSULATE OF THE U. S. OF AMERICA,
MEXICO, August 9th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that I have this day carefully examined and compared the foregoing copy with the original document presented in this Consulate by Eustace Barron, and that it is a true and faithful copy of said original.

Register H, folio 160. In testimony whereof, I have hereunto set my hand and affixed the Consulate Seal the day and year first above written.

JOHN BLACK,
*U. S. Consul.*

[SEAL.]

Ministry of Encouragement, Colonization, Industry and Commerce of the Mexican Republic.

Mexican Republic, Tribunal General of Mining.—Most Excellent Señor: This Tribunal has the honor to send up to Your Excellency the petition which Don Antonio Garay has presented, in the name of the Mexican Company of Mines of the Department of Oajaca, asking that there may be granted to the mine of San Baltazar a pertenencia of a thousand varas in all directions, without including those which were measured off when possession was given to him.

The Tribunal does not find the least objection to granting this favor, since it appears from the certificate which he also annexes, that no injury will result to a third party, and as there is in support of granting it Art. 17., Title VI., and Art. 1, Title XI, of the Ordenanzas of the branch, with the still stronger reason that in the Department where it is proposed to establish this grand undertaking (empresa), mining is abandoned, and the land deserted, so that by granting this favor it may wake up in that Department a mining spirit, give work to a multitude of idle people, and great benefits may result to the national treasury.

Therefore, this Tribunal on ratifying its said opinion, and if Your Excellency deems it proper, the concession spoken of, this may be done, provided that it may not prejudice a third party, fixing up notices in order that if any one thinks he has rights, he may allege them before the proper authority. God and Liberty. Mexico, August 11th, 1855. I, Manuel Herrera, President substitute. Manuel Couto, Secretary. To the Most Excellent Señor Minister of Encouragement. 2d. August 17th, 1855.—Let this be examined by the section, and with its opinions having in view the laws in force, let it return for decision.

Stamp third. Four reals. Years 1854 and '55.—Antonio Garay, as Director of the Mexican Company of mines in the Department of Oajaca, for himself and in the name of the Company which I direct, before this Tribunal General do represent: That in the month of May last the members of this same company denounced, before the Territorial Deputation of said Department, the Mine called San Baltazar, situated in the district and jurisdiction of Villa Alta, in the land of the pueblo of Zoyacatepec. The Mine and its adjacent workings belong to a decayed, deserted, and abandoned (*mineral*) mining district, which existed in very remote times, neither is there any record of who worked it, nor has any one been willing to undertake to work it anew. Therefore, the company which I direct acts in this denouncement as restorer of an ancient (*mineral*) mining district, deserted and depopulated. The place where the mine of San Baltazar is situate, is a range of steep mountains, distant about seventy leagues from Oajaca. The population near the (*mineral*) mining district is reduced to a small number of inhabitants, poor, miserable natives, and the roads which lead to the same (*mineral*) mining district do not deserve the name, as they are merely narrow paths formed in high mountains and precipices, and filled up with underbrush which has been growing up for the great length of time during which they have not been traveled over. For these reasons it is clear that for the company to be able to work the mine which is denounced, it must necessarily invest, and is now investing, a large capital in transporting laborers and operatives for the works of the mines, both in opening roads over which they may pass without trouble or risk, and in constructing reducing haciendas, houses and offices which are so necessary for carrying into effect a negociation of this magnitude, entirely new, situated in a desert, and so distant from the towns where there are provisions and inhabitants, that it may be considered as truly isolated and destitute of all resources. The company has resolved to incur all those expenses, and to make the sacrifices which so difficult a matter demands; but as on adopting such a resolution it expects to give a considerable impulse to the branch of mining in the Department of Oajaca, and to disseminate incalculable benefits among the towns of the district of Villa Alta, giving productive labor to its inhabitants, and stimulating their trade and industry, which in that demarcation is now null and unknown, the company desires, on its part, and upon a principle of equity and justice, to secure itself and obtain some recompense. It sees indication of this in the higher hope it may be inspired with of obtaining good and abundant proceeds from the mine which it is going to work. In the mine of San Baltazar there are encountered peculiar circumstances, of which it is necessary to give some idea in order to give a better foundation for what I am going to solicit. The vein of this mine is of extraordinary dimensions, so that its character seems to be a prolonged manto rather than an ordinary veta. It extends from northwest to southeast more than two thousand varas, alternately appearing on and disappearing in the surface of the ground, so that there are many mouths or works which have been open from time immemorial on this piece of land, and in the greater part of them are found caved in, in ruins, and in a condition difficult and expensive to be repaired. The company might obtain little or nothing by dedicating itself to the reopening and working one or two of these mouths. In order to have well founded hopes of a good result it is necessary to extend its explorations and works to all the mouths which are open, and even to open other and new ones, in order to examine the vein of the ore in its different faces; but as the possession given by order of the Territorial Deputation of Oajaca is limited to an area of eight hundred varas in length, and fifty in width, as shown by the annexed copy, the company cannot pass those narrow limits, its hope is limited to them, and therefore is little flattering and not at all remunerative for the large expenses and great sacrifices which are to be made, nor for the immense benefits which the people in the vicinity are to receive; while on the other it is to be feared that after its projects are unfolded, its money expended, and it has made clear by its toils what this business may become, other persons may enjoy its advantages without any other expense than a simple denouncement of the pertenencias which are outside of the narrow limits which are marked out to the company. For such considerations the company which I represent being, as it is, the discoverer and restorer of a mine destroyed and abandoned, and it being provided by Article 17, Title 6, of the ordenanzas of the branch, that in such case there be granted to such discoverers many pertenencias, and such privileges, exemptions, and assistance as could be granted. Of this Tribunal General I ask and petition that it be pleased to grant to the said company that, in the land on which the veins of the mine of San Baltazar are situated, there be measured to it a pertenencia which will include a thousand varas in all directions, of length and width of the vein, the measurement starting from the mouth of San Baltazar, as a central point, with the understanding that no one will be prejudiced by this measurement, for in more than twenty leagues around there exists no other mine, and that in this way only can the company sustain the expenses of its works, and develop them to their full extent.—Antonio Garay. Moreover, I accompany herewith a certificate of the Señor, the President of the Deputation of Oajaca, and I pray that it may be remembered that in my petition for a thousand varas in each direction, the measurements by which the possession was given are not to be included.—Antonio Garay.

Stamp third.—Years 1854 and 1855.—Four reales.—I, the Licentiate Francisco Saenz de Encisco, President of the Territorial Deputation of Mining of the Department of Oajaca, do certify in legal form that in the expediente which exists in the archives of the Secretary's office of this Mining Deputation, formed on the denouncement and possession of the mine of San

Baltazar, situate in the district of Villa Alta, on the land of the pueblo of Zayacastepec, it appears that said mine was denounced by Don Ygnacio Megia and Don Tomas Franco, as parties interested in the Mexican Company of Mines, under the direction of Señor Don Antonio Garay; that in consequence of this denouncement, which was admitted in time and form, the possession of said mine was given on the 20th March, of this year, by the Substitute Deputy Don Miguel Castro, appointed for that purpose by this Deputation; that from the possessory proceedings it appears that the vein of the mine of San Baltazar is of large dimensions; that this mine is situated in an old, deserted, and depopulated mining district; that possession was given for four legal pertenencias, as of a denouncement made in company, the measurements running from the mouth of the mine of San Baltazar forward, and there being given it an extent of eighty varas in the direction to the southeast, and seven hundred and twenty varas to the northwest, and that the measurement of the width was only fifty lateral varas north and south. I certify in like manner, that by the reports which this Deputation has, and by the practical knowledge which I have of the country where the mine of San Baltazar is situated, having been in it repeatedly, I know that said mine is situate at the distance of more than seventy leagues from the capital of Oajaca, in a northwest direction; that there is no other mining district within more than twenty leagues about Zayacastepec; that the roads which lead to this point and to the mine of San Baltazar are exceedingly difficult and perilous from being made in footpaths and precipices covered with brambles; that the towns of that vicinity have few inhabitants, very poor, and destitute of resources; wherefore, I am of opinion that the Mexican Company, in order to work the mining district of Zayacastepec with any success, must make very considerable expenditures, as it will have to open roads, to transport from a great distance laborers, operatives, and provisions, to build dwellings, a hacienda for reduction, and its necessary offices, to transport machinery and ironwork, and to give life and motion to those places which are entirely deserted, for in some of them the foot of man has never yet passed. And at the request made of me by the Señor Garay, as Director of the said company, I give this present in Oajaca the 22d of June, 1855.—Francisco Enciso.

Ministry of Encouragement.—Section 2d.—Señor: In compliance with the foregoing decree of Your Excellency, this section has examined the expediente presented by Don Antonio Garay before the Tribunal General of Mining, in the name of the Mexican Company of Mining of the Department of Oajaca, that there may be conceded to the mine of San Baltazar a pertenencia of a thousand varas in all directions (a cada viento), without including those it has already measured.—Upon remitting this petition the said Tribunal states that there is no objection to granting this favor, as no prejudice would result to a third party, and it has in its support Article 17 of Title 6, and Article 1 of Title 11, of the Ordenanzas de Mineria, alleging other reasons of fitness for the progress of the branch in the said Department.—The Board also believes that there is no provision opposed to what is asked for, and following in all respects the respectable opinion of the Tribunal, it is of opinion that the concession should be made in the terms proposed.—Mexico, August 18th, 1855.—Agustin S. de Tagle.

August 18th, 1855.—In conformity with the opinion of the section, and of the Tribunal General of Mining, let there be conceded the increase of pertenencias which is asked for, let the proper order begin to the Territorial Deputation of Mining for Oajaca, so that it may proceed to give possession to the Company, provided no injury be done to third parties, for which purpose notices will be previously posted up in order that those who may have any rights may establish them.

Ministry of Encouragement.—Section 2d.—In conformity with the opinion of the Tribunal General of Mining, and of the 2d section of this Ministry, upon the exposition which you presented to the said Tribunal in the name of the Mexican Company of Mining of the Department of Oajaca, asking that there be conceded to the mine of San Baltazar a pertenencia of one thousand varas in all directions, the Most Excellent Señor President *ad interim* of the Republic, has been pleased to determine that said favor be granted to you in the terms proposed by the said Tribunal, for which purpose on this date the corresponding order is given to the Mining Deputation of Oajaca to have performed in the matter the corresponding proceeding.—I communicate it to you for your satisfaction and information, and as the result of the said exposition.—God and Liberty.—Mexico, August 18th, 1855.—Lerdo de Tejada.—Señor Don Antonio Garay.

Ministry of Encouragement.—Section 2d.—On this date I say to the Señor Don Antonio Garay what follows:

[Here insert the foregoing communication] and I transcribe it to you for your information, and to the end that you proceed to give possession to the Company, provided no injury be done to third parties, for which purpose the notices will be previously posted up, in order that those who think they have any rights may establish them.—God and Liberty.—Mexico, August 18th, 1855.—Lerdo de Tejara.—To the President of the Territorial Deputation of Mining of Oajaca.

These are copies.—Mexico, July 29th, 1856.

MANUEL OROZCO.
[Rubric.]

The undersigned, 1st Chief Clerk of the Ministry of Exterior Relations, do certify:

[SEAL.] That Don Manuel Orozco is Chief Clerk *ad interim* of the Ministry of Encouragement; and that his signature, which precedes, is that which he uses in documents authenticated by him. Mexico, August 9th, 1856.

Dues, $4. LUCAS DE PALACIO Y MAGAROLA.
[Rubric.]

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No. 172.

CONSULATE OF THE U. S. OF AMERICA,
MEXICO, August 9th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Lucas de Palacio y Magarola, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register H. folio 161.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

# EXHIBIT CASTILLERO No. 2, J. B. W.

In the United States District Court,
Northern District of California.

Between The United States
and
Andres Castillero.

I, Alexander Forbes, now resident at 12 Old Burlington street, in the county of Middlesex, in the United Kingdom of Great Britain and Ireland, being duly sworn, say as follows:—

1. In the year one thousand eight hundred and forty-seven, and for some years previously, I was carrying on business as a merchant at Tepic and San Blas in the Republic of Mexico, and in the course of the year above mentioned I also was the "habilitador" of the mine of New Almaden, in California.

2. During the year one thousand eight hundred and forty-eight, being desirous of purchasing certain "barras," or shares, in the said mine, over which James Alexander Forbes held a power of disposition, I entered into negotiations with him for that purpose, and in the course of these negotiations some correspondence passed between us.

3. In conducting a correspondence when absent from my place of business at Tepic, it was my custom to make and keep rough drafts of all business letters; and all such drafts were, previously to my retirement from business, and my return to England in the year one thousand eight hundred and fifty-one, transferred by me, with other documents relating to the mine of New Almaden, to the firm of Barron, Forbes & Co., at Tepic.

4. I distinctly declare that at no time have I entertained, nor do I now entertain any belief or apprehension that the documents procured in Mexico by Castillero (of whom I purchased my interest in the mine) as his title to the mine and lands, were obtained after the occupation of California by the Americans, but on the contrary, I always have entertained and do now entertain every confidence in the goodness and regularity of such documents.

6. I therefore positively deny that during the course of the negotiations aforesaid with James Alexander Forbes, I ever wrote or sent to him any letter in the words and figures, or to the effect following:—"Monterey, March 28, 1848. James A. Forbes, Esquire, Santa Clara. My dear sir: I have to

apologize for not writing you before this, as I promised I would, respecting the purchase of your shares in the mines of New Almaden, but really as your opinion of their value is so widely different from mine, I considered it almost hopeless to make you any further proposals. I do not, however, leave this without making the necessary arrangements to effect that object, and have therefore authorized Mr. Walkinshaw and Manuel Diaz to wait on you with my final offer for the purchase of these shares. Were I not already so deeply interested in this negotiation, I would never think of investing another dollar in it, but this interest renders it necessary for me to have the control of all the shares, in order that I may dispose of the whole whenever an opportunity may offer, and save myself from the heavy loss that would ensue should it unluckily leak out that in fact the documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of Mexico by the Americans. This unfortunate irregularity cannot be easily repaired, and serious objections might be made even to the legality of the new act of possession. I need scarcely remind you of the importance of preserving profound secrecy in all these matters, and in case you don't accept my offer, I hope you will not fail to send me your power to act for you in any arrangement I may make. I send you three vols. of the Mechanics' and Engineers' Magazine, which I beg your acceptance of, and I hope you will continue your correspondence as usual, and inform me of what is passing in California. I am, my dear sir, yours very truly, —Alex. Forbes." And more particularly do I deny that I ever made any such representation as that contained in the said alleged letter, beginning with the words "were I not" and ending with the words "act of possession."

ALEX. FORBES.

Sworn at the Mansion House, in the city of London, this 23d day of September, 1858, before me,

Robt. W. Carden, Mayor.

CONSULATE OF THE UNITED STATES }
OF AMERICA, LONDON. }

I, Robert B. Campbell, Consul of the United States of America for London and the dependencies thereof, do hereby certify that the Right Honorable Sir Robert Walter Carden, Knight, before whom the foregoing affidavit was made, as appears by his signature thereto, is Lord Mayor and Chief Magistrate, of the city of London aforesaid, duly authorized to receive affidavits, and that to all acts by him so done full faith and credit are and ought to be given in judicature and thereout.

In testimony whereof I have hereunto set my hand, and affixed my seal of office, at London, this [SEAL.] twenty-third day of September, A. D. 1858, and in the eighty-third year of the Independence of the said United States.

ROBERT B. CAMPBELL.

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U. S. DISTRICT COURT,

THE UNITED STATES
*vs.* } No. 420.
ANDRES CASTILLERO.

San Francisco, Sept. 12, 1860.

It is hereby stipulated and agreed that the signature of Alex. Forbes to the within affidavit be considered as proved by the testimony of Domingo Danglada, and that this paper be filed as Exhibit Castillero No. 2, J. B. W. by the claimant, subject to all legal objections by the United States.

EDMUND RANDOLPH,
Asst. Counsel of the U. S.

PEACHY & BILLINGS,
Claimant's Attorneys.

Filed Sept. 13, 1860.

W. H. CHEVERS, Clerk.

# EXHIBIT CASTILLERO No. 3, J. B. W.

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UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

*To all to whom these presents shall come, Greeting:*

I certify, that the papers hereinafter mentioned have been collated with the originals on file in this Department, and, as corrected, are true and faithful copies of the same.

LIST.

| | | | |
|---|---|---|---|
| Gen. Cass to Mr. Johnson, . . . . . | August | 8, | 1859. |
| Messrs. Johnson & Rockwell, to Gen. Cass, | Sept. | 26, | 1859. |
| Same . . . . . . to same, | " | " | " |
| Same . . . . . . to same, | Nov. | 10, | " |
| Gen. Cass to Mr. Johnson, . . . . . | Nov. | 19, | " |
| Mr. Appleton to Mr. Johnson, . . . | Sept. | 27, | " |
| Messrs. Johnson & Rockwell to Gen. Cass, | Dec. | 2, | " |
| Gen. Cass to Messrs. Johnson & Rockwell, | Dec. | 7, | " |
| Mr. Johnson to Gen. Cass, . . . . | Aug. | 2, | 1859. |
| Attorney General to Gen. Cass, . . . | April | 23, | 1859. |
| Messrs. Johnson & Rockwell to the Attorney General, . . . . . . . . . | April | 19, | 1859. |
| Messrs. Crittenden, Johnson, Rockwell and Benjamin, to Gen. Cass, . . . . | Dec. | 17, | 1858. |
| Messrs. Peachy & Billings to Gen. Cass, | Nov. | 19, | 1858. |
| Attorney General to the President, . . | March | 28, | 1859. |
| Gen. Cass to Messrs. Johnson & Rockwell, | Oct. | 26, | 1859. |

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In testimony whereof, I, Wm. Henry Trescot, acting Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this 20th day of July, A. D, 1860, and of the Independence of the United States of America the 85th.

[SEAL.]

WM. HENRY TRESCOT,
Acting Secretary.

## CORRESPONDENCE

*In relation to the New Almaden Quicksilver Mine of California, between the Counsel for the Proprietors and the Government.*

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WASHINGTON, 17th December, 1858.

HON. LEWIS CASS,
*Secretary of State.*

SIR: The undersigned, counsel of the claimants of the New Almaden mine, have the honor to enclose herewith a memorial, soliciting your intervention in obtaining from Mexico, at as early a date as possible, the originals of the documents referred to in said memorial, or copies thereof, duly authenticated under the great seal of that republic. May we ask your acknowledgment of the receipt of this communication, accompanied with the assurance that it will meet your prompt and favorable action?

We are, respectfully, your ob't serv'ts,

J. J. CRITTENDEN,
REVERDY JOHNSON,
JOHN A. ROCKWELL,
J. P. BENJAMIN.

P. S. To prevent mistakes, we send you a printed copy of the documents referred to.

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SAN FRANCISCO, CALIFORNIA,
Nov. 19th, 1858.

To the HON. LEWIS CASS,
*Secretary of State.*

SIR: On the 3d of March, 1851, Congress passed a law entitled "An act to ascertain and settle the private land claims in California." This law required all persons claming any right or title to land derived from the Spanish or Mexican authorities in California to present the same to a Board of Commissioners for adjudication within two years from the date of the law; and failure to do so, subjected all lands held by such titles to be considered and treated as the public land of the United States.

In obedience to this law, Andres Castillero, a Mexican, presented to the Board of Commissioners his claim to the lands and mine of New Almaden. His claim was grounded, 1st. On his discovery of the mine in 1845; on his registry of that discovery, and on the juridical possession of the mine and *pertenencias* given by the proper local authority of California, in the same month and year. 2dly. On a contract with the Mexican Government, made in May, 1846, in the city of Mexico, by which the government agreed to advance him the sum of five thousand dollars, and other aid, for the development of his mine, and also confirmed his mining possession as it had been given him by the authorities of the Department of California, and further granted to him two square leagues on his mining possession, as a colonist.

The Board of Land Commissioners confirmed his mining claim, and rejected the claim for the two leagues in colonization, upon the ground that the documentary evidence of the last named title did not, in the opinion of the Board, contain words of grant.

From the confirming portion of this decree the United States appealed; and the claimant from that part of it which rejected his colonization grant.

The case is now pending before the United States District Court on these appeals.

Pending this litigation, and as auxiliary thereto, the United States recently filed a bill in equity against Messrs. Young, Halleck, Parrott, Bolton and Barron, to restrain the working of the mine during the contest over the title, and for a receiver to take charge of the premises and work, or lease the mine.

In their answer, the defendants, Parrott, Bolton, and Barron, set up in defence the title of Castillero, under whom, through his grantee, they claim. They denied the allegations of fraud in the bill, on their information and belief; having no *personal knowledge* of the matters charged, they could not, of course, in any other manner make the denial. The defendants, Young and Halleck, disclaimed title, being merely employés of the company.

The Court, while stating that it was impossible for the defendants to have made any other denial, held that a denial on information and belief, although the sources of such information and grounds of such belief were fully set forth, (and we will add, were of the most authentic character,) did not meet the allegations of the bill, and that the injunction must be granted. The motion for a receiver was denied. The bill was not sworn to. There was no party to the suit who had any *personal knowledge* of the matters charged.

The defendants filed with their answer, as evidence of their title, copies of *espedientes* existing in several of the Ministries of the Mexican Government. These copies are authenticated in the only mode which is permitted by the Mexican laws, and they have appended a certificate to that effect by our Minister, Mr. Forsyth. They were also proven as examined copies by several witnesses, who had compared them with their originals in the city of Mexico. Mr. Forsyth, who was kind enough to attend while these comparisons were made, has certified to the accuracy of the copies. But their admissibility was opposed by one of the counsel for the government, (Mr. Randolph,) on the ground that when the United States acquired California, they derived a right to the possession of all documents relative to the rights of property in land; and that before the treaty stipulation for the protection of private property can be enforced at the suit of an individual, under the Act of 3d of March, 1851, the Executive Department of the United States must be in possession of the public documents on which the private claim depends. The other counsel for the government, (Mr. Stanton,) while adopting Mr. Randolph's views to some extent, insisted that the authenticity of the copies of public documents existing in the archives of the Mexican Government relating to lands in California must be established by the great seal of Mexico.

The District Judge, in his opinion in the case, seemed to lay much stress on these objections, and a few days ago expressed himself very strongly on the propriety of an application by the Executive to the Mexican Government for either the original documents or copies authenticated by the great seal of State of Mexico.

By the laws of Mexico, the uses to which the great seal is to be put are specified, and it cannot be used to authenticate a copy of any document. Another law of that Republic, providing for the authentication of documents to be used in foreign countries, directs that it shall be done in a case like this by the Chief Clerk of the Ministry of Foreign Relations, and gives full faith and credit in Mexico to documents made in foreign countries, and authenticated according to the laws of those countries.

The Act of 3d March, 1851, does not provide for taking depositions in foreign countries. Among other witnesses who have proved the accuracy of these copies, and the genuineness of their originals, is Mr. Lafragua, late Minister at Madrid, concerning whom it is useless for us to say, that he is a statesman of distinguished ability, who bears a high reputation for purity of character. Mr. Lafragua was Minister of Relations in 1846.

In December, of that year, he read a report to the Mexican Congress, giving a full account of the discovery of the New Almaden mine, and of the steps taken by the government to aid the discoverer in the development of its supposed resources. This account contained, substantially, a history of the title under which Castillero and his associates claim the mine. Mr. Lafragua gave his testimony in San Francisco in 1855, when Santa Anna, to whose government he was opposed, was in power.

The defendants have done all in their power to prove these documents; their copies are authenticated in the only manner permitted by the laws of Mexico. At a great expense they have procured the attendance of witnesses to prove the copies by comparison. They can do no more.

If, as one branch of the Executive of our Government by their counsel in California contend, the possession and custody of the original papers in Mexico belong of right to our government, and should be in its possession, and while in the possession of Mexico cannot be evidence of a private claim to land, then we are persuaded that you will take such steps in this matter as to right and justice pertain.

We therefore most respectfully request that the Government of the United States shall solicit of the Government of Mexico either the original papers relating to Castillero's transactions with the latter concerning this mine of New Almaden, or shall ask of that government a copy of all such papers, authenticated by the great seal of Mexico. If our government is entitled to the possession of the originals, it is its duty to secure them; and if our courts require authentication of copies of the same under the sanction of the great seal of Mexico, we are persuaded that the Executive of the United States, in fulfillment of the treaty stipulations with Mexico for the protection of private property, will make known to that government the necessity of authenticating these papers, so as to meet the peculiar requisitions of our municipal code.

We are aware, sir, that certain private parties, who claim this mine by title adverse to that of the company which we represent, are deeply interested, and have been for a long time sedulously engaged, in Washington City, in circulating charges of fraud against the title of our clients, and in presenting garbled and false statements of the testimony which has been taken in the case. We have of late been made fully to appreciate the success of this effort of our adversaries, and to know the extent to which this system of poisoning the ear has been carried.

But we rely with perfect confidence upon the genuineness of every paper which we have offered in support of our title; and we feel assured that no outside influence will prevent our government from taking such steps as the exigencies of this case demand, for the honorable fulfillment of its treaty stipulations, for the protection of its own rights, and for the protection of the rights of our clients.

And here we beg to be permitted to say, there is no form in which our government can request or exact from that of Mexico the assurance of the latter concerning the genuineness of these papers which we will not cheerfully acquiesce in.

We have the honor to enclose a pamphlet containing the certified copies of the public documents in Mexico which were exhibited by the defendants in their above mentioned answer.

ARCH'D C. PEACHY,
FRED. BILLINGS,
*Attorneys for Andres Castillero.*

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WASHINGTON, January 15, 1859.

TO THE PRESIDENT:

SIR: The undersigned, counsel for the parties in possession and claiming to be the owners of the Quicksilver Mine and land of New Almaden, in California, beg leave, respectfully, to ask your early attention to a matter of very great importance, not only to those whom we represent, but to the State of California, and to the whole country.

On the 17th ultimo we addressed a letter to the Secretary of State, enclosing a communication from our associates in California, Messrs. Peachy and Billings, to that officer, and asked the acknowledgment of the receipt of that communication, and the prompt and favorable action of the Department. We have received no reply; and as this delay is productive of very serious injury, we beg leave, most respectfully, to present the subject to the consideration of the President.

The communication of Messrs. Peachy and Billings was as follows:

[Here follows a copy of the foregoing communication of Messrs. Peachy and Billings.]

We forward herewith, in addition to the copy which we transmitted to the Secretary of State, a printed copy of the documents obtained in Mexico, and of the various certificates attached to them; and in order to present the subject more distinctly to the consideration of the President, give the following brief statement of the character of these documents, and the certificates attached to the copies of them, as they appear in said printed copy of the documents.

Andres Castillero, under whom we claim, having discovered the quicksilver mine, since called the New Almaden mine, in California, came to Mexico in the months of April and May, 1846, bringing with him specimens of ore from the mine. He made application through one of its members to the Mining Board of Mexico, "Junta de Mineria." The member to whom he applied transmitted two letters of Castillero, with the application. The Junta communicated this matter to the Mining College for an assay of the ore, which assay was made and a report transmitted to the Junta. The Junta, through their President, on the 5th May, 1846, sent a communication to the Minister of Justice, embodying and quoting the communication of the Director of the College to him, in which that director embodies a communication from the Junta Facultativa, giving the results of the assay. On the 9th May, the Minister of Justice replies to the communication of the Junta in a letter addressed to its President, Vicente Segura. On the 14th May, the Junta, through their President, Vicente Segura, sends a long communication to the Minister of Justice, embodying the petition of Castillero, and his formal propositions, the seventh of which is that "the Junta shall represent to the supreme government the necessity of approving the possession which has been given me of the mine by the local authorities of California, on the same terms as those which I now hold it;" and the eighth, that "it shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings." This petition and propositions, the Junta recommend in the strongest terms. On the 20th May the Minister of Justice acknowledges the receipt of the previous communication, and after stating that he had reported it to the President *ad interim* of the Republic, says: "His Excellency has been pleased to approve in all its parts the agreement made with that individual (Castillero) in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the eighth proposition for the grant of land in that department." On the 23d of May, the Minister of Foreign Relations, Castillo Lanzas, sends a dispatch addressed to the Governor of California, in which, after reciting the foregoing communication from the Minister of Justice, he adds: "and I transcribe it to your Excellency in order that, in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two sitios which are mentioned."

The copy of this despatch is in the archives of the Minister of Exterior Relations. The original was offered in evidence, and the genuineness of the document proved before the Land Commissioners in 1855, and is now on file in the office of the Surveyor General of California.

Copies of papers of the foregoing documents are furnished as evidence from the public offices in Mexico. Portions of them exist in four different offices. In the Archives of the Junta de Mineria all these documents, except the last, are found, either as originals or copies, in the expediente in that office.

In the archives of the Mining College are the original communication from the Junta, with copies of the letters from Castillero, office copies of which are in the archives of the Junta. In the archives of the Minister of Justice are all the original communications from the Junta, copies of which are found in the archives of the Junta, including the original petition and propositions of Castillero, with an office copy of the communication of the 20th May to Vicente Segura, President of the Junta; also, an office copy of the communication to the Minister of Exterior Relations of the same date; and in the archives of the Minister of Exterior Relations are found the original communication of the 20th May from the Minister of Justice, and an office copy of the dispatch of the 23d May from Castillo Lanzas to the Governor of California, which embodies within it the communication from the Minister of Justice of the 20th, and in that the communication to Vicente Segura by the Minister of Justice. These papers, being twenty-two in number, either as originals or copies, are all found in their appropriate places in their several offices, the originals in the office to which they were sent, and the copies in the office from which they were sent. In some cases the dispatch of one officer embodies that received from another, and in all cases there is a reference to the previous transactions and documents, so as to connect intimately, either directly or indirectly, each paper with all that preceded it. Copies of these documents thus found in their appropriate offices are certified in each office by the proper officers under the Mexican laws, and the only ones by that law authorized to make the certificate and affix the seals. The copies in each office are examined by the American Minister, Mr. Forsyth, the British Consul, and two witnesses. Mr. Forsyth and the British Consul both certify that they assisted in the examinations, and that the copies now furnished are correct in every respect. The two persons present at the examination returned to California, and have both made oath to the correctness of the copies. And this testimony as to the correctness of the copies is confirmed by the testimony of Lafragua, at one time Minister of Foreign Relations in Mexico, and now Minister at Madrid, before the Land Commissioners in 1855, who also swore as to the genuineness of the original documents in the archives of Mexico.

Among the papers in the printed copy are extracts from a report of Lafragua, Minister of Foreign and Interior Relations, made to the Mexican Congress in December, 1846, and which included a long report from Vicente Segura, of the 17th November, 1846, and which, after stating the discovery of this mine of Castillero, describes the most important portion of the documents now furnished, particularly the petition and propositions of Castillero, and the despatch of the 20th May, 1846, of the Minister of Justice, stating the approval of the President *ad interim* of the Republic. These reports, extracts from which are found in the pamphlet which is sent, are contained in a large printed volume, being a full history of all the transactions of the department and of the Junta de Mineria for the previous year. This volume was printed in 1847, as one of the public documents of Mexico, and a copy of the volume is in our possession at Washington, and will be subjected to the examination of the President if he shall desire it.

In the same printed copy forwarded herewith are two documents of a public character, which have been authenticated in the form of the Mexican law in each case.

One of them is an instrument of ratification by Castillero, of a contract of *avio*, which had been made by Alexander Forbes, and the other a contract of sale of a portion of the mine. These instruments were made by public act before a Notary Public in the city of Mexico, on the 17th December, 1846, and embodied in the first is an exact copy of the despatch or decree of the 23d May, 1846, the original of which is in the Surveyor General's office in California, and the office copy in the office of Foreign Relations in Mexico.

The public document before the Notary is found in the collection of documents for the year 1846, stitched together, and that Notary, Nazario Fuentes, being since deceased, a duly certified copy, in accordance with the laws of Mexico, is in evidence. This, too, was examined by the Minister of the United States, and the British Consul also; both certify to the correctness of the copy, and it is sworn to by two witnesses present at the examination.

We do not refer to the other evidence in this case as having no bearing on the question of the proper authentication of them.

As the foregoing documents have been assailed as being fraudulent and ante-dated, and the most extraordinary measures have been adopted by interested parties to prejudice the public mind and to affect the action of the officers of the Government of the United States, in the various stages of the contests connected with this valuable property, we deem it proper to state that we have carefully examined all the evidence and other papers in these cases, and entertain no doubt whatever that said documents are genuine, and that the charges in relation to them of fraud, or forgery, or ante-dating, are untrue.

We feel the more constrained to make these statements from the fact that heretofore the interests of our clients, and of the United States itself, have been seriously endangered, if not actually injured, by the measures which persons representing adverse interests have deemed themselves justified in taking.

By the decision of the United States District Court in California, granting an injunction against the working of these mines, which have been so many years in their possession, and conducted in a manner as advantageous to the public as to themselves, not only are they suffering a very serious injury, but, by being deprived of the comparatively cheap and abundant supply of quicksilver, the production of gold in California will be seriously diminished, to the great injury not only of that State, but of the whole country. The injunction is granted without any decision as to the title—that is to be determined in the claim pending before the District Court of California. In view of the opinion of that court in relation to the authentication of the copies of the foregoing papers, our clients cannot proceed to trial until such further authentication is obtained as it is possible to obtain. They have obtained such authentication as by the laws of Mexico can alone be furnished. The Minister of the United States in Mexico has officially, under seal, so certified. He has further certified that he personally assisted in the examination, and that the copies now furnished are correct. They have been sworn to be so by witnesses who were present, and made the comparison. All that now remains to us is for the United States, satisfied (as it is thought every one must be) that the copies are correctly made, either to direct that the counsel of the United States consent that these copies be admitted, or to adopt some measure to satisfy themselves that these copies are correctly taken, or to procure others of the same papers, in such mode and by such agents as they may themselves select.

As delay in this matter can in no way promote the course of justice, and is productive of such serious and wide-spread mischief, the undersigned most respectfully and earnestly ask of the President the earliest possible consideration and decision of this application.

Very respectfully, your obedient servants,

REVERDY JOHNSON,
J. J. CRITTENDEN,
JOHN A. ROCKWELL,
J. P. BENJAMIN.

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WASHINGTON, 15th February, 1859.

SIR: On the 17th of December last Messrs. Crittenden, Benjamin, Rockwell, and myself addressed a communication to the Secretary of State in relation to the authentication of the documentary title of the present possessors of the Almaden quicksilver mine in California, whose counsel we are, with a request that its receipt be acknowledged, and as early a reply to it be given us as the convenience of the Secretary would permit. We are, however, to this moment without either answer.

On the 15th January, we had also the honor to address you, sir, on the same subject. It is important to our clients, and to the truth and justice of the controversy now existing in the courts of California between the United States and them, that the decision of the Executive on the subject of our two communications should be made known to us without further delay, It is one, from its nature, capable of being readily understood and adjudged without difficulty. We therefore hope that we shall not be esteemed importunate in respectfully again soliciting an early answer.

I have the honor to be your ob't serv't,

REVERDY JOHNSON,
*For Messrs. Crittenden, Benjamin, Rockwell, and himself.*

TO THE PRESIDENT OF THE UNITED STATES.

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WASHINGTON, March 18th, 1859.

SIR: The undersigned beg leave again respectfully to call your attention to the suits pending in California, in relation to the mine of New Almaden.

It is claimed on the part of the United States that the documents received from Mexico, on which our title rests, are forged and fraudulent.

A technical difficulty also has arisen as to the mode of authenticating the copies of the documents by the great seal of Mexico, in relation to which we had the honor to forward, on the 17th December last, to the Secretary of State, a communication addressed to him by our associates in California, Messrs. Peachy & Billings; and on the 15th day of January, 1859, ourselves addressed a letter to the President on the subject.

Our sole object is to have the exact state of the facts, as they exist, ascertained and properly presented and proved before the courts in California, before which these suits are pending; and we are persuaded that neither yourself nor any other high officer of the Government of the United States can have any desire to suppress or prevent the production of any testimony tending to throw light on the subject.

We are authorized by the parties whom we represent, who are now in possession of and claim to be the owners of the New Almaden mine, to propose that the United States shall cause a full examination to be made in the city of Mexico, of all the facts in relation to the title to this mine, and the documents connected with it.

We are willing that our present Minister and Consul at Mexico, and any other disinterested and respectable public officer of the United States, shall act as commissioners, not only to take testimony in the city of Mexico, of witnesses residing there, but that they shall themselves examine all the documents and archives in the public offices of Mexico, and that their certificate of the facts, as found by them, shall be received as evidence before the courts in these cases. If, however, from the importance of the official duties devolving on these gentlemen, or from any other cause, it shall be deemed improper or undesirable for them to undertake this duty, we propose that the United States themselves select two or three respectable gentlemen, citizens of the United States, who shall act as commissioners for the discharge of this trust, and after having performed this duty, and taken the depositions of witnesses in the city of Mexico, shall proceed to California to give their testimony, not only in relation to the correctness of the copies of these documents, but to any facts tending to show the fairness or unfairness of the transaction.

If the United States should decline to pay the whole or a portion of the expenses of such a commission, we are authorized to say that the expense will be borne entirely by the parties whom we represent.

All that we shall ask will be that the persons selected shall be of undoubted integrity, and be disinterested.

In relation to the subjects with regard to which testimony is desired, we have no desire at all to limit the inquiry on the part of the United States. One important part of the duty of such a commission would be to examine in the archives of Mexico the documents there found, and to procure copies of them. The nature and character of these documents are fully set forth in the communication above referred to, addressed by us to the President, and to which we beg leave to refer.

In addition to these, there are bound volumes in the archives of the Junta de Mineria and the Ministry of Justice, containing the journals of the entire proceedings respectively of those two departments, and in which all the transactions connected with the application of Castillero, and the various documents in relation to the same, are distinctly stated at the dates of the transaction, and in their appropriate places. There are, also, prior to, at the time, and subsequent to these transactions, regular lists or inventories kept of all the expedientes issued in the Junta de Mineria, the Ministry of Relations, and the Ministry of Justice, and in which all espedientes were numbered as they were issued. These inventories or lists extend over a series of years, and were regularly kept. The numbers in these lists or inventories correspond with those that are attached to the expedientes offered in evidence in this case.

There are numerous other documents showing conclusively that the papers offered in evidence were all executed at the time when they purport to have been executed, and were what they now appear to be.

In addition to these documents there are numerous witnesses now living, some of whom themselves issued a portion of these documents, and others, who were conversant at the time with the application of Castillero, and the transactions connected with it on the part of the government.

If, on the part of the United States, you will accede to either of the propositions above named, it will afford us great pleasure to give you all the information we possess as to the foregoing documents, and the names of such of the witnesses to be examined, as far as they are in our possession, in order that the commissioners may have the means of making the fullest investigations as to the character of the witnesses and as to the genuineness of the documents found in the Mexican archives.

After a careful examination of all the proofs and papers connected with this case, we have not the shadow of a doubt as to the perfect genuineness of all the documents offered in evidence in support of the title of our clients, and that the most abundant evidence exists conclusively to show such to be the case. Our wish is to have that evidence submitted to the consideration of the courts which are to pass upon that title, and that it may be procured through such agency and in such manner as may be satisfactory not only to the court, but to the United States and its officers.

The purposes of justice certainly cannot be promoted by withholding any proof in relation to the facts in this case, leaving to the courts before which it may be presented to give such weight to the evidence as they may consider it entitled to.

Mr. Eustace W. Barron, of the city of Mexico, one of the firm of Messrs. Barron, Forbes & Co., and the son of Eustace Barron, Esq., one of the principal proprietors of the New Almaden mine, is now in this city, designing to leave New Orleans by the steamer of the first of April. We must, therefore, earnestly request that you will give this matter your early consideration, and favor us with an early reply.

Respectfully, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

To the PRESIDENT.

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WASHINGTON, March 30, 1859.

SIR: On the 15th of February last, I had the honor to address you on the subject of the several communications of myself and my associate counsel, of the present possessors of the New Almaden mine, in relation to the justice, as between the United States and those parties, of an agreement as to the proper mode of some fair and impartial way of proving or disproving the documentary title to the mine now alleged to be amongst the archives of the Mexican Government. The subject was again and more recently brought to your notice, and propositions looking to the same end were made by Messrs. Rockwell and myself in a communication to you. You told me that the matter would be referred to the Attorney General, and we have since, with all becoming patience, awaited his opinion. I see by a telegraphic despatch, in the several Baltimore morning papers (and it is my first information, and since confirmed by him in a personal interview) that he has decided, and that he has made his decision known to the President. I write, therefore, in my own behalf and in behalf of my colleagues, Messrs. Crittenden, Benjamin, and Rockwell, to inquire if the fact be so; and if it is, that you will direct a copy of the decision to be furnished us. And in the meantime I request that you delay your own final action until we shall have had an opportunity to reply to what, from the same information, the telegraph, we understood are the grounds on which that officer places the propriety of rejecting our several propositions.

I have the honor to be, sir, very respectfully,

Your obedient servant,

REVERDY JOHNSON.

To the PRESIDENT.

MARCH 31, 1859.—Referred to the Attorney General, who will furnish Mr. Johnson with a copy of his opinion on the case herein referred to. In his absence a copy of the opinion will be furnished by Mr. McCalmant or the person in charge.

JAMES BUCHANAN.

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ATTORNEY GENERAL'S OFFICE, March 28, 1859.

SIR: The counsel of Andres Castillero and his associates have invoked your interference in the case pending between them and the United States in the District Court for California. You ask what answer, in my opinion, should be given them.

The land in dispute consists of two leagues, which include the New Almaden quicksilver mine, surpassing in richness every other mine on the globe. Its present possessors have taken ore out of it worth a million of dollars per annum for the eight years they have had it. It is probably capable of yielding a much larger product.

Castillero is a Mexican citizen; his associates are chiefly Mexican and British. The claim to this land and mine was set up and conducted in the name of Castillero before the Land Commissioners. The case is now pending in the District Court upon the appeals of both parties.

In June last the District Attorney, in pursuance of instructions from this office, filed a bill on the equity side of the Circuit Court of the United States for California, charging that the pretended title of the parties in possession under Castillero was fabricated and fraudulent, and praying an injunction against any further working of the mine until the termination of the pending cause. The Court patiently examined the case, heard the arguments of counsel, and awarded the injunction as prayed for. It only remains to bring the claim to a final hearing in the District Court, where, I have no reason to doubt, it will be rejected.

The counsel employed by the claimants against the United States now ask that you will do one of the five things following:

1. Direct the counsel of the United States to *consent* that the copies of certain papers in the claimants' possession shall be admitted in evidence.

2. Order them to adopt some measure which will satisfy themselves that these copies are correctly taken.

3. Order them to procure other copies of the same papers, in such manner and by such agent as they may select.

4. Solicit of the Mexican Government the original papers relating to Castillero's transaction with it concerning this grant; or,

5. Ask of Mexico a copy of all such papers, authenticated by the Great Seal of the Republic.

It will be proper to consider these demands in their consecutive order.

I. The counsel of the United States cannot possibly consent to the admission of evidence which they believe to be corrupt and false. In this case they do believe that the copies of the papers produced by the claimants before the Land Commissioners, and in the Circuit Court, are not satisfactorily authenticated; and they further believe that the originals are themselves fraudulent fabrications. Of course we make it a point of conscience and principle to oppose evidence of that kind.

II. The counsel of the United States *have* adopted very careful measures to *satisfy* themselves concerning these copies, as well as the originals from which they purport to be taken. Their objections have not been made with a blind and reckless disregard of the truth. They *are satisfied*, and on the hearing of the motion for an injunction the Circuit Court seemed to be satisfied also.

III. You are requested by those gentlemen to get other copies of the same papers. In answer to this, I have nothing to say of the unprecedented and singular attitude which the government would take in sending its own counsel to hunt up the evidence of a hostile claim in favor of Mexican citizens at the seat of the Mexican Government. Let that pass. But there is another reason which cannot be got over. It is not of the copies alone that we complain. The originals, or some of them at least, may be among the Mexican archives; and what we assert is, that they were not honestly placed there by the Mexican officers. Of such documents we desire no copies, will not bring them into court ourselves, and will resist their admission as evidence, if brought by the opposite party.

IV. The next proposition is, that you *solicit* the Mexican Government to furnish the *original* papers relating to the claim of Castillero. I concede it to be true, as a rule of public law, that a document which belongs to the Mexican archives cannot properly reach our judicial tribunals, so as to be noticed by them, except through that department of our government which manages its foreign affairs. But this being true, why does not the Republic of Mexico offer the documents in question to the Department of State? Why should we take the initiative in reference to the claim of Mexican citizens against ourselves? Or why should we expose the truth to the danger of being perverted by the diplomatic manœuvres which might be resorted to by our opponents? My opinion is, that the Government of the United States should wait until that of Mexico shall make a voluntary tender of the papers which support this title, and then examine into their character with great care, holding Mexico to the full measure of the responsibility she will incur by any aid she may wilfully give in the support of a false claim against the United States.

V. The last measure proposed is, that you ask of Mexico copies of these papers authenticated under the great seal. To this, as a diplomatic move, the objections are the same as soliciting the originals. The great seal of Mexico is needed for the proper authentication of these documents, or else it is not. If not, it is vanity to ask that it be affixed. If, on the other hand, it be necessary, then Mexico knows it as well as we, and may place it there or not according to her own good pleasure. But it is urged that the Mexican law forbids such a use to be made of the great seal of the Republic. This is not believed to be the true interpretation of the law. At best, it is but a presidential decree, and may be altered at the will of the Executive. At all events, the existence of such a law is no reason why we should make the request desired.

My opinion upon all these points would not be different even if I believed Castillero's title to be honest. But I cannot resist the conviction that it is morally and legally destitute of all claim to our respect. Such I suppose to have been the opinion of my immediate predecessor when he took his appeal from the decree of the Land Commissioners. It is fully concurred in by our able and learned District Attorney in California, and by the special counsel of the United States, who have carefully and thoroughly examined it. Moreover, the Judges of the Circuit Court could not have awarded the injunction without believing the title to be unsound.

The counsel on the other side very confidently believe us to be mistaken. We must be governed by our own opinions, not by theirs. But after the assertions which they have made and recorded in favor of the title, it is no more than right to state some of the grounds on which we differ from them.

The indemnity which this country received for the expenses of the war, for the injuries which provoked it, and for the large sum paid to Mexico at its close, consisted altogether in the cession of territory. When we agreed to accept satisfaction in that shape, it became important to fix the latest date at which Mexican titles were to be recognized, and express instructions not to leave that question in any doubt were given by the Secretary of State to the commissioner. In the projét drawn up by Mr. Buchanan, a formal proviso was inserted declaring all grants after the 13th of May, 1846, to be null and void. The Mexican Commissioners objected to the proviso on a point of national decorum, but they *affirmed* that no grant had been made after the day mentioned, "and this they knew." They were requested by the American Commissioner to make sure of the fact stated by them; and they did so in a manner which left, as they said, no shade of doubt; and then a formal declaration was inserted in the treaty, at the conclusion of the 10th article, to the effect following: "The Mexican Government declares that no grant whatever of land in any of the territories aforesaid, (including California,) has been made since the 13th day of May, 1846." Upon the faith of this declaration the treaty was negotiated. The 10th section was stricken out by the Senate on account of the unauthorized provision it contained with respect to Texas grants; but the affirmation of the facts above mentioned was not thereby affected. Subsequently, upon the exchange of ratifications at Queretaro, on the 26th of May, 1848, in order to remove any doubt that might arise in consequence of the elimination of the 10th article, a protocol was made and signed by the commissioners on both sides, which is in the following terms:

"These concessions, notwithstanding the suppression of the 10th article of the treaty, shall preserve the value which they have in law, and the grantees may avail themselves of their lawful titles before the American tribunals. According to the law of the United States those are lawful titles to property of every kind, movable or immovable, existing in the ceded territories, which may have been lawful titles under the Mexican law up to the 13th of May, 1846."

Now, let it be remembered, that the recommendation alleged to have been made by the Junta de Mineria of Castillero's denouncement is not alleged to be earlier than the 13th of May. The ratification is dated on the 20th, and the pretended grant of two leagues, according to the admission of parties, was on the 23d of May, 1846. The Mexican Government, after strict inquiry and examination, having in the most solemn manner, and under the most impressive circumstances, affirmed to the Government of the United States that no grant whatever of lands in the territory of California had been made after the 13th of May, 1846, with what face can that government now assert the contrary? with what regard to common propriety can the United States ask the Republic of Mexico to do this thing—to violate her own honor, to falsify her own declaration, and to break her solemn pledge after procuring an advantageous treaty of peace upon the faith of it? If it be said that the declaration of the Mexican Commissioners was a mistake, and that a private person should not be compelled to suffer by it, the answer is very plain. He should seek redress from the nation which inflicted the injury. Let him look to his own government, which pledged its honor that no such grant existed, and not to the United States, who took the pledge as true. Castillero, like every other Mexican citizen, was bound by the affirmation which his Government made.

But, whatever may be thought of the legal effect of this affirmation made by the Mexican Government, it is highly important in another point of view. Is it not overwhelming evidence that no grant, such as that now alleged, was in existence among the Mexican archives at the date of the treaty? Does it not prove beyond a doubt, that the papers which you are asked to solicit were the fabrications of a later period? It is almost impossible that such an affirmation could have been made if these papers had been in the possession of the Mexican Government in May, 1848. The declaration related to a point which was material in the negotiation, to which the attention of the Mexican Government was specially directed, upon which they had full means of knowledge, about which they made careful and repeated examinations, and on which they declared they had not a shade of doubt in their minds.

That the present existence of Castillero's papers in certain offices of the Mexican Government has been established by the certificates of American officials, and their genuine character proved by the oaths of Mexican witnesses, may be all true, and the counsel of Castillero no doubt think this fact amply sufficient to silence the opposition of the government to their claim; but I am not of their mind. The inference they draw is not consistent with our past experience in similar cases. Other claims have been equally well attested, and yet wholly false. Limantour's title to the city of San Francisco, and the islands and military points on which the naval hospital, fortifications, and national defenses of the United States are erected, was better authenticated than this one of Castillero pretends to be. Its genuineness was attested by the signature of a Mexican Secretary of State, who had previously been a Foreign Minister, and is now a Judge of the Supreme Court. It was sworn to by a Mexican statesman, who had a reputation as high as any of his class; and it was certified under the hand of the President of the Republic in a communication addressed from the National Palace at Mexico to the Land Commissioners. But all those seeming marks of authenticity were placed there to cheat and defraud. It was afterwards demonstrated and solemnly adjudged that Bocanegra's attestation was a shameless falsehood; Castanares was perjured, and Arista, the President, was engaged with the others in a scandalous conspiracy to impose upon the courts of the United States. Blank grants, bearing the signature of a distinguished Comandante General and Governor of the Californias, purporting to be dated before the war, and ready to be filled up afterwards with lands and mines belonging to the United States, have been found in the hands of miscreants who were in close correspondence with high officers of the Mexican Government.

It this very case, certain startling disclosures have already been made. The correspondence of the parties in possession has been discovered and produced in court. It proves that long after the conquest, designs were formed, plans discussed, and measures adopted to place such papers as these in the Mexican archives. It shows that in 1847, 1848, and 1849, it was proposed among them to procure documents of title to this land and mine, "with dates arranged," to be placed "in proper governmental custody" to be duly copied and certified by Mexican, American and British officials. It also appears that after many months of delay and discussion concerning the form of the papers to be procured, Castillero and Barron set out for the city of Mexico *to find such papers*, and within a few weeks afterwards the copies filed with Castillero's petition to the Land Commissioners appear to have been found and certified according to previous arrangement.

That the Castillero party, or some of them, have been tempted to use the reckless venality of Mexican officers for their own supposed advantage, seems to have been regarded by the court as an established proposition. Mexican certificates made at their instance were produced in court, and filed of record, and were afterwards admitted to be false from beginning to end. The Circuit Court very justly said that: "When a certificate of this character is procured from a Mexican notary by some of the defendants in this case, and by them filed as an exhibit, the court is surely justified in regarding with suspicion, not only all documents which are authenticated in a similar manner, but also those of which the genuineness is assailed by other proofs."

It appears further, that in December, 1849, there were two documents of nearly the same import among the archives of Monterey, and of such a character as to make it certain that one was a forgery. One has disappeared, and another has been authenticated by the certificate of a Mexican notary at the instance of the defendants, and that certificate demonstrated to be in nearly every word of it untrue.

The land was not formally taken possession of under this title until long after the occupation of California by the American forces. It was then done clandestinely, and accompanied with a written statement by the chief partner in the concern to the authorities of Monterey that there was no ore there. The statement was of course known to be false; and the person who made it simultaneously wrote to his partner and told him of the trick he had played.

I will not weary you with any discussion upon the details of the evidence. I have probably said enough to show that the facts and the law of the case are in favor of the government. The mine belongs to the public. We are trustees of the public, and will surrender it to no one, and least of all to men who claim it after such a fashion, and under such title as Castillero and his confederates produce.

There is another claim under Justo Larios carried on in the name of Charles Fossatt, which is also pending in the District Court. The genuineness of this grant has not been denied; but its location is disputed, and we have good reason to believe that we will finally defeat the efforts of the claimants to locate it upon the quicksilver mine. The Castillero and the Fossatt party are both of them keenly conscious that the success of one may be ruin to the hopes of the other. Each has, therefore, been willing to furnish documents, produce evidence, and make arguments against the other. They have both been permitted to do so. It would have been grossly unjust to exclude a party interested to the amount of millions from all participation in the proceeding on the mere technical ground that he may not be named in the record. But while this privilege of baing fairly heard was conceded to both, and was largely used by the Castillero party, the United States has dealt with all the claimants at arm's length, and shown partiality to none. The mine, (I say it again) belongs to the public, and the public right should be maintained by all proper and just means.

It is urged that the price of quicksilver has risen since the injunction, and may rise still higher, unless these claimants are restored to the unrestricted privilege of working the mines. This argument has no weight. The cause is to be determined by the rule of law, and not by the principles of political economy. The condition of the quicksilver market, whether good or bad, will not make it proper to confirm a spurious claim, or to reject an honest one. It may be a misfortune that the supply of a necessary article is diminished for a short while, but we cannot for that reason let the claimants back unless they show us a good title.

Neither is this proceeding a departure from the liberal policy heretofore pursued by the United States towards the working of mines in general.

Miners who go upon the public land acknowledging the title of the government, and claiming nothing but what the government is willing to concede them, are in a condition wholly different from these parties. What I assert is simply the right and the duty of the government to protect itself and its citizens against foreigners who come with fabricated titles from Mexico in their hands to monopolize large quantities of the richest mineral land on the globe, excluding therefrom and driving away the honest persons who otherwise would have wrought them.

In conclusion, I have only to say that this cause ought to be treated like other important causes in which the United States are a party. Let us yield everything that law and justice demand. Sift doubtful claims to the bottom, and show no quarter to those which appear to be corrupt.

Very respectfully, yours, &c.,

J. S. BLACK.

TO THE PRESIDENT.

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WASHINGTON, April 18, 1859.

SIR: We have received the copy of the communication addressed to the President by the Attorney General, furnished in obedience to the direction of the President, and beg leave, respectfully, to present the following considerations in relation to it.

On the 17th December last, Messrs. Crittenden, Benjamin, and ourselves, as counsel for the parties in possession of the New Almaden quicksilver mine, addressed a brief letter to the Secretary of State, inclosing a longer one of Messrs. Peachy & Billings, our associate counsel in California, in which they asked, for the reasons fully set forth in it, that the United States Government would solicit from the Government of Mexico, either the originals, or copies under the great seal of that Government, of the papers in the archives of Mexico, necessary to support the title of our clients. In that letter we requested an "acknowledgment of the receipt of the communication, accompanied with the assurance that it would meet with prompt and favorable action."

Receiving no reply to this letter, or the inclosed communication, on the 15th of January we had the honor to address a more extended letter to the President, embodying the one of Messrs. Peachy & Billings, and concluded by saying, "As delay in this matter can in no way promote the cause of justice, and is productive of such serious and widespread mischief, the undersigned most respectfully and earnestly ask of the President the earliest possible consideration and decision of this application."

Still receiving no reply, on the 15th of February, one of the counsel, on behalf of himself and his associates, again addressed the President, and said: "It is important to our clients, and to the truth and justice of the controversy now existing in the Court of California, between the United States and them, that the decision of the Executive on the subject of our two communications should be made known without further delay. It is one, from its nature, capable of being readily understood and adjudged without difficulty. We therefore hope that we shall not be esteemed importunate in respectfully again soliciting an early answer."

On the 18th day of March, 1859, we again addressed a letter to the President, and stated that "our sole object is to have the exact state of the facts, as they exist, ascertained and properly presented and proved before the courts in California, before which these suits are pending; and we are persuaded, that neither yourself nor any other high official of the Government of the United States can have any desire to suppress or prevent the production of any testimony tending to throw light on the subject," and proposed "that the United States should cause a full examination to be made, in the city of Mexico, of all the facts in relation to the title to this mine and the documents connected with it;" and "that our present Minister and Consul, and any other disinterested and respectable public officer of the United States, shall act as Commissioners, not only to take testimony in the city of Mexico of persons residing there, but that they should themselves examine all the documents and archives in the public offices of Mexico, and that their certificate of the facts, as found by them, shall be received as evidence before the courts in these cases;" or, if preferred, "that the United States themselves select two or three respectable gentlemen, citizens of the United States, who shall act as Commissioners for the discharge of this trust; and after having performed their duty and taken the deposition of witnesses in the city of Mexico, shall proceed to California to give their testimony, not only in relation to the correctness of the copies of these documents, but of any facts tending to show the fairness or unfairness of the transaction;" and the expense of this commission, if desired, we proposed should be paid by our clients.

To all these communications we received not only no answer, but not even an acknowledgment of their receipt, nor any information of what was the opinion of the Attorney General or any of the high officers addressed on the subject, until we saw a telegraphic notice sent to the Associated Press and distributed through the country, stating the fact and nature of the opinion of the Attorney General.

The course which has thus been pursued, and the delay of more than four months in giving an answer to our application, to say nothing of the apparent want of courtesy it involves, is a ground of serious complaint, and highly injurious to our clients.

Whichever party shall finally succeed, it is of the utmost importance that there should be a speedy decision as to their rights; and waste and damage to the property in controversy, to a very large amount, already has been sustained by the long delay in giving an answer to our application, and it may occasion great pecuniary loss to the United States.

In relation to the reasons assigned by the Attorney General, in his report to the President, we beg leave respectfully to present our views somewhat at length.

Long before the treaty of Guadalupe Hidalgo was entered into between the United States and Mexico, our clients, and the parties under whom they claim, had been in the possession of the New Almaden quicksilver mine, had expended money in its development, and had made arrangements for the more extended working of it. They claimed to be entitled to the mine under the Mexican law.

In the 8th article of the treaty with Mexico, it is provided that "Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever."

And again, in the same article:

"In the said territories, property of every kind now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guaranties equally ample, as if the same belonged to citizens of the United States."

By the 8th section of the Act of Congress of the 3d March, 1851, entitled "An Act to ascertain and settle the private land claims in the State of California," it is provided "*that each and every person claiming lands in California, by virtue of any right or title derived from the Spanish or Mexican Government, shall present the same* to the said commissioners when sitting as a board, together *with such documentary evidence and testimony of witnesses* as the said claimant relies upon in support of such claims," etc.

By the 13th section it is enacted, "that all lands, the claims to which have been finally rejected by the commissioners in manner herein provided, or which shall be finally decided to be invalid by the District or Supreme Court, *and all lands the claims to which shall not have been presented to the said commissioners within two years after the date of this act, shall be deemed, held, and considered as part of the public domain of the United States.*"

It thus appears that by the act of Congress every owner of land in California at the time of the cession to the United States was required to prove anew his title before the Courts of the United States; and upon failure to do so, his land became a part of the public domain of the United States.

The result has been, that all claimants to land in California, derived from Spain or Mexico, have been obliged to come into court as suitors, and more than eight hundred of these claims have been presented and acted upon by the commissioners appointed under this act; and it also appears that they were to present to the commissioners with their claim "*such documentary evidence and testimony of witnesses* as the said claimant relies upon in support of such claim."

In pursuance of this act, the parties whom we represent, deriving their title from Andres Castillero, presented their claim in his name before the commissioners, being two-fold—first, a mining right, acquired by denouncement and possession, to the quicksilver mine, and three thousand varas of land; and, second, a grant of two square leagues of land around the mine. No question whatever arose as to the genuineness of the documentary evidence of title. The right to the mine was confirmed by the commissioners. The claim to the two square leagues of land was denied, upon the ground that, by a true construction of the documents received from the Supreme Government of Mexico, they did not furnish evidence of a grant.

From these decisions the parties respectively appealed to the District Court.

Subsequently a claim was made on the part of the United States, that the evidence of titles derived from the Supreme Government of Mexico were not genuine, but had been antedated.

In order to repel those charges, of the entire groundlessness of which we have no doubt, an application was made to the United States District Court to issue a commission to examine witnesses in the city of Mexico, in relation to all matters connected with the title, being fully confident of being able to show the entire genuineness of all the papers evidencing the title, and the perfect fairness of the whole transaction. This application, upon the objection of the United States District Attorney, the District Court denied, on the ground that the court, under the provisions of the act of 1851, were not authorized to issue such a commission.

Our associates in California then made application to Congress to remedy this supposed defect in the law, and to extend the general provisions of law, so as to allow testimony to be taken in these cases in the same manner as in all other cases before the Circuit and District Courts of the United States. The law officers of the government opposed the application.

The United States District Attorney, Mr. Della Torre, in a letter dated the 15th of February, 1858, addressed to the Attorney General, objected to the granting of the application, upon the ground that the parties possessed great influence in Mexico; that they would use that influence corruptly, etc.; and stated, as to the application, that "its success can only be injurious to the interests of the government."

The Attorney General, on the 21st March, 1858, addressed a letter to the Hon. Geo. S. Houston, chairman of the Judiciary Committee of the House of Representatives, and to Hon. Jas. A. Bayard, chairman of the Senate Judiciary Committee, inclosing to each a copy of the letter of the District Attorney, and said: "I concur with him in the opinion that said act should not be changed. It cannot now be done without seriously hazarding the interests of the United States in two or three remaining cases."

In the opinion given by one of the judges in the case of the United States vs. Parrott et al., it is also intimated that the copies of the various documents offered in evidence, and certified to be true copies, according to the laws of Mexico, could not be admitted in evidence; or, if admitted, would receive less weight with the court, and that such documents should be authenticated under the great seal of Mexico. The Mexican Government declared that the great seal of Mexico is appropriated by law to a specific purpose, and is never used, and cannot legally be used, to authenticate copies of documents, and declining, upon the application of individuals, to apply the seal to any such purpose.

The parties, then, were placed in this position: When California became by treaty the territory of the United States, such parties were in the possession of property which they claimed to hold under titles derived from Mexico; their rights were guarantied by the treaty; they, in common with every other person holding lands in California, were obliged to furnish the documentary evidence of their title and proof of its genuineness. As a portion of the papers purport to be issued by the Supreme Government, the evidence can alone be found in the archives of that government, viz., in the city of Mexico. The court say that the usual and appropriate means of taking testimony in a foreign country must be denied. The Attorney General successfully opposed the application to Congress to remedy this supposed defect. The court intimate an opinion that documents duly certified according to the laws of Mexico, but without the government seal, are either not admissible, or, if received, are to be received without their full weight.

It is under this extraordinary state of things that we and our associates deemed it our clear duty to address ourselves to the Secretary of State and the President.

We respectfully requested that application should be made to the Government of Mexico to direct that the papers in question should be authenticated under their great seal, or, if satisfied that the copies furnished and certified by our own Minister were true copies, that you should cause them to be admitted in evidence, or should take such other mode as might be satisfactory to the President to ascertain the correctness of the copies.

And in our letter of the 19th day of March, 1857, we made the propositions which we have already stated.

We and all our associates have no doubt of the genuineness of all the papers offered in support of our title. The Attorney General is of a different opinion. The question is one of great importance, and is the main question in dispute. Our desire is that all the testimony on the subject shall be obtained and placed before the proper tribunals. They alone are finally to decide the question; and the only proper and just mode of deciding that question is to obtain all the proof bearing on the subject. As our title in part rests upon documents which purport to have been issued by the Supreme Government, the proof can only be obtained from the archives of that government. We ask that that proof should be obtained. The effort of the law officers of the United States has thus far been successful in preventing it. They deny that any such documents exist in Mexico; and if they exist, that they are genuine. We propose to prove the existence and genuineness of these documents. They assume to determine in advance the question in dispute, and prevent the introduction of evidence to show their opinions and assertions to be unfounded, and decline to leave the case, with all its proof, to the adjudication of the courts of the United States. The effort is to have the case heard by the Court without the most important evidence in the case, and, if possible, to gain it by the absence of proof known to exist. We regard the claim of fraud in the title as wholly untenable, and the grounds of that claim as susceptible of easy explanation by proof. They will not allow the proof to be presented to the Court. If they consider the evidence of fraud strong, and, if unexplained, sufficient, a still stronger reason exists for allowing the whole proof to be presented, and to give the party the most ample opportunity of proving his case to be just and honest.

The decision of the matter in this instance, as in all others, rests not with the counsel, but with the Court, and may safely rest there.

The object which we have in view is to have the whole matter thoroughly investigated, and to have the whole question of the fairness or unfairness of these documents examined by impartial persons. We have forwarded to the President the copies of the documents which we offer in evidence—have described where they are to be found—and the documentary evidence showing their genuineness. We have given the names of a portion of the witnesses whom we propose to examine in the city of Mexico, and have offered to furnish in advance all the information we possess in relation to the subject, and in relation to the witnesses to be called.

We have proposed that that investigation be made by our present Minister in Mexico, the American Consul, and such other public officer as the President may select; or, if it should be preferred, that he may select two or three Commissioners, citizens of the United States, to make the examination and proof of the documents, and take the testimony of witnesses; that our clients shall, if desired, bear the expense of the commission, and that these Commissioners shall proceed to California and give their testimony in the case.

But the Attorney General decides that the United States not only should not join in any measure to ascertain the fairness or unfairness of these documents, but that they should take no measures to secure the original documents, or authenticated copies of them under the great seal of Mexico.

1. His opinion proceeds on the ground, that in a contest between the United States and an individual, there is no obligation on the part of the government, or its officers, to pursue that course which, we submit, is dictated by the plainest principles of justice; virtually that no duty exists on the part of the law officers of the government to do justice as well to the claimant as to the United States; that the fullest investigation is to be avoided, and testimony is, if possible, to be excluded if it is feared that the result of the investigation and proof will be to show the claim to be good against the government; and that, if possible, a party is to be deprived of his property by the government by adopting means of suppressing evidence which he deemed essential to sustain his rights.

Such, however, are not the views of the Supreme Court of the United States in relation to the obligations of the government and the rights of individuals, especially in cases of this character.

Mr. Justice Campbell, in giving the opinion of the Supreme Court on the motion to dismiss the appeal in the case of Fossat, during the recent term of that Court, says:

"The United States did not appear in the courts as a contentious litigant, but as a great nation, acknowledging their obligations to recognize as valid every authentic title, and soliciting exact information to direct their Executive Government to comply with that obligation.

"They had instrumentalities adequate to the fulfillment of their engagements without delay whenever their existence was duly ascertained. There was no occasion for the strict rules of proceeding that experience has suggested to secure a speedy and exact administration between suitors of a different character," etc.

2. The peculiar circumstances of these California grants render the course now pursued peculiarly oppressive and unjust.

The treaty guarantees that "in the said territories, property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States."

The Act of 3d March, 1851, forced these claimants, and all others, to submit their titles to the decision of the courts of the United States, "with such documentary evidence and testimony of witnesses as said claimant relies upon in support of such claim." The Mexican Government refuses to give such authentication of the "documentary evidence" as these courts consider necessary, and they, the courts, have refused to issue a commission to procure the "testimony of witnesses," which the "claimant relies upon in support of his claim."

The Attorney General speaks of some of our clients as Mexican citizens and British subjects. A portion of them are so, but a portion are citizens of the United States. But whether citizens of the United States or not, they were in the actual and peaceable possession of the mine at the time of the treaty, claiming title under the Mexican Government, and their rights are protected by the treaty, with "guaranties equally ample as if the same belonged to citizens of the United States."

If, then, this were a contest between individuals, it is perfectly apparent that any citizens of the United States could justly call upon his government to interpose and seek to obtain from the Government of Mexico either the original evidence of title, or copies of them, authenticated in such form as would be received in the courts of the United States. Some of our clients are citizens of the United States, and have important interests at stake. Those that are not such are equally protected by the treaty, and are equally entitled to the benefits of its provisions.

If such would be the duty of the government in a case between individuals, it surely is no less so in a case where the government is itself a party.

It is because the government is a party to the suit, that we have considered it appropriate to make the several propositions in our various communications.

In a suit between individuals the application would have only been to secure the aid of the United States, either in procuring the originals or authenticated copies under the great seal of Mexico; but in the present case copies have already been obtained, not only authenticated according to the laws of Mexico, but examined by our own Minister, and proved by the testimony of witnesses. The objection to their admission is a technical objection. It surely cannot be doubted that these copies are what they purport to be. The evidence is quite as satisfactory to the mind, of the paper having been correctly copied, as if the great seal had been affixed.

In order, however, to obviate all objection on this account, we have asked that the United States should adopt any measure which they deem proper to satisfy themselves on this subject.

If the Government is bound, not only by the principles of justice, but by its duty to its citizens, and by the obligations of a treaty, to aid in procuring documents from Mexico, it is certainly bound to adopt the course which will occasion least delay and expense; and if satisfied that the copies offered are true copies of the papers, it is grossly unjust to refuse to admit them on the ground of technical objections, or to refuse to satisfy themselves on that subject in the readiest manner possible.

3. The course pursued in this case by the Attorney General is believed to have no precedent in the history of the Government. The Court have been ever ready and anxious to obtain the best and fullest information, not only in relation to the laws which prevailed in territories acquired from foreign countries, and their usages, but especially as to the documentary evidences of titles to lands, the examination of archives, and the testimony of witnesses. For these purposes Commissioners have been sent by our Government to Madrid, Mexico, Havana, and Paris. Cases have been postponed from term to term in the Supreme Court, in order to obtain information from Spain, bearing upon the titles to land included in territory formerly belonging to that power.

In cases where the United States supposed that the claim presented was fraudulent, and that the evidence of that fraud existed in a foreign country, their course has been to send to that country persons commissioned to investigate the fraud, and ascertain the truth.

They have sent to Mexico for that purpose, and uniformly received the most cordial aid in their efforts of investigating fraudulent claims. In the case of Gardiner, a Special Commissioner was sent to Mexico to make the examination into the frauds committed by that person. The Mexican Government furnished every facility for the investigation, and the most ample testimony was obtained.

In the case of Limantour, in order to establish the alleged fraud, resort was had to the Mexican archives, and the Mexican officers readily furnished to our Government every information in their power.

In addition to other evidence obtained by the United States in the city of Mexico, to prove the alleged fraudulent character of Limantour's case, application was made on behalf of our own Government for evidence from the Mexican archives, which was supplied.

Judge Hoffman, in his opinion in that case, says (p. 45):

"It appears that on the 4th March, 1854, Mr. Cripps, the American Chargé d' Affaires of that city, addressed an official note to Bonilla, the Mexican Minister of the Exterior Relations, requesting to be informed whether any record or evidence of titles granted to José Y. Limantour existed in the archives of Mexico. To this note Bonilla replies by inclosing to Mr.

Cripps communications received by himself from the heads of Departments, to whom he had applied for the information required. In the communication received from the Minister of Fomento, it is said: "I have searched with the greatest care the documents to which the note of the Señor Chargé d' Affaires *ad interim* of the United States refers, and I have not found any evidence whatever of the grant which might have been made to Mr. J. Yves Limantour by General Micheltorena of four square leagues of land to the west of the Bay of San Francisco, Upper California. Nor is there any minute or evidence whatever of the approval of said grant by the Supreme Government, which, as it is said, has been authorized by Señor Bocanegra. Nor are there any titles to any land which might have been granted to said Limantour in Upper California; and it is remarkable that there is not a single communication of Señor Micheltorena, in which notice is given of grants of lands which he had made, whereby knowledge might be obtained in relation to those of the said Limantour."

"The communications from the Ministry of War and Marine, and from that of the general and public archives of the nation, are to the same effect; and in the communication of the Minister of Foreign Affairs to Mr. Cripps, of the 6th December, 1855, he informs the latter that the three offices of Fomento, of War, and of the General Archives, are the only ones where the evidences of the alleged grants could be found in the city of Mexico. He therefore refers Mr. Cripps to the archives of the public offices of California. How unproductive the search in these latter has been we have already seen."

The "search," to which the Judge here refers, is stated and commented upon at length in a previous part of his opinion, and the result of the examination of Mr. Hopkins, in the archives of California, given at length. In those archives he found no fraudulent grants, nor any fraudulent papers supporting such grants. He says: "I have searched for the original confirmation of these grants, but I have found none, nor any mention of or allusion to it. I found no original communication from any Department of the Supreme Government of Mexico, referring or alluding to these grants."

The Judge says, in another part of his opinion: "With reference to the marginal memoranda or certificates, it is to be observed, that they do not on their face purport to be the official act of any Mexican functionary. They do not profess to come from any Minister or Department of that government. They are authenticated by no seal, nor are they signed by Bocanegra as Minister of any Department of the Mexican Administration."

Again the Judge says: "If there were no other circumstances in the cause to prove the spuriousness of this document, I cannot but consider the *negative testimony of the archives as almost sufficient of itself to lead us to that conclusion.*"

Again: "It is of course impossible justly to appreciate the force of the negative testimony as furnished by the entire absence of any mention or allusion to the grants in the archives, *unless the number, the character, and the apparent completeness of those records, as they now exist, be considered.*"

The Judge then proceeds to examine and comment upon the internal evidence furnished by the archives themselves, the existence of an index of grants, in which those of Limantour were not to be found, the different transactions noticed in the archives at and near the time, etc. All these he urges with great force, as showing the highest evidence of want of genuineness in the documents. The President will observe that in this case we rely (and only ask the Government to aid us in placing the evidence beyond every supposed technical objection) upon precisely the same kind of proof, it being, however, the more full and complete, to establish the authenticity and genuineness of our grants that the government so successfully relied upon to disprove the authenticity and genuineness of the grants in Limantour's case. What is then to prevent our Government making the same investigation in this case as they did in that? Can the United States avail themselves of the documents in the Mexican archives to defeat a claim? And is all access to them to be prevented in support of a claim? Is it just or honest for the Government to resort to its power, and use its diplomacy to procure evidence from the Mexican archives against a claim, and at the same time to refuse its aid to sustain the rights of individuals secured by treaty?

It will be seen that whenever the United States law officers *believed* that a claim presented was founded in fraud, they have always sought for proof of that fraud at the place where it was alleged to have been committed. It can scarcely be supposed that they have made no inquiries or investigations in the present case in the city of Mexico. If they have not done so, is it because they believe that no proof whatever will be found of any fraud or ante-dating? If they have done so, and find in the evidence there the most convincing and conclusive proofs of entire genuineness which we know to exist, and yet have withheld the proof which they have obtained, and seek to prevent our obtaining it ourselves from Mexico, the act is manifestly one of gross wrong and injustice.

The foregoing views are presented on the hypothesis that the Attorney General has reasons, which are at least satisfactory to himself, that there is ground to believe that the evidences of our title are not genuine. He has, however, deemed it proper to present to the President the grounds of his opinion, and to them we would respectfully ask the attention of the President.

He says: "My opinion upon all these points would not be different even if I believed Castillero's title to be honest; but I cannot resist the conviction that it is morally and legally destitute of all claim to our respect. Such, I suppose to have been the opinion of my immediate predecessor when he took his appeal from the decision of the Land Commissioners. It is fully concurred in by our able and learned District Attorney in California, and by the special counsel of the United States, who have carefully and thoroughly examined it. Moreover, the Judges of the Circuit Court could not have awarded the injunction without believing the title to be unsound."

These grounds, which we shall have occasion further to notice, proceed entirely upon the avowed respect for the opinions of the persons named, and are to be valued so far as they are sustained by the facts in the case, and no further; and as all the facts are equally within the knowledge of the Attorney General and are accessible to any one who will examine the question, such facts furnish a far more reliable foundation for a correct opinion than the opinions of those gentlemen.

But we are happy to see that the Attorney General does not rest alone on the opinions of the court and counsel in California, but considers it "no more than right to state some of the grounds" on which he relies to sustain his opinion as to the want of genuineness in the title.

The first of these grounds is founded on a statement in the tenth article in the original treaty, and which was stricken out of the treaty by the Senate, and constitutes no part of it, and in connection with it the protocol which was subsequently signed by the Commissioners. As this is put prominently forward by the Attorney General as one of the reasons, if not the main reason, for assailing the genuineness of these title-papers, and was urged by the Circuit Court in the injunction case, we deem it proper to examine it fully.

The tenth article originally introduced was as follows:

"Art. 10. All grants of land made by the Mexican Government, or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles betwen Texas and the Mexican Government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfil the said conditions within the periods limited in the same respectively, such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which, the said grants shall not be obligatory upon the State of Texas in virtue of the stipulations contained in this article.

"The foregoing stipulation, in regard to grantees of land in Texas, is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and in default of the fulfilment of the conditions of any such grant within the new period, which, as is above stipulated, begins with the day of the exchange of ratification of this treaty, the same shall be null and void.

"The Mexican Government declares that no grant whatever of lands in Texas has been made since the second day of March, one thousand eight hundred and thirty-six; and that no grant whatever of lands in any of the territories aforesaid has been made since the 13th day of May, 1846."

The latter clause of this article is the one on which much stress is laid. The date referred to was that of the act of Congress recognizing the existence of war with Mexico. The Secretary of State, Mr. Buchanan, in the instructions to Mr. Trist of the 15th April, 1847, forwards to him the form of a treaty, with full directions on the various provisions to be inserted in the treaty. On this subject he says:

"The rights of the persons and property of the inhabitants of the territory over which the boundaries of the United States shall be extended, will be amply protected by the Constitution and laws of the United States. An article, therefore, to secure these rights has not been inserted in the projet; but should this be deemed necessary by the Mexican Government, no strong objection exists against inserting in the treaty an article similar to the third article of the Louisiana treaty. It might read as follows; 'The inhabitants of the territory over which the jurisdiction of the United States has been extended by the fourth article of this treaty, shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.'"

"In the event of the insertion of this article, it would be proper to add to it the following: 'Provided that all grants or concessions whatever of any lands, made or issued by the Mexican Government since the 13th day of May, 1846, within the said territory, shall be absolutely null and void.' The date might, if necessary, be changed from the day when Congress recognized the existence of the war, to the month of September, 1846, when the American forces took possession of California."

In a long communication from Mr. Trist to Mr. Buchanan, January 25, 1848, (Doc. 52, 7th Sen. Doc. 1st sess. 30th Cong., p. 292), he says: "With respect to grants of land made by the Mexican authorities, the *proviso* contained in my instructions was strenuously objected to upon a point of national honor and decorum. No such grant had been made since the 13th May, 1846. This they knew, and consequently the proviso could have no practical effect. But it implied that they had been made or might have been made, and that nevertheless the government committed the injustice of revoking them, which, in fact, it had (no) authority to do. Moreover, it involved an acknowledgment that, from the day when hostilities broke out on the north of the Rio Bravo, the Mexican Government had lost the right to make grants of land in any part of its territory subsequently occupied by us. Feeling the force of these objections, I requested (them) to make sure of the facts stated by them, and also in regard to no grants having been made in Texas since the revolution, which had been incidentally mentioned by one of them; and this having been done in a manner which left no shade of doubt on their minds, the declaration which will be found at the end of article 10 was agreed upon in lieu of the proviso."

When the treaty came before the Senate for ratification, the separate paragraphs in the 10th article were struck out by separate votes by yeas and nays.

This last paragraph was stricken out by a vote of 32 to 17. (See p. 10, Doc. 52.)

From the foregoing it appears that the date specified, of 13th May, 1846, was a date suggested by Mr. Trist, under instructions from Mr. Buchanan, and was named because it was the date of the declaration of the existence of war by Congress, and was not regarded as material by him, but might be changed to September, 1846, if necessary.

2. That the Mexican commissioners declined to insert any such proviso, because if such a grant had been made, Mexico had no authority to revoke it, and because it involved an acknowledgment that from the day when hostilities broke out on the north of the Rio Bravo, the Mexican Government had lost the right to make grants in any parts of its territory subsequently occupied by the United States, but simply declared

the fact, and that they believed the fact to be that no grants had been made subsequently to the 13th of May, 1846.

3. That by the act of our own government this entire article was stricken out, and never became a part of the treaty at all.

4. That having been stricken out, it could in no way bind either government, much less affect the rights of individuals; and the ex-parte statements of Mr. Trist could scarcely bind our own government, much less could they affect the Mexican Government, and still less the rights of individuals.

The then Secretary of State, Mr. Buchanan, accompanied the treaty, as amended by the Senate, with a communication addressed to the Minister of Foreign Relations of the Mexican Republic, in which, after commenting at length on the amendment striking out the 10th section, he says:

"The present treaty provides amply and specifically in its 8th and 9th articles for the security of property of every kind belonging to Mexicans, whether held under Mexican grants or otherwise, in the acquired territory. The property of foreigners under our Constitution and laws will be equally secure without any treaty stipulation."

The tenth article could have no effect upon such grantees as had forfeited their claims, but that of involving them in endless litigation, under the vain hope that a treaty might cure the defects in their titles against honest purchasers and owners of the soil.

And here it may be worthy of observation, that if no stipulations whatever were contained in the treaty to secure to the Mexican inhabitants, and all others, protection in the free enjoyment of their liberty, property, and the religion which they profess, these would be amply guarantied by the Constitution and laws of the United States. These invaluable blessings, under our forms of government, do not result from treaty stipulations, but from the very nature and character of our institutions."

But some importance is attached to the protocol signed by the American and Mexican Commissioners, dated on the 26th of May, 1848, and a portion of this protocol is quoted by the Attorney General.

That these Commissioners had no authority to bind either government, nor in any manner to add to or construe the treaty between the two governments, is perfectly apparent. This has been so held by the successive administrations of the government in the most positive and distinct terms, and this construction has been submitted to by the Mexican Government, and all claims to the contrary abandoned.

Mr. Polk, in a special message to the House of Representatives, February 8, 1849, discusses the question of the protocol at length, and shows conclusively that it could in no way vary the treaty, and could have no force or effect whatever.

He says (Ex. Doc. 50, 2d sess. 30th Cong., p. 4): "Had the protocol varied the treaty as amended by the Senate of the United States, it would have had no binding effect."

Again (p. 5): "The conversations embodied in the paper called a protocol, took place after the action of the Mexican Congress was complete; and there is no reason to suppose that the Government of Mexico ever submitted the protocol to the Congress, or ever treated or regarded it as in any sense a new negotiation, or as operating any modification or change of the amended treaty. If such had been its effect, it was a nullity until approved by the Mexican Congress; and such approval was never made or intimated to the United States," etc.

Again (p. 4): "It was obvious that the Commissioners of the United States did not regard the protocol as in any degree a part of the treaty, nor as modifying or altering the treaty as amended by the Senate. They communicated it as the substance of conversations held after the Mexican Congress had ratified the treaty, and they knew that the approval of the Mexican Congress was as essential to the validity of a treaty in all its parts as the advice and consent of the Senate of the United States."

In an elaborate communication addressed by Mr. Clayton, Secretary of State, to the Mexican Minister, on the 11th April, 1849, (Sen. Doc. 1, 1st sess. 31st Cong., p. 81), he discusses at length the question as to this protocol, (p. 84.) He says: "It is clear, therefore, that the protocol must be regarded merely as an instrument stating the opinions of the Commissioners of the United States upon the amendments of the Senate, and utterly void if not approved by that body," etc.

It thus clearly appears, that the 10th article having been stricken out by the treaty, at the instance of our own government, and constituting no part of the treaty, could have had no force whatever, as to either government. Still less would the Government of Mexico be bound by any statements in the dispatches of the American Minister to his own government, and least of all could the rights of third persons be affected. And in relation to the protocol, the document having been declared by our government to be a nullity, and binding neither government, still less can it affect the rights of individuals.

It is clear, then, that this declaration in the 10th article, and the provision in the protocol, cannot either legally or properly be urged against the validity of our titles.

"But," says the Attorney General, "whatever may be thought of the legal effect of this affirmation made by the Mexican Government, it is highly important in another point of view," etc.

Although it is manifest that this declaration could not be admitted as evidence in the case, and could not, and ought not, to have any effect upon the legal rights of our clients, we deem it proper to present some considerations to show that the inferences which are deduced from this declaration of the Commissioners adverse to their integrity are wholly unfounded.

The original proceedings of registry and possession of the New Almaden mine, with three thousand varas of land, were in the month of December, 1845, in California, and were proved before the Land Commissioners by the two subscribing witnesses, who are unimpeached.

On the 10th of December, 1845, Castillero addressed a letter to the Governor of California, Pio Pico, sending him a sample of the quicksilver which he had taken out of the mine, which mine he says had been denounced by him.

This letter on the 13th February, 1846, the Governor forwards to the Minister of Exterior Relations, tog ther with the specimens of quicksilver. Both these *original* letters are now on file in the office of the Minister of Exterior Relations in Mexico.

In February, 1846, Castillero also addressed letters to officers connected with the mining college. These are forwarded to the mining Junta; and on the 21st April, the President of the Junta sends the specimens of cinnabar to the director of the mining college; an assay is made, and the result given in a letter of the 29th April. On the 5th May, a letter is addressed on the subject to the Minister of Justice by the President of the Junta, who replies on the 9th May. On the 12th May, Castillero makes his propositions for aid in his enterprise, the seventh of which is, that "the Junta shall represent to the Supreme Government the necessity of approving the possession, which has been given me of the mine by the local authorities of California, on the same terms as those on which I now hold it."

And the 8th proposition, that "It shall also represent the advantage of there being granted to him, as a colonist, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings." On the 14th May, the Junta recommend to the Minister of Justice the assent to the proposition of Castillero. On the 20th May, the Minister of Justice communicates that the President approved in all its parts the agreement made with Castillero; "and on this day the corresponding communication is made to the Minister of Exterior Relations and Government to issue the proper orders respecting that which is contained in the 8th proposition of the grant of land in that department." That communication was made, as therein stated, on the 20th May, and on the 23d May, 1846, the Minister of Exterior Relations addressed the communication to the Governor of California which is the last in date of our title-papers.

It thus appears that the important matter in view of all the parties was the encouragement of the working of the mine of quicksilver. In connection with this was the confirmation by the supreme government of the act of the local authorities of California as to the registry and possession of the mine, and three thousand varas of land. Another and distinct proposition was the granting of two square leagues around the mine for firewood. This last was comparatively unimportant, both because the mine was in itself by far the most important, and because the three thousand varas covered a tract nearly as large as the area of two leagues, and because the land itself was then comparatively valueless. The title to the mine which was the most important originated in December, 1845, and was confirmed in the manner above mentioned, and the negotiation in which this grant of two leagues was included commenced some weeks before, and terminated just ten days after the 13th May, 1846, to which date so much importance is attached.

It will be perceived, too, that this was not a *formal* grant of land, but made as an incident to, and in connection with a far more important matter. That it is in fact a grant, we think is clear; but the Land Commissioners who confirmed the claim to the mine decided that the documents (their genuineness was not disputed) above referred to did not furnish evidence of a grant. Now, as the Commissioners for Mexico were none of them connected with any of these departments of the government, it is not at all surprising that a grant of the character above named should have escaped their notice. It is believed that at the time of these negotiations, the capital was in possession of the United States troops, and the high officers of the government were at Queretaro. The date was one not fixed by themselves, but named by the American Commissioners, as being that of the declaration of war.

The Mexican Commissioners were men of known character. Two of them at least are now living, and one of these two, Sr. Couto, is the most eminent lawyer, and in all respects the most distinguished man in Mexico. If there is really any importance in this matter, of which so much parade is made, it is proper that their testimony should be taken, and it would seem, if the purpose be to arrive at the real facts and merits of the case, there could be no objection to a commission for that purpose.

2. Another ground assumed by the Attorney General, for objecting to the *proof* of *documents*, and to taking testimony in Mexico, is, because the claim of Limatour was a fraud, and certain officers in Mexico were parties to it. The Attorney General is aware that there is no similarity whatever between the two cases. If he means, because the case of Limantour was a fraudulent one, that the documentary evidence from the archives of Mexico and the testimony of Mexican witnesses are to be rejected, the argument is most inconclusive and unjust. It is a gross and groundless charge against a whole nation, and is the more unwarrantable from the course pursued in this very case of Limantour. It was by investigations in Mexico, in part at least, that the counsel of the United States and the court arrived at the results that they did in that case. Our government applied through its Minister, to the officers of the Mexican Government, to inspect their archives, in order to ascertain as to certain grants. The request was readily complied with, the information given used in court, and relied upon by the judges. In view of this experience of the law officers of the United States, and their application to the Mexican Government, and the result of that application, they should be more guarded in their sweeping imputations upon the Mexican nation. A case has not been, and cannot, we believe, be mentioned, in which the Mexican Government, on the application of our own government, has shown the least reluctance to aid in the exposure of any fraud committed in Mexico or elsewhere, or any disposition to screen the offenders.

Unfortunate indeed would it have been for the citizens of California, if documentary evidence from the archives of the preceding government and Mexican witnesses had been discredited in a body.

Every title in California, without an exception, was derived from Mexico or Spain, and every one of them was required to be proved anew before our courts; and if not, were forfeited. They all rested on documents derived from those governments, and were to be proved by Mexican witnesses. The inhabitants or the officials in California at the date of the treaty were certainly no more worthy of credit than those in the capital. Eight hundred or more of these cases have been presented before the Commissioners, based on Mexican documents, and proved by Mexican witnesses. The great mass of them have been honest and just claims. A few have been fraudulent. If any are found to be fraudulent, it may require greater caution as to others; but it is a most extraordinary idea that the official documents and personal character of the whole nation are to be discredited.

3. The Attorney General speaks more than once of the decision of the Circuit Court in the injunction case, and seems to place much stress upon the opinion of one of the judges. While the case is pending before that court it is manifestly improper, in a communication to the President, to comment freely on that decision. It may, however, be said that the opinion is entitled to consideration, so far as it is sustained by facts and arguments; and as all those facts and arguments are in possession of the Attorney General, it would be far more satisfactory if the reasons for his decision were based upon the evidence in the case, and not on the authority of any one.

But the Attorney General is mistaken in stating that the question of title was involved or decided by the Circuit Court.

Judge McAllister says, (p. 5 of pamphlet,) "The first question, then, is the *admissibility of affidavits* as to title presented by complainants."

Again, (pp. 6, 7): "In the case of Tobin vs. Walkinshaw, decided by this Court, it went into a full consideration of the case of Poor vs. Carlton; and inasmuch as the point was not directly before the court in that case, and the learned judge in that case admitted that affidavits to title were only to be looked to for a qualified purpose; considering, too, as well settled, that on a motion for an injunction, a court of equity is not to look into title, this court came to the conclusion it would be better to adhere to the ancient rule until qualified by some authoritative decision directly on the point. The court, therefore, decided that affidavits to title could not be read. The law announced in that case must be applied to the present, and so much of the affidavits of plaintiff in this case as goes to title must be discarded by the court in the adjudication of this motion. *The affidavits of the defendants, which were admitted to be read as responsive to plaintiffs' affidavits, must be also rejected.* As the court excludes the plaintiffs', on a consideration of the question of their admissibility, which, by consent of parties, when they were read, was reserved for its decision, *the affidavits of defendants must share the same fate.* The only ground on which they could be received was, that they were responsive to the affidavits of complainants as to title."

Again, (p. 18): "The protection of the mine is the object contemplated by this bill; the preservation of its substance, *until the title to it is ascertained by the tribunal to which the question is exclusively confided*, is the prayer of the bill."

Again, (p. 39): "We have discussed this motion on the allegations of the bill and the denials of the answer, as *all affi-*

*davits as to title have, in my opinion, been excluded* by the well-settled rules of courts of equity."

But although the affidavits were "excluded," and decided not to be "admissible," and "discarded by the court," and it was decided "they could not be used," one of the judges proceeded to "look" to the affidavits, and to examine at some length the charges of fraud made against our title. But it is due to the learned judge to say that he did not profess to give a full examination of the case, much less to decide any question of title, which was by both the judges expressly excluded from their consideration.

Although propriety requires us to abstain, in the present state of the case, from any strictures upon the opinion of Judge Hoffman, we may be allowed to express our confident opinion, that if the President will examine the whole correspondence referred to, and the entire evidence in the case, he will agree with us in saying that the genuineness of the documents evidencing our title is entirely free from doubt.

We have now considered the prominent grounds of the opinion of the Attorney General. We will reply in a few words to some other statements made by him.

He places great reliance upon a certificate of a notary public, which he says contains many falsehoods. This certificate was a matter wholly unimportant. It was attached to the letter of Castillo Lanzas, but furnished no evidence whatever of any fact, and could, in its nature, afford no evidence before any court of any fact necessary to be proved; was not offered to prove any; and was not relied upon or referred to by either party in the trial before the Commissioners. The letter of Lanzas was proved by Lafragua, and the original letter has been since on file in a public office in California, and no attempt has been made to show it not to be genuine, although, in relation to a person of the public character and position of Castillo Lanzas, if not genuine, the fact could easily be shown.

The Attorney General, in his views which he entertains on the subject, refers to the opinion of his predecessor. He says: "But I cannot resist the conviction that it is nominally and legally destitute of all claim to our respect. *Such I suppose to have been the opinion of my immediate predecessor, when he took his appeal from the decree of the Land Commissioners.*"

This is certainly a most remarkable statement. When this case was tried and decided before the Land Commissioners, no question whatever was made as to the genuineness of all the documents of title. The Attorney General has in his office the entire proofs before the Board, the arguments of counsel on both sides, and the elaborate opinion of the Commissioners.

The claim was earnestly resisted on legal grounds by the United States law agent, but not one word was said by the counsel or court casting the least suspicion on the genuineness of the documentary proofs.

The implication that this opinion of his predecessor is to be inferred from the fact of the appeal from the Land Commissioners to the District Court, is still more extraordinary. *In every case* decided by the Land Commissioners in favor of the claimant the *United States took an appeal*, and the conclusive evidence of that fact is found in the office of the Attorney General himself. There are the transcripts of all the records on the appeals from the Commissioners. The whole number is about eight hundred, including those of both parties. The Attorney General, of course, when he made his statement, was not aware of these facts. But if such a statement had been made by a Mexican Attorney General, under similar circumstances, what would have been the language of the law officers of the United States? What has been their language, and how great has been the importance attached to the declaration of the Mexican Commissioners in relation to grants prior to the 13th May, persons not connected with the departments of the government, and at the time having no access to its offices?

The following is another erroneous statement of the Attorney General:

"The land was not formally taken possession of under title until long after the occupation of California by the American forces. It was then done clandestinely, and accompanied with a written statement by the chief partner in the concern, to the authorities at Monterey, that there was no ore there. The statement was of course known to be false, and the person who made it simultaneously wrote to his partner and told him of the trick he had played."

The statement as to the time of possession is disproved by the testimony in the case. As to the rest of the statement, it is based on the following extract from a letter of Alexander Forbes, of 19th January, 1848: "I am very much obliged to you for your prompt attention to the business in hand, and return the expediente immediately. I am much surprised at the result of the assay, and shall try what I have. It will of course be better to say nothing about it, particularly as I have already written to Monterey that there is no mine, nor does there appear to be any quantity of this kind of stuff. I hope soon to see the Alcalde." That any letter was written "to the authorities of California," is therefore a statement entirely gratuitous, and it is that alone which would give to this letter what little importance it is supposed to possess.

The language which in this case the law officers of the government have deemed themselves justified in using in reference to the Mexican officers and the whole Mexican nation, is as undeserved as it is unjust, and the reasons, expressed or implied, for refusing the means of obtaining proof in Mexico, that the entire nation is unworthy of trust, are in the highest degree offensive to that nation. In this communication the Attorney General speaks of "the reckless venality of Mexican officers." He refers to a claim which he alleges to be fraudulent, and to its having been fraudulently sustained by Mexican officials, and gives this as a reason for impeaching the character of the whole nation, and doubting the trustworthiness of its public archives, although in that very case not a single forged document was found in those archives.

If these are the views of this government, it is somewhat strange that they should hold any diplomatic intercourse with such a people. We have just sent a Minister to Mexico. While he is informing the Mexican nation of the friendly disposition of the Government of the United States and their desire to maintain such relations, and the confidence the President has in the honor of the Mexican nation, the Attorney General, in an official communication, in addressing the President, is making the most sweeping charges of fraud and corruption against the whole nation.

If it be true that the officers named were guilty of fraud in the case of Limantour referred to, of which we know nothing, it is conceded that the Mexican Government and Mexican officials not only did not sustain the fraud, but at once offered their aid in detecting it; and further, that there was no fraudulent document whatever found in the Mexican archives. It may also, we believe, be added with truth, that in relation to all the titles to land in the United States, in territory derived from Mexico, there is not an instance where a single false or forged document, purporting to be an official document of the Supreme Government, has been found in the archives of Mexico.

It should be remembered, when such imputations are made upon the honor of a whole nation for the alleged offenses of a few, that the reply is a very obvious one. In every nation there are dishonest and purjured men, in official as well as in private stations. In every period of our history there have been charges publicly made, believed, and in some cases proved, of dishonesty and corruption in persons holding offices in the State and Federal Governments. And within a few years past, in one of the States of this Union, it has been publicly charged, and said to be proved in an investigation before the Legislature, that the Governor, Lieutenant Governor, and a majority of each branch of the Legislature, were bribed in enormous sums by a railroad company. Nothing so monstrous as this was ever alleged by the law officers of the United States, who are, it must be allowed, not very scrupulous in their statements against Mexico, or any of the States of Mexico. If the Mexican nation on this account should pronounce the people of this country a "nation of liars," and refuse to trust either its officers, or its people, or its archives, we should not consider the argument a very sonnd one, or the statement of it very complimentary.

If our Minister to Mexico should make a treaty with that nation, and should acquire territory, some provision would be expected in relation to the present owners of land in such territory. After the course already taken in relation to the treaty of Guadalupe Hidalgo, and with the views now expressed by the law officers of the government, our Minister, who is a man of honor, if he should suppose that such course would be continued, would doubtless feel bound either to insert an article in the treaty, or to sign a "protocol," stating that if all the titles to the land held by individuals in the territory acquired should be required to be brought before the courts and proved anew, the parties must not expect that the United States would admit any evidence from the archives of Mexico, from which these titles were derived, or from Mexican citizens, because neither the archives, nor the officers, nor the citizens, were considered as worthy of any confidence.

The Attorney General says:

"There is another claim under Justo Larios carried on in the name of Charles Fossatt, which is also pending in the District Court. The genuineness of this grant has not been denied; but its location is disputed, aad we have good reason to believe that we will finally defeat the efforts of the claimants to locate it upon the quicksilver mine. The Castillero and the Fossatt party are both of them keenly conscious that the success of one may be ruin to the hopes of the other. Each has, therefore, been willing to furnish documents, produce evidence, and make arguments against the other. They have both been permitted to do so. It would have been grossly unjust to exclude a party interested to the amount of millions from all participation in the proceeding on the mere technical ground that he may not be named in the record. But while this privilege of being fairly heard was conceded to both, and was largely used by the Castillero party, the United States has dealt with all the claimants at arm's length, and shown partiality to none. The mine, I say again, belongs to the public, and the public right should be maintained by all proper and just means."

The undersigned forbear to comment on these statements of the Attorney General. We are anxious that the measures resorted to, both on behalf of our clients and on behalf of the parties claiming under Charles Fossatt, shall be fully examined by the President, and we would particularly request of the President to make the fullest investigation in relation to the character of the measures adopted, the fairness and honesty of those measures, and how far they have tended to promote, or otherwise, the interests of the United States; and in this view would respectfully ask that he would examine all the communications by all parties in relation to the controversies connected with this issue in the office of the Attorney General.

And in this connection it is due to ourselves to add, what is, we believe, well known to the President, that at one time the Attorney General had determined to dismiss the appeal in the case of Fossatt, and thus forever to relinquish the claim of the United States in the land covering this mine in favor of Fossatt and his associates, and that it is mainly owing to the efforts of the undersigned that that course was not pursued.

The Attorney General towards the close of the communication says: "I will not weary you with any discussion upon the details of the evidence. I have probably said enough to show that the facts and the law of the case are in favor of the government."

It is true that the Attorney General has not discussed the evidence, and has entirely avoided any notice whatever of the great mass of evidence in the case. This is the more noticeable from the fact that in the communication heretofore submitted by us, and referred to him, some of that evidence was alluded to. His report is occupied in part with matters that are not, and cannot be, any evidence; and by a highly colored and distorted account of portions of the evidence, separated from the rest on points entirely incidental and fitted to produce prejudice, but not to develop the truth. If upon an application of this kind the merits of the case were to be considered, it would have seemed to be the fit and proper course to have examined the real merits of the case, and not to have avoided the main facts in dispute. If the course of discussion of the Attorney General is considered by the President pertinent to the application which has been made by us, and when our application is to obtain the aid of the government in procuring testimony from Mexico in order to determine the merits of the case before the courts, these merits are to be determined in advance, and the case to be prejudged, we most respectfully ask of the President to examine the whole case, and to determine the matter upon all the proof which has thus far been obtained, including the copies of documents from Mexico authenticated by our Minister. After this examination of the documents and all the proof now produced, we are persuaded that the President will be satisfied that the harsh language of the Attorney General is uncalled for, and the charge of fraud unfounded, and that means should be adopted to take further proof in Mexico, which will show fully and clearly the nature of the whole transaction.

Believing that the President will not allow his mind to be prejudiced by a very partial and imperfect examination of the case, but will look at the whole evidence, which is all in print, we beg leave respectfully to present some facts which will, we think, be fully sustained by the evidence.

1. The original denouncement and possession of the mine by Castillero, under whom we claim, was in December, 1845, in the presence of two assisting and subscribing witnesses, both of whom have testified to the regularity of the proceeding, and are unimpeached.

2. That on the 10th December, 1845, Castillero addressed a letter on the subject to the Governor of California, sending specimens of cinnabar; and on the 13th February, 1846, the Governor encloses that letter, with the specimens, to the Minister of Exterior Relations in Mexico. Both these letters purport to be originals, and are on file in the proper office in Mexico, and certified copies are in the printed volumes in the possession of the President. There is no attempt to show that these letters are not genuine.

3. In the months of April and May, 1846, Castillero was in Mexico, and a correspondence ensued between him and the Junta de Mineria, and various communications passed between the officers of the different departments and bureaus, which are referred to in a previous communication to the President. These resulted in a confirmation of the possession of the mine granted by the local authorities of California, and a grant of two leagues of land. All these documents, twenty-two in number, are found in their appropriate places respectively, either as originals or office copies, in four different offices. In every case the originals are now found in the offices to which they were sent, and the office copies or *minutes* in the offices from which they were sent. The originals are open to inspection; and if fraudulent, could easily be shown to be so, as they bear the signature of many well known public officers; but their genuineness is unassailed by any proof.

4. The transactions detailed in this arrangement with and grant to Castillero are distinctly and specifically referred to in a report made to the Minister of Exterior Relations, Lafragua,

in November, 1846, by Vicente Segura, the President of the Mining Board, and embodied in Lafragua's report to the Mexican Congress, and that with a portion of its contents are referred to in the report of Lafragua read before the Mexican Congress on the 14th, 15th, and 16th December, 1846. This report of Lafragua is a voluminous document, giving an account of the entire transactions of his department for the year 1846, and constitutes a large printed volume, printed in 1847 in pursuance of the order of the Mexican Congress of 16th December, 1846. This document contains various letters and dispatches in connection with the war with the United States, and other letters to and from our own officers. Some of them are as follows, viz: 1. A copy of a letter from President Polk, signed by himself and Mr. Buchanan, Secretary of State, to Gen. Herrera, President of Mexico, 10th November. 1845. 2. Mr. Buchanan to the Mexican Minister of Foreign Affairs of same date. 3. The Minister of Foreign Relations of Mexico, Peña y Peña, to Mr. Buchanan, 20th December, 1845. 4. The same Minister to Hon John Slidell, etc., etc., 20th December, 1845. 5. A long letter of Mr. Slidell to Peña y Peña, 24th December, 1845. 6. Mr. Buchanan to the Mexican Minister of Foreign Relations, 27th July, 1846. 7. Same to the same, 26th September, 1846; and other letters to and from the high officers of the two governments.

This document is in our possession, obtained long since without reference to this case by one of the counsel at Washington, and if desired, will be submitted to the examination of the President.

A complete series of the copies of the official newspaper of Mexico for the year 1846, (Diario del Gobierno,) is in our own Department of State, forwarded to this government, from time to time, by our own Minister in Mexico, and in a bound volume. In an official report of the doings of the Mexican Congress in this journal, given from day to day, it appears that the reading of this document was commenced by Lafragua, Minister of Foreign Affairs, on the 14th December, 1846, continued on the 15th, and closed on the 16th, and ordered to be printed.

5. In December, 1846, a ratification of a contract of *avio* was executed before a notary in the city of Mexico, now deceased, which embodied verbatim the dispatch of Castillo Lanzas to the Governor of California of the 23d May, 1846. Copies of this document are obtained, and duly certified by our Minister. This letter is the closing document in the correspondence, the most important in the evidence of our title, and refers to all the previous documents, either directly or indirectly.

6. There is not one witness introduced who testifies that any of these documents have been forged, or are not in every respect genuine.

7. James Alexander Forbes, who had an interest in the mine, but was not related to any of the firm of Barron, Forbes & Co., and not connected in the general business, was superseded in his agency in the mine in the year 1850, which had continued from October, 1849, to May, 1850. He subsequently claimed to have in his possession some letters which, if made public, would, as he pretended, tend to call in question the title to the mine. He made sale of them, with his testimony in support of them, to persons holding an adverse interest, for $20,000. These letters were then offered in evidence on the part of the United States, and subsequently other letters were introduced on the part of our clients, which are agreed to be genuine. This whole correspondence shows most clearly that James A. Forbes wished to procure from Mexico false papers, and urged that they should be obtained. He considered the papers which they then had, and which are the same now offered in evidence, and the only ones ever offered in evidence, as ambiguous and imperfect, although genuine, and urged the procuring papers more full and formal. Such were never obtained; none such exist, and no attempt whatever was made to obtain them. The correspondence shows conclusively the entire genuineness of all the papers evidencing our title.

We ask of the President a careful examination of all these letters in the order of their dates.

Such is a portion of the proof as it is now presented. There is existing in Mexico documentary and other evidence which sustains the claim and demonstrates the genuineness of these documents. Some of these we have referred to in our communication to the President of the 18th of March, from which we make the following brief extract:

"In addition to these there are bound volumes in the archives of the Junta de Mineria and the Ministry of Justice containing the journals of the entire proceedings respectively of those two departments, and in which all the transactions connected with the application of Castillero, and the various documents in relation to the same, are distinctly stated at the dates of the transaction, and in their appropriate places. There are also, prior to, at the time, and subsequent to these transactions, regular lists or inventories kept of all the expedientes issued in the Junta de Mineria, the Ministry of Relations and the Ministry of Justice, and in which all expedientes were numbered as they were issued. These inventories or lists extend over a series of years, and were regularly kept. The numbers in these lists or inventories correspond with those that are attached to the expedientes offered in evidence in this case.

"There are numerous other documents showing conclusively that the papers offered in evidence were all executed at the time when they purport to have been executed, and were what they now appear to be."

We presume that all the printed documents containing the proof above referred to are in possession of the Attorney General. If not, it will afford us great pleasure to place them in the hands of the President.

In view of the course which has been adopted by the law officers of the United States in relation to the controversy concerning this mine, we feel constrained to say, in conclusion, that the parties whom we represent have ground of serious complaint:

And these we recapitulate:

1. After having guarantied by treaty to the residents in Mexico, protection and security to their property, and provided by law that all titles acquired from Mexico should be submitted to the courts of the United States, who were to determine as to the titles by documentary proof and the testimony of witnesses, every possible impediment has been thrown in the way of obtaining that "documentary evidence" and testimony by the law officers of the Government.

2. When the Court in California had decided that, in their opinion, the act of 1851 did not authorize the issuing a commission to take testimony in a foreign country, and in accordance with the opinion of the Judge, application was made to Congress to pass a declaratory law extending to these cases the general law on that subject, the District Attorney in California and the Attorney General interposed to prevent this act of obvious justice, by addressing letters to the chairmen of the Judiciary Committees of the Senate and House of Representatives.

3. The ground taken in these communications against the application was that "its success can only be injurious to the interests of the Government," and that "it cannot now be done without seriously hazarding the interests of the United States in two or three remaining cases." In one of those cases, which is mentioned, the Government of the United States, through its diplomatic representative, obtained from the Government of Mexico important evidence to prove fraud in the title, which was received in evidence and commented on by the Judge, thus availing itself of its superior power of obtaining testimony in Mexico against a claimant, which was denied to the opposite party, and, by their own act, showing the groundlessness of the charges against Mexico.

4. The adopting measures by a government in its own case to prevent the taking of testimony to be submitted to the decision of its own courts, while it avails itself of its power to procure such testimony for itself, is in any case unjust; but when a party is forced to establish anew his title to land acquired from a foreign government, to deprive him of the means of obtaining the proof, which alone exists in the limits of that government, is the extreme of wrong and oppression.

5. When the courts in California had intimated an opinion that copies of the documentary evidences of the title obtained in Mexico, in order to receive full faith, must be authenticated under the great seal, and Mexico had declined to adopt this unusual mode of authentication on the application of the undersigned and our associates, in view of the provisions of the treaty and the Act of Congress to the Government, the Attorney General decides that no aid should be afforded in obtaining this authentication.

6. When it was of the utmost importance that a speedy answer should be given to this application, and in the first letter addressed to the Secretary of State by Messrs. Crittenden, Benjamin, and ourselves, on the 17th December last, an acknowledgment of the receipt of the letter and an early decision was earnestly requested, and when in repeated communications subsequently we earnestly asked for an immediate decision, it was a serious injury and gross wrong for the Attorney General, to whom the papers were referred, to postpone a reply for more than four months, and that we should be to the present moment without any acknowledgment even that any one of these communications had been received, except so far as they are referred to in the Report of the Attorney General to the President, of which, by his order, a copy has just been furnished us.

7. In order to obviate any unnecessary delay in procuring copies of documents from Mexico under the great seal, we proposed to our government to examine the copies already obtained from Mexico authenticated according to the law of Mexico, and so certified under seal by our own Minister in Mexico, who also certified to having himself compared the copies with the originals, and that they were correct; and if they believed the papers to have been correctly copied, to admit or in some other mode satisfactory to themselves to ascertain the fact of the correctness of the copies, and to admit them as such. This proposition is rejected.

8. In order to obtain the testimony of witnesses and copies of the documents in Mexico and an impartial examination as to the genuineness of our title-papers, we addressed a com-

munication to the President, proposing that the present Minister to Mexico, the United States Consul there, and any other officer of the United States, should take testimony of witnesses, examine into the genuineness of the documents in Mexico, and that their certificate should be received as evidence before the Court; and if this should be declined, that this duty should be performed by two or three Commissioners, citizens of the United States, who should be selected by the President, and the expense paid by our clients, and who should from Mexico proceed to California and give testimony in the cause.

This proposition, too, is declined.

9. The result is, that at the present moment, under the decision of the court in California, and the action of the Government, parties in possession of land in California, claiming to hold it under a grant from Mexico, are forced into court to prove their titles, and yet are deprived by the Government of the means of procuring the documentary evidence and testimony of witnesses at the places where they must necessarily be found.

10. What adds to the enormity of this wrong is, that the law officers of the Government, here and in California, in the most offensive terms, make the most wholesale charges of fraud and forgery against persons who sustain as fair a character for integrity and honor as the Attorney General, or any of the counsel of either party; and this vituperation is indulged in at the same time that they not only prevent the taking of testimony by our clients, but themselves refuse to investigate by their own officers, or by Commissioners selected by themselves and paid by us.

11. In cases which have heretofore arisen where fraud was supposed actually to exist connected with Mexican titles or claims, in which the Government was interested, they have caused an investigation to be made in Mexico, and in all cases have received the cordial support of the Mexican Government. Why is it that in this case these officers prefer to make the charges, instead of seeking the proof of fraud? We ask for the most rigid and thorough examination. Truth and justice never feared such examination, and never suffered by it. Why is it that in every other case where the Government *believed* that frauds existed affecting titles purporting to be derived from Mexico, investigations were made and proofs taken in Mexico by the Government, and yet it is refused in this case? It is scarcely credible that the Government should not have set on foot examinations in the city of Mexico, if they believed the documents in this case to be forged; and if they have done so, and found the fact to be, as it is, that the papers are all genuine,

and yet withhold that evidence, and continue their offensive charges, and not only withhold the proof, but prevent its being obtained by us, no language is too strong to characterize the grossness of the wrong.

12. Why is it that the Attorney General has so often referred, on this and other occasions, to these parties as, a portion of them, foreigners—British and Mexican citizens? Is there a different law for them? Are the rules of justice any less to be regarded? They did not come to our country; we went to theirs, and when it became ours, agreed to protect them in their rights. If the attempt be to raise any prejudice, in order more readily to deprive them of those rights, it is but an additional wrong.

We need not be reminded of the unequal contest in which we are engaged. We know and have been made to feel the *power* of the government—its *justice* has not been quite as manifest. We are fully aware that while we have nothing to rely upon except the integrity and justice of our cause, and, being remote and having no influence, can be injured with impunity, there are numerous persons in different portions of the country who are interested as owners in the claim pursued in the name of Charles Fossatt, and who we can truly say are exceedingly powerful and influential. Their ability also cannot be doubted, when it was such as at one time to induce a gentleman of the undoubted purity and learning of the present Attorney General almost to determine to dismiss the appeal in the case of Fossatt, and thus forever to abandon in their favor all right of the United States to the land covering this valuable mine.

13. The Attorney General says that this mine is worth many millions of dollars. This certainly does not affect the rights of the parties, and it should be no argument against these gentlemen if they, by their enterprise and large expenditures, have developed the hidden treasures of the earth, of which now the government and numerous other parties seek to deprive them. If there is value in this property, it has been given to it by those whose rights and character are so pertinaciously assailed, and who expended hundreds of thousands of dollars before receiving one in return.

14. Finally, we have reason to complain that the proceedings for an injunction were ever instituted at all by the Government of the United States. It is a solitary instance in California of any such proceeding. The gold mines of California are worked now, and have been since we acquired the territory, on lands acknowledged to be the public lands of the United States, by persons having no claim to any title. Companies have been

formed, extensive works have been erected, canals have been opened, and the gold extracted in large quantities, an average of about fifty millions of dollars a year. Although this "waste of the substance" of the property has been going on by natives and foreigners from every nation, the extraordinary power of the government has never been interposed.

The excuse assigned by the Attorney General for this course is this: "Neither is this proceeding a departure from the liberal policy heretofore pursued by the United States towards the working of the mines in general.

"Miners who go upon lands acknowledging the title of the government, and claiming nothing but what the government is willing to concede them, are in a condition wholly different from these parties. What I assert is simply the right and duty of the government to protect itself and its citizens against foreigners who come with fabricated titles from Mexico in their hands, to monopolize large quantities of the richest mineral land on the globe, excluding therefrom and driving away the honest persons who would otherwise have wrought them."

The reasons, then, for this different course of policy and proceeding are four-fold: 1st, that the parties claim to hold by title; 2d, that they are foreigners; 3d, that the Attorney General believes their title to be fabricated; and, 4th, that they have a monopoly.

It is certainly no offense in claiming to hold by title. If the title is a good one, their rights are at least equal to those of persons who have none and claim to have none. That they are all foreigners is not true; and if so, their rights are equally to be protected, both on principles of justice and by the provisions of the treaty. They were in the country, occupying the property and claiming it as their own, when we acquired the territory. Large numbers of foreigners, with no such guaranties, are allowed undisturbed to occupy the lands of the United States, and to withdraw treasure to the amount of millions of dollars annually; and whether they are "honest" or not, does not appear. The question whether our titles are "fabricated" or honest, is the question still pending. We have no doubt that they are honest. The Attorney General thinks otherwise. It is a question which the courts, and not the parties or the counsel, are to determine. The only ground of the injunction suit was to stay waste whilst the title was in dispute. It did not, and could not, and does not, purport to decide any question of title. The court expressly so decides. The difference of the two cases, then, is only that between the commission of waste by parties who have no title, and the same act by parties who claim a legal and valid title which is in dispute.

We hold no monopoly of quicksilver. The tract of land we claim, including the mine, is small as compared with other grants in California. There are two other such mines—the Ydria and Guadalupe. If these are not as extensively worked, or as profitably, it is because less capital has been expended or enterprise displayed in their development.

When this unjust discrimination in the cases is adopted, and these parties, alone, in California, are selected for attack by the law officers of the government, and for such reasons, it is a ground of serious complaint; and it is further a very fit subject of inquiry and of animadversion, when the material interests of the State and the country are so seriously injured by withholding their accustomed supply of quicksilver, and may well lead unfriendly persons to charge the government with partiality.

We deem it our duty to say that the course which has been pursued in this case by the authorities of the United States, so far as the damage has been one of a pecuniary character, furnishes ground for a claim for indemnification against the government in favor of the parties whom we represent. That the amount of damage sustained is not small, will be readily conceded by the United States in view of the estimate of the value which the Attorney General has attached to the mine, and of the profit attending the working of it.

We acquit the Attorney General of any design to do a wanton wrong to the parties in this case. We believe that he would not do so knowingly, but the pressure of numerous and important engagements must necessarily require of him to rely upon the aid and investigation of others; and so persevering and unscrupulous have been the assaults of interested persons, that it is not surprising if he is affected by them. He has been misled and deceived by the misrepresentations of others.

In view of the facts above stated, if we do not greatly deceive ourselves, justice to the parties whom we represent, as well as to all others, including the United States, and to save these last from the contingency of heavy pecuniary loss, requires that the government should cause the bill in equity for an injunction pending in the Circuit Court of California to be withdrawn and all proceedings under it to be abandoned; and in order to bring the controversy in relation to this mine to an early and just decision, to co-operate with us in procuring from Mexico all the evidence by documents and witnesses which will tend to show the real character of this transaction.

If we are right in saying, as we believe, that this is the course which justice requires to be pursued, we cannot doubt that the President, after a full examination of the case, will so direct; and we shall respectfully await the decision of the President.

Messrs. Crittenden and Benjamin not being in the city, we do not feel at liberty to affix their names to this communication.

We have the honor to be, with high regard,

Your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

To the PRESIDENT.

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## FURTHER CORRESPONDENCE

*In relation to the New Almaden Quicksilver Mine of California, between the Counsel for the Proprietors and the Government.*

WASHINGTON, November 29th, 1859.

SIR: The undersigned, as counsel for the persons in possession and claiming to be the owners of the New Almaden quicksilver mine in California, have the honor to send herewith copies of sundry papers, including a correspondence between the undersigned and the Secretary of State, to which we would respectfully ask the early attention of the President. A list of these papers also accompanies this communication.

They will be found to disclose two grounds of complaint for the course pursued by the Secretary of State and the Attorney General, by which our clients have already suffered serious pecuniary injury, and are apprehensive of still greater.

1. On the 19th of April, 1859, the undersigned addressed a communication to the Attorney General, informing him of the intention of our clients to take the depositions of witnesses in the two cases pending in California, the titles to which were given, in which we say: "As the United States District Court in California has heretofore decided against issuing a commission in one of the above causes, the claimants whom we represent have, at great expense, undertaken to transport witnesses to California. Some of the witnesses are prevented from at-

tending by age and infirmity, others decline going, and a number of important witnesses who have agreed to go are now prevented by the political disturbance in the country.

"Under these peculiar circumstances, we have determined to take the deposition of witnesses before the Secretary of Legation, or the consular officers of the United States, in the City of Mexico. Instructions to this effect will be sent to our clients in Mexico by the steamer which leaves New Orleans on the 1st of May next, with directions to cause notice of the time and place of taking the depositions to be given to the diplomatic representative of the United States in Mexico.

"We give this notice in order to enable the United States to cause an appearance to be made in their behalf to put interrogatories and cross-examine the witnesses when the depositions are taken, if they desire to do so. We annex the names of a portion of the witnesses which we propose to examine, and the points which we expect to establish by their testimony."

On the 23d of the same month, without notice to us, or replying to our notice to him, the Attorney General addressed a communication to the Secretary of State, with a copy of the foregoing letter from the undersigned, in which he says: "No officer of the United States can, consistently with his duty, take or have any lot or part in the proposed proceeding. It is not only illegal and unauthorized, but it is wrong and unjust to the Government."

Again: "For these reasons I have to request that you will instruct the diplomatic representatives and consular officers of the United States, in Mexico, not to let themselves, or the functions of their offices, be used for the unauthorized and illegal purposes mentioned in this notice, but to abstain altogether from any participation therein."

In pursuance of this request of the Attorney General, instructions were accordingly given to the Consul by the Secretary of State.

The Consul, Mr. Black, in a letter dated the 21st June, 1859, addressed to Mr. Barron, one of our clients says: "I have to inform you that, under present circumstances, I shall not be able to take the testimony required by you, as I have received an official communication from the Hon. Robert M. McLane, E. E. and Minister Plenipotentiary of the United States of America near the Constitutional Government, in which he is pleased to state (in reference to the taking of testimony in certain suits between the United States and Andres Castillero and John Parrott and others) as follows: "I am instructed to advise you that the government does not authorize such a proceeding."

In answer to a letter addressed by one of us to the Secretary of State, in which the language above quoted was also quoted, the Secretary, under date of 8th August, replied as follows: "Your letter of the 2d instant, relative to an alleged refusal of John Black, Esq., United States Consul to the city of Mexico, to take depositions of witnesses in behalf of defendants in the cases of the United States vs. The New Almaden Mining Company, has been received. In reply, I have to inform you, that in this proceeding it is presumed Mr. Black acted pursuant to the opinion of the Attorney General of the 23d of April last, a copy of which is herewith inclosed. In conformity with the request contained in that opinion, an instruction was addressed to Mr. McLane, who wrote to Mr. Black in the terms referred to in your letter."

The 24th section of the Act of 18th August, 1856, (11 Stat., p. 61,) is as follows: "Every Secretary of Legation and consular officer is hereby authorized, whenever he shall be required, or may deem it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to, or take from any person, an oath, affirmation, affidavit, or deposition, and also to perform any notarial act or acts, such as any Notary Public is required or authorized by law to do or perform within the United States; and every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect within the United States, to all intents and purposes, as if such oath, affirmation, affidavit, deposition or notarial act had been administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto; and if any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury, in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any Act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, and convicted, and dealt with, in any district of the United States, in the same manner in all respects as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine, or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction, shall be imprisoned not exceeding three years, nor less than one year and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, and convicted, and dealt with therefor, in the district where he may be arrested or in custody."

By referring to the Act of July 29th, 1854, 10 Stat. 315, and Act of March 1, 1817, 3 Stat. 350, in connection with the above Act of 1856, it will be seen that the same authority is given, and the same duties are imposed upon Notaries Public and Consuls relative to the taking of depositions, as in relation to Judges or Justices of courts of the United States under the provisions of the 30th section of the Judiciary Act.

It thus appears, beyond controversy, that, at the request of the Attorney General of the United States, the Secretary of State has instructed a public officer not to discharge a duty imposed upon him by law in a matter pertaining to private right of great importance, and necessary for the due administration of justice in a suit pending in court in which the United States is a party. And as the Consul and Secretary of Legation are by the foregoing Acts of Congress the only persons before whom the depositions can be taken, they have thus effectually prevented the taking of the depositions of any and all witnesses in the Republic of Mexico by the defendants in these cases.

When, too, it is understood that this act, which at the same time both violates a positive statute and arrests the impartial administration of justice, has been done deliberately and understandingly, and is persisted in against the most earnest remonstrance, the matter presents itself in a very serious aspect.

The wrong is manifest, and the injury which our clients have already sustained, and which they may further sustain, by these acts of the Secretary of State and Attorney General, will be estimated by the immense value of the property, as well as the importance of the rights in controversy.

In the course of the correspondence, copies of which we send, the undersigned addressed a communication to the Secretary of State, under date of 14th October, 1859. This communication was received on the next day, the 5th October, and on the 26th October, after an interval of twenty-one days, it was returned to the undersigned, with a note, declining to place it on the files of the Department, because, as he alleges, "it contains offensive imputations against the Attorney General;" and further states, that should we think it proper to address to him "an application free from objectionable remarks," he will consider it immediately, and give "such an answer as it may seem to require."

Our letter of the 4th of October was prepared with great deliberation, and after a careful re-perusal of it, we can discover no "offensive imputations" against the Attorney General; on the contrary, we considered that it is marked with great moderation and forbearance on our part. If it is "offensive" to the Attorney General, it is, as we respectfully submit, because the facts and the law were offensive; and we confidently believe that the President, and every other person of intelligence and fairness, will consider our comments in that letter upon the extraordinary proceedings disclosed by this correspondence not only as deserved and appropriate, but far within the limits prescribed to fair and courteous discussions; and we would respectfully say, that by the return of this letter, the wrong previously committed, instead of being alleviated, has been aggravated.

2. It further appears by a portion of the corespondence, copies of which we also send herewith, that on the 26th September, 1859, the undersigned addressed two letters to the Secretary of State, in both of which we asked for certified copies of certain papers on file in the Department of State, in order that the same might be used as evidence in the cases pending in the District and Circuit Courts in California. In one of the letters the copies of the correspondence with the government by the undersigned and their associate counsel were requested; and in the other, copies were asked for of letters from Mr. Larkin, the Consul of the United States in Monterey, in California, to the Department of State, in relation to the quicksilver mine of New Almaden; also of an article in the *Polynesian* newspaper containing the letters of Mr. Larkin on the same subject, and published in July, 1846, the numbers of which newspapers for 1846 had been transmitted to the department, and were in a bound volume, and on file in that department.

Having received no answer to these letters, on the 10th of November, instant, we addressed a letter to the Secretary of State, respectfully requesting a reply to them at his earliest convenience. We have received no answer of any kind to any of these letters.

It appears from the communication of the Attorney General, that by his construction of the Act of Congress of 1851, in relation to California land titles, no depositions can be received in cases arising under said Act unless the same be taken before a Judge or Commissioner in California. If such be the construction of that Act, the only other mode of obtaining the proofs of the documents on file in the Department of State, in such form as to render them admissible in court, is by copies duly certified in pursuance of the Act of Congress. It is of great importance to our clients that these copies should be furnished at the earliest possible moment, as otherwise the evidence in the cause may be closed before they can be received in California.

There are several Acts of Congress bearing on this subject, and which show that parties are legally entitled to avail themselves of this mode of procuring papers on file in the several departments. To some of these Acts, and to a few of the decisions of the courts having a bearing on both points, we would respectfully refer the President:

Sect. 5, of Act of 15th September, 1789; 1 Stat. p. 69.
Sect. 1, Act 23d January, 1823; 3 Stat. 721.
Sect. 1, Act 8th August, 1846; 9 Stat. 80.
2d and 3d sect. Act 22d February, 1849; 9 Stat. 347.
2d sect. Act 31st May, 1854; 10 Stat. 297.
Marbury vs. Madison, 1 Cranch, 137.
Kendall vs. The United States, 12 Peters, 524.
Kendall vs. Stokes, 3 Howard, 789.
Mitchell vs. Harmony, 13 Howard, 175.
Boydon vs. Burke, 14 Howard, 575.
Ferguson vs. Earl of Kinnoul, 9 Clark & Fennely Reports, 279.

That in both the above instances there has been a clear violation of law, and of the rights of individuals secured by law, must, we think, be manifest, and we respectfully ask of the President, as the responsible head of the Executive Branch of the Government, in pursuance of the provisions of the Constitution, which confers on him the power and the duty to "take care that the laws be faithfully executed," to afford to our clients, as far as it can still be done, a remedy for the wrong that that has been committed.

We therefore most respectfully ask of the President, in behalf of our clients, and as their legal right, that he will cause the instructions to the Consul in Mexico to be countermanded, and will also cause the copies which we have asked for at the State Department to be furnished.

It is to be feared, that as to one if not both of them, an order now issued might come too late to repair, even in part, the injury that has been committed; but possibly it may not, and we respectfully request that such an order be issued at the earliest possible moment.

It must, however, be manifest to the President that a compliance with this request will furnish but very inadequate redress for the injuries which our clients have sustained at the hand of the Government, as well those to which we heretofore called his attention, as those now presented; and in closing this final appeal to the President, our duty to our clients requires us to say, in order to prevent misconception in future, that for the injuries which they have already sustained or may hereafter sustain, by the acts and omissions of the officers of the United States, they are clearly entitled to such redress as justice and the laws of the land afford to every person.

We would respectfully ask an acknowledgment by the President of the receipt of this communication.

We have the honor to be, very respectfully,
Your obedient servants,
REVERDY JOHNSON,
JOHN A. ROCKWELL.

To the PRESIDENT OF THE UNITED STATES.

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## LIST OF PAPERS

*Accompanying the communication of Messrs. Johnson and Rockwell to the President, of the 29th November,* 1859.

1. Letter from Eustace W. Barron to John Black, United States Consul, Mexico, dated June 22 (21), 1859.
2. Letter from John Black to Eustace W. Barron, dated 21st June, 1859.
3. Letter from Eustace W. Barron to John Black, United States Consul, dated June 22, 1859.
4. Reverdy Johnson to Hon. Lewis Cass, dated August 2d, 1859.
5. Hon. Lewis Cass to Reverdy Johnson, dated August 8th, 1859.
6. Reverdy Johnson and John A. Rockwell to Hon. Lewis Cass, dated October 4th, 1859.
7. Hon. Lewis Cass to Reverdy Johnson and John A. Rockwell, dated October 26th, 1859.

8 and 9. Reverdy Johnson and John A. Rockwell to Hon. Lewis Cass, two letters dated 26th September, 1859.

10. Same to same, dated 10th November, 1859.

## No. 1.

MEXICO, June 22 (21) 1859.

SIR: You are fully aware of the lawsuits the Company of New Almaden have pending in the courts of justice of Upper California, defending the property and possession of the quicksilver mine of New Almaden. In furtherance of that defense, and in consequence of the great importance which those tribunals appear to attach to certain classes of proofs, I had determined to take before you, as United States Consul, the testimony of witnesses—which we consider necessary to establish our rights, prefering this course to that which is usually followed in Mexico—with the object of facilitating its admission in the American tribunals.

Under these circumstances, I am informed that you refuse to take that testimony, and as this determination on your part seriously affects the interests, and may occasion heavy losses to said company, I most respectfully beg you will be pleased to make known to me your resolution, in order that I may still take such steps as may be open to me, and endeavor to ward off the serious consequences which may ensue to those concerned.

I am, &c.,
EUSTACE W. BARRON.

JOHN BLACK, Esq.,
*U. S. Consul, Mexico.*

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## No. 2.

CONSULATE OF THE U. S. OF AMERICA,
Mexico, June 21, 1859.

SIR: In answer to your letter of this date, I have to inform you that, under present circumstances, I shall not be able to take the testimony required by you, as I have received an official communication from the Hon. Robert M. McLane, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, near the Constitutional Government, in which he is pleased to state, in reference to the taking of testimony in certain suits pending between the United States and Andres Castillero and John Parrott and others, as follows: "I am instructed to advise you that the government does not authorize such a proceeding;" and therefore consider it my duty to suspend the taking of said testimony until I am to consult with said Minister on the subject, and receive from him further instructions in reference thereto, as it may be that the former instructions are not intended to embrace your case; but this I do not consider myself, for want of the necessary data, competent to decide, and will therefore await further instructions, to enable me to decide for or against in a more positive manner.

Very respectfully, your obedient servant,

JOHN BLACK.

EUSTACE W. BARRON, Esq.,
*Mexico.*

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## No. 3.

MEXICO, June 22, 1859.

SIR: I have received your letter of yesterday's date, and am not surprised at its contents.

The very cases to which you inform me that your instructions specially refer, named United States vs. Andres Castillero and United States vs. John Parrott and others, are the same upon which I am desirous of obtaining testimony, with a view of divesting them of all shade of doubt. The witnesses I present are men of high standing, acknowledged position, and untarnished character.

In applying to you as United States Consul in this city to swear those witnesses and take their depositions, which testimony I consider highly conclusive, and, to a certain extent, necessary in establishing our rights, I have acted under advice of the most eminent counsel I could obtain in your country, founded on your own published laws, and guided by precedents of a singularly exact and like nature.

All my efforts and those of the learned gentlemen who have undertaken the defense of our rights, to obtain from the Government of the United States some assistance in clearing the question of doubts, and ascertaining the real side on which truth and justice resided, proved, I regret to say, utterly fruitless; and not content with disdaining my proposals in Washington, the Government even follows me here in the name of a great people, and through the official channel, to suspend a law of the United States, promulgated and authorized by the Congress of the Union.

Happily for myself and those interested with me in the lawsuits pending before the tribunals of the United States, it is not the Executive Department of the Government of that country that has to decide on the justice of the case.

Nevertheless, it is bounden duty, in the meantime, to strengthen in every possible manner our case, and as you, sir, consider yourself justified, acting under instructions from the representative of the United States in this country, to suspend a law of the Congress of the American Union, the course which is open to me is to take that testimony before a magistrate of this country, and according to Mexican law.

Of the time and place in which this testimony will be taken you will be duly notified, should you desire to attend.

With sentiments of personal regard and esteem,

I am, sir, very respectfully, your obedient servant,

EUSTACE W. BARRON.

Hon. John Black,
*U. S. Consul.*

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No. 4.

Saratoga Springs, New York,
August 2d, 1859.

Sir: I have just been advised by one of my clients in the cases of the United States and the New Almaden Mining Company, now pending in the courts of the United States for the District of California, that our Consul in Mexico, John Black, Esq., who was about to take the depositions of witnesses in our behalf, declined doing so, because, as he says in an official letter, (a copy of which is now before me,) dated the 21st June last, "I have received an official communication from the Hon. Robert M. McLane, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, near the Constitutional Government, in which he is pleased to state, (in reference to the taking of testimony in certain suits pending between the United States and Andres Castillero, and John Parrott and others) as follows: "I am instructed to advise you that the Government does not authorize such a proceeding."

As the Consul's duty in these matters is clearly prescribed by Act of Congress, leaving him no discretion, or submitting him to the slightest Executive control or interference, (as you will see on consulting it,) I cannot but think that Mr. McLane has misunderstood his instructions. If he has not, I respectfully submit that they have been inadvertently issued, and should, therefore, be canceled at the earliest moment.

That a statute of the United States passed to promote the administration of justice in their courts should be considered subject to Executive suspension, in any individual case, is a proposition so obviously unsound, that it is only necessary to state it to have it instantly repudiated by your Department.

Respectfully requesting a reply, at this place, where I shall be for two weeks,

I remain, with high regard, your ob't serv't,

REVERDY JOHNSON.

Hon. LEWIS CASS, &c., &c.
*Washington.*

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## No. 5.

DEPARTMENT OF STATE,
Washington, 8th August, 1859.

TO REVERDY JOHNSON, Esq.,
*Saratoga Springs, New York.*

SIR: Your letter of the 2d instant, relative to an alleged refusal of John Black, Esq., United States Consul at the City of Mexico, to take depositions of witnesses in behalf of defendants in the cases of the United States vs. The New Almaden Mining Company, has been received.

In reply, I have to inform you that, in this proceeding, it is presumed Mr. Black acted pursuant to the opinion of the Attorney General of the 23d of April last, a copy of which is herewith inclosed. In conformity with the request contained in that opinion, an instruction was addressed to Mr. McLane, who wrote to Mr. Black in the terms referred to in your letter.

I am, sir, your obedient servant,

LEW. CASS.

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ATTORNEY GENERAL'S OFFICE, April 23, 1859.

SIR: The counsel for the claimants in the case of Andres Castillero vs. the United States, a private land claim pending in the District Court for the Northern District of California, have addressed to me a paper, of which I send you a copy. It is, as you will perceive, a notice of their intention to take depositions in the city of Mexico, to be read as evidence in the cause referred to. This testimony, they say, is to be taken before the Secretary of our Legation, or the Consular Officer of the United States at Mexico, and they promise that further notice shall be given to the diplomatic representative of the United States in that country.

No officer of the United States can consistently with his duty take, or have any lot or part in the proposed proceeding. It is not only illegal and unauthorized, but it is wrong and unjust to the Government. The intent of the opposing party may be fair enough, but the effect of any sanction which your department might give to it would be most injurious. I will give you a few of the reasons for this opinion :

1. This paper, which was sent to my office on the 20th instant, informs me that instructions will be sent out to have the depositions taken by the mail which leaves New Orleans on the 1st of May. If the Government intends to take any part in the business, our instructions must be ready to go out by the same steamer. The length of the notice is therefore equivalent to about five days. Within this time the departments at Washington must become acquainted with the present condition of a cause pending on the other side of the continent, concerning which we can get no report in less than two months, and be armed with the knowledge necessary to detect the falsehoods of twenty Mexican witnesses, swearing their utmost for an association of men who have fifteen millions of dollars staked on their oaths.

2. The proper officer to be served with this notice is the Attorney of the United States for that district in which the cause is pending. It is his duty, and not mine, expressly made so by the Act of 1851, to attend to the taking of depositions in these private land claims. The fact that he performs his functions to a certain extent under the supervision of this office, does not make it proper to serve rules and notices upon me. This notice is, therefore, served upon the wrong person entirely.

3. The notice names the witnesses, and mentions very compendiously what is intended to be proved by each one. To give it the merit of even a regular shape, it was necessary to notify us of the interrogatories intended to be put, so that fitting cross-interrogatories might have been filed, if necessary.

4. Our legation has not arrived at the city of Mexico, and is not likely to be there any time soon. These depositions could not, therefore, be taken before the Secretary. There may be an American Consul there, but neither he nor the diplomatic representative of the United States, has any authority to take depositions for such a purpose as this, without a commission from the court in which the cause is pending.

5. Testimony in a cause of this kind can be taken only in California, before a Commissioner or Judge of the District Court. Our law will not accept depositions taken in Mexico in support of these Mexican claims. If the mere fact that such

is the law were not enough, many reasons might be given which would sufficiently prove the wisdom of the Legislature. All our experience shows how perilous are the oaths of the witnesses usually relied upon by these land claimants, and how ineffectual sometimes are the most careful restrictions that can be imposed. We have been beaten more than once, and made many narrow escapes where the contest was carried on within the limits of our own country, and with all the terror of our own laws to aid the truth. If we agree to transfer the scene of operations to Mexico, we would give them an advantage to which they are not entitled, and which they would use with dangerous effect. No matter what might be the extent or grossness of their perjury, it would be impossible to punish them, and in most cases almost as difficult to contradict them. The Act of Congress confines courts to such testimony as may be taken within the district where the cause is pending before a Judge or Commissioner of that district, and after notice to the United States Attorney of the district. These parties made application to the court, as they admit in their notice, for a commission to take depositions, which was refused. They also applied to Congress for a statute which would give them the right to have such a commission. That also was refused. Now, they are about to do without a commission, or any other authority, that which the court and Congress have declared that they should not be permitted to do.

For these reasons I have to request that you will instruct the diplomatic representatives and consular officers of the United States in Mexico, not to let themselves, or the functions of their offices, be used for the unauthorized and illegal purposes mentioned in this notice, but to abstain altogether from any participation therein.

I inclose herewith a copy of a letter I addressed to the President in reference to this case, which you may transmit to Mr. McLane, if you think proper.

Very respectfully, yours, &c.,

J. S. BLACK.

Hon. LEWIS CASS,
*Secretary of State.*

District Court of the United States for the Northern District of California.

On appeal from U. S. Board of Commissioners to ascertain and settle private land claims in California, numbered in the docket of said Board 366.

ANDRES CASTILLERO }
vs. }
THE UNITED STATES. }

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In the Circuit Court of the United States for the District of California, in and for the Northern District.

THE UNITED STATES OF AMERICA vs. JOHN PARROTT, HENRY W. HALLECK, James R. Bolton, William E. Barron, John Young, and Robert Walkinshaw. } In Equity.

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To the Honorable J. S. BLACK,
*Attorney General of the United States.*

SIR: As the United States District Court in California has heretofore decided against issuing a commission in one of the above causes, the claimants, whom we represent, have, at great expense, undertaken to transport witnesses to California. Some of the witnesses are prevented from attending by age and infirmity; others decline going, and a number of important witnesses who have agreed to go are now prevented by the political disturbance in the country. Under these peculiar circumstances, we have determined to take the depositions of witnesses before the Secretary of Legation, or the consular officer of the United States, in the city of Mexico. Instructions to this effect will be sent to our clients in Mexico by the steamer which leaves New Orleans on the 1st of May next, with directions to cause notice of the time and place of taking the depositions to be given to the diplomatic representatives of the United States in Mexico. We give this notice in order to enable the United States to cause an appearance to be made on their behalf, to put interrogatories and cross-examine the witnesses when the depositions are taken, if the[y] desire to do so. We annex the names of a portion of the witnesses which we propose to examine, and the points which we expect to establish by their testimony.

We propose to prove by *D. Vincente Segura*, that he signed and dispatched every one of the documents which purport to be written by him, and that they were signed on the days they are dated, and are in all respects true and genuine. We further propose to prove by him that all the letters which purport to have been addressed to him by *Becerra*, Minister of Justice and Public Instruction, were received by him in due course of official correspondence, and bear the genuine signature and rubric of said Minister. We further propose to prove by him that he knew Castillero in the City of Mexico, in April and May, 1846, and that to his knowledge all the matters and things recited in said documents did really take place as they are related.

We propose to prove by *Castillo Lanzas*, Minister of Foreign Relations, Government and Police, that in April, 1846, he received a letter from Governor Pico, with its enclosed letter from Castillero, that these letters and the sample of quicksilver were brought to Mexico by Mr. Covarrubias, who was sent from California to the capital of the Republic as a Commissioner on public business. We further propose to prove by Señor *Lanzas*, that the letter from *Becerra*, Minister of Justice and Public Instruction, to the Minister of Relations, dated May 20th, 1846, was received in the due course of official correspondence, and bears the genuine signature and rubric of said *Becerra*. And we further propose to prove by him, that on the 23d of May, 1846, he signed and delivered to Andres Castillero the order or dispatch to the Governor of the Department of Californias, directing him to put Castillero into the possession of the two square leagues which had been granted him by the Supreme Government of the Republic. And we propose to prove by *Isidro Rafael Gondra*, a clerk in the Junta de Mineria, and by *Jose Maria Duran*, and *Theodore Sotomayer* and *Mariano Miranda*, clerks in the various Ministries above mentioned, that they wrote many of the official communications which passed between the several Departments, which were signed and dispatched by the several Ministers. And we propose to prove by *D. Francisco Martinez Negrete*, that, as the agent of Mr. Alexander Forbes, he obtained from Castillero the ratification of the lease which McNamara had made with Mr. Forbes in Tepic, in November, 1846; that this ratification was signed by himself and Castillero, in the office of *Nazario Fuentes*, on the 17th December, 1846; that at the time it was signed, there was appended to it the copy of the grant of two leagues of land which Castillero had received from the Supreme Government, and that he saw the original from which the copy was made; and we propose to prove by him further, that the *testimonio* or copy of said act of ratification, which issued on the 19th December, 1846, certified by Romulo de Zalvallos, Francisco Villalon, and Andres Vellio Mejia, Notaries Public, and having affixed the seal of the National College of Notaries, was delivered to him on or about the day of its date, and by him delivered or sent to Mr. Alexander Forbes; and we propose to prove by the said *Zalvallos*, *Villalon* and *Mejia*, that their signatures and rubrics to the said copy are genuine, and were signed on the day the certificate purports to bear date, and that the seal of the National College of Notaries affixed to their certificate is a genuine seal, and was affixed to the certificate on the 19th December, 1846; and we propose to prove by *Manuel Cabera de Vaca* and *Miguel Austique* and *Francisco Villalon*, Notaries Public, that their certificate, and the other copy of said act of ratification, containing a copy of the grant to Castillero, was written and signed by them on the 6th February, 1847, and that on that day they affixed to the certificate the seal of the National College of Notaries, which it now bears; and we propose to prove that *Becerra*, Minister of Justice and Public Instruction, who was Bishop of Puebla, died some three or four years ago.

We propose to prove by *Bernado Couto*, *Luis G. Cuevas* and *Miguel Atristain*, who were the Mexican Commissioners for negotiating the treaty with the United States, the facts in relation to that negotiation.

REVERDY JOHNSON,
JOHN A. ROCKWELL,
*For the Claimants.*

WASHINGTON, 19th April, 1859.

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## No. 6.

WASHINGTON, October 4, 1859.

SIR: It is with the utmost astonishment that we have read the communication of the Hon. J. S. Black, Attorney General, addressed to you, under date of April 23, 1859, and inclosed in your letter of the 8th August, 1859, in which he urges that an officer of the United States should be instructed by the Secretary of State to abstain from the discharge of a duty prescribed by law, in a matter of private right, secured by positive statute; and it is with no less astonishment and regret that we learn that this unexampled request has been complied with by the Department, and subsequently obeyed by the officer to whom it was addressed.

We deem it proper, for a full understanding of the subject, to refer, very briefly, to a few facts bearing upon this case in its present aspect, as you may possibly not be familiar with them. The parties whom we represent, in the controversy now pending in the courts of California, were found by our Government, when the treaty with Mexico, ceding California, was signed, in the actual peaceable possession of a very valuable quicksilver mine, claiming it by titles derived under Mexican law. The claim to the mine was confirmed by the Commissioners of the United States appointed to determine land claims in California. Subsequently, however, a claim was interposed, by persons holding adverse interests, and by the Attorney General, who alleged that various documentary evidences of title, purporting to have been issued by the Supreme Government of Mexico, were fabricated, at a period long subsequent to their dates, and were false and fraudulent.

In order to repel this charge, which they knew to be unfounded, the parties whom we represent procured copies to be made of various documents, twenty-two in number, either as originals or office copies, in four different Departments or offices in the city of Mexico; and to authenticate these copies they obtained the certificate of the Mexican officers, who were by law alone authorized to authenticate papers to be used abroad, accompanied by the certificate of our Minister, the Hon. John Forsyth, that such was the fact, under his seal of office; and that he had himself compared the copies and found them to be correct.

One of the Judges of the Circuit Court in California having intimated an opinion that the proper mode of authentication was under the great seal of Mexico, and that if the copies offered were admitted at all in evidence without authentication under the great seal, it would be with diminished weight, the undersigned, together with Messrs. Crittenden and Benjamin, addressed a letter to the Department of State, under date of 17th December, 1858, inclosing a communication of our associates in California, asking that, in pursuance of the treaty with Mexico, it would procure from the Government of that country the originals or copies of the documents in the archives of Mexico. This communication was referred to the Attorney General, and after repeatedly and in vain asking an early reply, at the end of four months our request was denied.

We also respectfully addressed the President, proposing, that in order to ascertain the genuineness or falsity of these documents, our Minister in Mexico, Mr. McLane, our Consul at Mexico, and any other disinterested public officer of the United States, should personally examine these documents, and that their certificate should be evidence of the facts stated by them. This, too, was refused.

We also proposed that our Government should themselves select any three citizens of the United States, disinterested, and of high character, who should proceed to the city of Mexico, examine the documents and the proofs for and against their genuineness, and should then proceed to California and give testimony in the cause, and offering, if the Government should desire it, that our clients should pay the expense of the Commission. These propositions were also declined.

The court in California having decided that the general provisions of the Judiciary Act, in relation to the taking of testimony by commission in foreign countries, did not apply to cases arising under the Act of 1851 for adjudicating these claims, in accordance with the views of the Judge giving this opinion, we made application to Congress to extend these general provisions of law, so as to embrace this class of cases, and to enable us to take the testimony of witnesses in the city of Mexico. The law officers of the Government opposed this application on the ground that the success could "only be injurious to the interests of the United States;" and by the influence of the Attorney General and the co-operation of persons representing adverse interests, the application was defeated in the Senate.

The tendency of the course thus pursued by the Attorney General, if not the purpose of that officer, was to defeat a title to valuable property, by the most offensive charges of fraud, and at the same time to prevent the parties thus accused from having the benefit of the testimony which they and their counsel deemed appropriate and fully adequate to show the utter falsity of the imputations.

Two courses only remained to our clients. One was to procure the attendance in California, for the purpose of giving their testimony, of witnesses residing in Mexico, at very great expense, inconvenience and delay. Some of the witnesses to important facts have gone from Mexico to California, and are now in San Francisco, giving their testimony in the cause; others, from age, sickness, or their positive refusal to leave the country for the purpose, still remained in Mexico. In relation to these witnesses, adopting the only other alternative, the undersigned determined to avail themselves of the provisions of the Act of Congress of the 18th August, 1856, in relation to Consuls. The 24th section of that Act provides: "Every Secretary of Legation and consular officer is hereby authorized, whenever he shall be required, or may deem it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and also to perform any notarial act or acts, such as any Notary Public is required or authorized by law to do or perform within the United States, and every such oath, affirmation, affidavit, deposition and notarial act, administered, sworn, affirmed, taken, had or done, by or before any such officer, when certified under his hand and seal of office, shall be as good, valid, effectual, and of like force and effect within the United States, to all intents and purposes, as if such oath, affirmation, affidavit, deposition, or notarial act had been administered, sworn, affirmed, taken, had, or done by or before any other person within the United States, duly authorized and competent thereto."

The Act in the same section also provides that false swearing in such cases shall be punished as perjury, in the same manner as if the oath or deposition was taken in the United States; that the seal of office and signature of the Consul, etc., "shall be admitted in evidence without proof of any such seal or signature being genuine, or of the official character of such person." And the forging of the seal or signature, or offering any document under such forged seal or signature in evidence, is punished by fine and imprisonment. (Sec. 11, Stat. 61.)

It will be seen that this Act, in the most positive terms, confers upon Consuls, etc., the power, and makes it their duty to take depositions, and gives to such depositions, and all other notarial acts, the same force in the United States as if taken before a Notary in this country.

In pursance of this very Act of Congress, the President, on the 10th of November, 1856, issued a volume of "Regulations and Instructions" to the consular officers of the United States, in which no other instructions are given as to those notarial duties, except in the very language of this section, which is copied at length, (p. 153.) In the summary of the duties pertaining to the office of Consuls, (p. 16,) it is said "they act as Notaries."

The second section of the Act of July 29, 1854, (1st sess. 33d Cong., ch. 159, 10 Stat., p. 315,) is as follows: "That Notaries Public be, and they are hereby authorized to take depositions, and do such other acts in relation to evidence to be used in the Courts of the United States in the same manner and with the same effect as Commissioners to take acknowledgments of bail and affidavits may now lawfully take or do."

The Act of 1st March, 1817, (ch. 30, 2d sess. 14th Cong., 3 Stat., 350,) provides, "That the Commissioners who now are, or hereafter may be appointed by virtue of the Act entitled 'An Act for the more convenient taking of affidavits and bail in civil causes depending in the Courts of the United States, are hereby authorized to take affidavits and bail in civil causes, to be used in the several District Courts of the United States, *and shall and may exercise all the powers that a justice or judge of any of the Courts of the United States may exercise by virtue of the thirtieth section of the Act entitled 'An Act to establish the judicial Courts of the United States.'*" This section of the Judiciary Act of 1789 is the one, as you are aware, which prescribes the mode of taking depositions to be used in the Courts of the United States. Among other provisions of this Act, it is enacted that "when the testimony of any person shall be necessary in any civil cause depending in any district in any Court of the United States, *who shall live at a greater distance from the place of trial than one hundred miles*," etc., "the deposition of such person may be taken *de bene esse* before any justice or judge of any of the Courts of the United States," etc., "provided that a notification from the magistrate before whom the deposition is to be taken, to the adverse party, to be present at the taking of the same, and to put interrogatories if he think fit, be first made out and served on the adverse party, or his attorney, as either may be nearest, *if either is within one hundred miles of the place of such caption*." (1 Stat. at Large, 88.)

This Act of 1856 was, of course, of general application, and equally for the benefit of all, and by its terms it was designed to furnish a magistrate or a notary in a foreign country, before whom not only affidavits but *depositions* were to be taken, which the party might "tender in evidence" in the Courts of the United States in the same manner, and the Consul was invested with the same powers that pertained to Notaries Public in the United States. Neither this Act, nor any other Act of Congress, required of us to give any notice in such case to the Attorney General, or to the District Attorney in California, of the time and place of taking the depositions of the witnesses in Mexico, neither being within the hundred miles named in the Act. It was but in the spirit of fairness and courtesy that this notice was volunteered by us. We were aware, too, that the depositions of witnesses would be entitled to and receive greater consideration if taken in the presence of the opposite party and cross-examined, than if taken *ex parte*.

It had not entered into our minds that any person, lawyer or otherwise, would for a moment suppose that it was necessary for us to ask permission of any one in the exercise of our obvious and undoubted right under an Act of Congress; still less that any Attorney General would suppose that a Notary Public, or a Consul acting as a Notary Public, could be instructed by any one as to the case or cases in which he should or should not receive the oath of a witness or take a deposition;

and least of all, that he should advise such a course in a case in which the United States was a party. We therefore supposed that our Minister and Consul in Mexico must have misunderstood the instructions of the Department when we first received information from Mexico on this subject.

The subject is one so plain, not only to any professional man, but to any one of ordinary intelligence, that we should despair of making it clearer by anything that we can say; but respect for the high office of Attorney General of the United States, as well as for the incumbent of that office, requires that we should notice more in detail his unparalleled communication. After referring to the notice which we had given of our intention to take depositions in the two suits in California—one a suit in chancery by the United States, and the other under the Act of 1851, a copy of which he transmitted to the Department of the State—the Attorney General says:

"No officer of the United States can, consistently with his duty, take or have any lot or part in the proposed proceedings. It is not only *illegal and unauthorized*, but it is *wrong and unjust* to the Government. The intent of the opposing party may be fair enough, but the effect of any *sanction* which your Department might give to it would be most injurious."

Why is it not *consistent with his duty* to perform this notarial act? It is in the very line of his duty as prescribed by law. Is a Consul acting as notary, or any other Notary Public, to sit in judgment as to the parties or subject-matter of a suit, when called upon to take a deposition of a witness to be offered in evidence in such suit, or as to the character of the witnesses, or as to the course which the Court will or ought to pursue as to the admission in evidence of the deposition itself? Does the United States, when a party to a suit in its own courts, occupy any higher or different position as to the taking of testimony than any other suitor? Is it of any importance to a Notary Public, when called upon to administer an oath, or take a deposition, what the opinion of the counsel of the other party may be as to the character of the cause, or of the witnesses, or the future action of the Court; and can such counsel instruct a magistrate or notary, either as to the mode of performing his duties, or wholly to abstain from their performance in a given case? Does the fact that the Government is the opposite party give either it or its counsel any peculiar privileges in such cases? If not, then in this very case, if the counsel opposed to the Attorney General should so far forget themselves as to charge a conspiracy to defraud their clients, and ask the Secretary of State to instruct the Consul not to allow the United States to take any depositions to disprove it, equal justice would require of him to comply with the request. And in any case where the United States might be a plaintiff in a suit. and respectable opposing counsel should give their *opinion* that the claim was unjust or fraudulent, and that it would not be safe to trust the matter to the courts, in view of the course asked for and pursued in this case, it is very clear that justice would require of the Secretary of State to adopt the same course in order that it should be equal and impartial.

That which is expressly authorized by positive law cannot be "*illegal and unauthorized.*"

Why is it "*wrong and unjust to the Government*" to take the depositions of witnesses to be used in its courts? Are not their courts fully competent in this case, as well as in every other, to determine as to the admissibility and weight of evidence?

If the Government can impeach the witnesses or disprove the facts, which they state they have the same right to do so, in this case, as in any other, the Court will give all the weight to which they are entitled, even to the bold and reckless attacks upon the character of a whole nation from the lips of the Attorney General and his associates. The facts which we propose to prove by each witness are briefly stated. The depositions, when given, will be before the Attorney General; if he can disprove or discredit their statements, he has the same power and the same right in this case as in any other. Should he ask any more? Is it not, on the contrary, "wrong and unjust" for the Attorney General to seek to keep from the proper tribunal, which alone is to decide the questions before it, the determination as to the admissibility as well as the weight of evidence which the party may legally present?

What "sanction" is given by the Department to depositions taken in the course of official duty by consular officers acting as notaries? Most obviously none whatever.

Why would it "be *most injurious*" to permit the law to take its course, and depositions to be taken? The testimony thus taken would either be admissible or not before the Court. If excluded by the Court it could be "injurious" only to those offering it. If decided by the Court to be admissible it would only be injurious to a party, because the truth and facts of the case would be injurious, and because legal and proper evidence is injurious. It may be a *loss* to a party to have the evidence in a case submitted to a Court: it is certainly not an *injury.* If the testimony is improperly excluded from the consideration of the Court, the other party is the one that can justly complain of *injury* and *injustice.*

The Attorney General then proceeds to state the reasons why the Consul should not perform his notarial duties: that the notice given to him was not in sufficient time; that it should have been to the District Attorney in California; that the compendious statements of the points upon which the witnesses will be called to testify is insufficient; that the Secretary of Legation will not be in Mexico, and the Consul has no authority to take the depositions, and that the depositions can only be taken in California before a Commissioner or Judge of the District Court.

Assuming, which we deny, that there is any weight in these objections, they are, at most, matters of argument to the Court before whom the depositions may be offered in evidence. They are not at all within the cognizance of a Consul acting as a notary. If the objections were made before the Court, they would admit, as we think, of a very ready and satisfactory answer. It would be a waste of time to discuss these propositions before the notary. We do not submit to his jurisdiction over them, nor to that of the counsel of the opposite party, or the Secretary of State. A decision in our favor would not aid us before the Court if the question was there made; a decision against us would not at all effect us when the depositions were offered in evidence. We cannot ask as a favor of the Attorney General for that which is our right, but shall very willingly join him in argument of these or any other matter to the Court before which we may both appear, as the tribunal alone competent to entertain them.

It is quite sufficient for us to say in this stage of the proceedings, that the reasons that led us to advise the taking these depositions, and to present them as admissible evidence before the court, after very careful consideration, are quite satisfactory to ourselves, and to our clients. It is much less important to us whether they are so or not to the Attorney General or his associates.

The Attorney General says: "*We have been beaten* more than once, and *made many narrow escapes* when the contest was carried on within the limits of our own country," etc. He means, we presume, that the Courts of the United States have decided adversely to his own views, It is not a rare occurrence for counsel to complain of the decisions of a court adverse to their clients, but it is certainly quite possible that the court may have been right, and the counsel wrong; at all events it is a very poor reason for this attempt to supersede the functions of a court and illegally to prevent a party from presenting before it the evidence in support of his case. Even if we were satisfied that he was a far more competent and impartial judge of these questions than the highest court in the land, it would furnish no excuse for attempting to assume their functions. Nor is it only in relation to California titles that the Attorney General has been "beaten" before the courts. If this reason is a good one in relation to one class of cases, it must be as to all; and the necessary result would be, that in all controversies between the Government and an individual, in order to prevent the Attorney General from being "beaten," or subjected to "*many narrow escapes*," the *preliminary* measures as to testimony should be adopted which distinguish the present proceeding. Again: if the *opinion* of the Attorney General is to exercise such controlling influence in this case, that opinion should not only be of superior weight to the opinion of the opposing counsel, but should be infallible. We would, with all humility, respectfully contest both these assumptions.

That it is not infallible, may be inferred from the fact that the claim of the United States to the land, including the mine, which he now considers so plain as not to admit any proof against it, he at one time considered so utterly groundless that he had determined, after many weeks' deliberation, to abandon it without trial, and to relinquish it forever. His experience in that instance should certainly admonish him that, if his opinion was to determine the question, it would be the safest and best course to hear all the proof on both sides, and might well lead him to doubt whether there is any wiser or more just or better mode of forming a correct judgment than by the old-fashioned mode of hearing all the facts and arguments of both parties.

In relation also to the facts in these cases, our opinion is directly opposed to that of the Attorney General, and with greater means of knowledge, because we are informed of important facts which exist, and of which the Attorney General must, we presume, be uninformed; and these we propose to prove, unless that officer and his associates shall succeed in preventing us.

In relation to the gross and offensive charge that the witnesses, whose testimony we seek to obtain, said by him to be twenty in number, are ready to commit deliberate perjury, and that the parties whom we represent are prepared to purchase their false testimony, it is so utterly reckless and gratuitous that we cannot allow it to pass without a few words of comment.

The high personal regard which we entertain for yourself, sir, and for the high office which you hold, as well as feelings of self-respect, will not allow us to characterize these imputations as they deserve. They are made at random, in relation to persons to be called as witnesses, whom the Attorney General has never personally known, and as to a portion of them he had probably, when his letter was written, for the first time heard their names. We will add, that we are informed and believe their characters for uprightness and integrity are equal to that of any of the high functionaries of this or any other government; and in those courtesies and that high sense of honor and fairness which characterize a gentleman, not their inferiors. Some of these gentlemen are doubtless well known by reputation to yourself, and might have been known by the Attorney General. One of them has been twice Prime Minister of Mexico, and Diplomatic Representative of that nation to the United States and Great Britain; and another occupies the position of the leader of the Mexican bar, and is well known both at home and abroad as a person of the highest reputation, not only for talent, but for integrity and honor. Such vituperation is quite novel in the official communications of our public officers, and most unfit and inexcusable in one from the Attorney General of the United States to the Secretary of State.

The Attorney General closes his communication as follows: "For these reasons, I have to request that you will instruct the diplomatic representatives and consular officers of the United States in Mexico, not to let themselves nor the functions of their offices be used for the unauthorized and illegal purposes mentioned in this notice, but to abstain altogether from any participation therein."

It is scarcely necessary for us to add to what we have already said as to this strange request—so strangely, and, we doubt not, inadvertently complied with by the Department.

If this instruction can be legally given to a Consul in the exercise of his notarial duties under an Act of Congress, it can, with equal propriety, be given to every Notary Public and Magistrate in the District of Columbia, and to every Commissioner of the United States or other public officer authorized by Act of Congress to administer oaths and take depositions, either within or out of the United States. It would be no more clearly a violation of law for the Government, at the instance of the Attorney General, to instruct the Judges of the courts of the United States as to their official duties. This, indeed, could not be done with safety in view of the power exercised by the courts of committing for contempt, nor would it be necessary for the purposes of injustice that the attempt should be made with the courts and judges. That purpose might be as effectually though circuitously attained by depriving the party of one very important means of bringing his testimony before the court.

We are not informed whether this power of dispensing with a positive law or *instructions* to "abstain" from the discharge of the "functions of their offices" is confined to suits in which the United States is a party. If the power exists, there seems to be no very good reason why any citizen should not have the benefit of it. If it is proper to be exercised for the United States to protect them from the danger attending the submission of their rights to courts of justice, and to prevent those courts from being deceived and misled in their decisions by false testimony in support of fraudulent claims, why should this new and healthful remedy be confined to the Government?

Serious as is the injury which our clients have sustained by this wrongful act committed at the instance of the Attorney General, yet, as a manifest breach of official duty, an assumption of an authority to violate the provisions and render void an Act of Congress, as an open and bold attempt to bring the power of the Government, in violation of law, to defeat the rights of individuals, the matter becomes one of much graver moment. It is, however, with the *private injury* to our clients, and not with these public wrongs, that we are called upon to deal.

We have said that this formal public assertion and exercise of a power in the Executive to dispense with an Act of Congress is without example. We should perhaps modify this statement. It is certainly true, so far as relates to this country. In England, from which we derive much of our law, the power of *dispensing* with Acts of Parliament, and suspending the operation of penal laws, was exercised by Charles the Second. This was the last instance of the exercise of that power in England, and it is not regarded in that country as a precedent to be followed. Macauley says, "It was clear that if this prerogative were without limit, the English Government could scarcely be distinguished from a pure despotism." Again he says, that "it would, if left unchecked, turn the English Government from a limited into an absolute monarchy."

It should be observed, also, that this power was exercised by the British King only in relation to *penal* laws. Even his action did not extend to a law of the nature of the one in question, and cannot therefore be considered as a case in point. Also, that in the case of Charles the suspension was general, and applied to all persons, and the Act, although *arbitrary*, was *equal* in its operation; in the present instance, the power is to be exercised in individual cases, at the discretion of the Attorney General, and only for the benefit of the Government. Macauley also says, "There was an orator who gave it as his opinion that the King might conscientiously dispense with bad laws, but not with good laws. The absurdity of such a distinction it is needless to expose."

The Attorney General does not seem to think that there is any absurdity in allowing *him* to dispense with a good law in *bad cases*, the *bad cases* being such according to his *opinion*, and always those in which the Government should be a party, and would in his opinion be *injured* by the execution of the law.

Again the historian says, "Some opponents of the Government complained that the declaration suspended not less than forty statutes. But why not forty as well as one?" The same question may, with the same force, be asked in this instance.

Inasmuch as the Executive Government of England in the time of Charles the Second was obliged to abandon the exercise of this branch of the royal prerogative, and no King has since ventured to claim, much less to exercise it, we apprehend that this precedent will scarcely be relied on, and that it will be neither wise nor safe for the Executive of the United States, at this late day, to attempt the exercise of this power.

In relation to the course which justice to our clients requires should be pursued, we would respectfully say, that it is due to them as their legal right that the instructions given to the Consul should be countermanded, and that he be left at liberty in these cases as in all others, to discharge his duty according to law; and this we respectfully, in their behalf, ask may be done. We very much fear that if such order were now issued, it may come too late to furnish even a partial remedy for the injury that they have sustained, and we deem it proper to say in their behalf, that our clients will hold the Government responsible for any damage which they have already sustained or may sustain from these as well as the other unlawful acts of its officers.

We would also respectfully request that you will cause us to be furnished with a copy of the instructions to, and correspondence with our Minister and Consul in Mexico, so far as they relate to this subject.

The delay in making this communication has been owing to the continued indisposition of one of the undersigned, from the period when you did him the honor to place him in possession of the Attorney General's papers to within the past few days.

We have the honor to be, with high regard,

Your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

Hon. Lewis Cass,
*Secretary of State.*

## No. 7.

DEPARTMENT OF STATE,
Washington, October 26, 1859.

Hon. REVERDY JOHNSON and
JOHN A. ROCKWELL, *Washington.*

GENTLEMEN: It is with regret that I feel it my duty to return herewith your letter of the 4th instant.

Upon reflection, I think you will agree with me that it ought not to be placed upon the files of this Department.

It contains offensive imputations against the Attorney General in consequence of the course he deemed it proper to pursue in a pending case for the protection of the public interest, and to which his attention had been called by a communication you had sent him.

Should you think it proper to address me an application free from objectionable remarks, I shall consider it immediately, and give you such an answer as it may seem to me to require.

I am, gentlemen, your obedient servant,

LEWIS CASS.

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## No. 8.

WASHINGTON, Sept. 26, 1859.

Hon. LEWIS CASS,
*Secretary of State.*

SIR: We are desirous of using as evidence before the District and Circuit Courts of the United States in California, in suits depending before those courts in relation to the title and possession of the New Almaden quicksilver mines, the copies, duly certified according to law, of the correspondence which we and our associate counsel, on behalf of parties in possession and claiming to be the owners of the mine, have had with the Secretary of State and the President, including the communication of the Attorney General to the President. The following are the dates and description of the documents of which we ask copies, viz.:

Letter to Hon. Lewis Cass, Secretary of State, dated Washington, 17th December, 1858, signed J. J. Crittenden, Reverdy Johnson, John A. Rockwell, and J. P. Benjamin.

Letter to the Hon. Lewis Cass, Secretary of State, dated San Francisco, California, Nov. 19, 1858, signed Arch'd C. Peachy, Fred. Billings, attorneys for Andres Castillero.

Letter to the President, dated Washington, Jan'y 15, 1859, signed Reverdy Johnson, J. J. Crittenden, John A. Rockwell, J. P. Benjamin.

Letter to the President of the United States, dated Washington, 15th Feb'y, 1859, signed Reverdy Johnson, for Messrs. Crittenden, Benjamin, Rockwell, and himself.

Letter to the President, dated Washington, March 18, 1859, signed Reverdy Johnson and John A. Rockwell.

Letter to the President, dated Washington, March 30, 1859, signed Reverdy Johnson.

Referred to the Attorney General March 31, 1859, signed James Buchanan.

Letter to the President, dated Attorney General's office, March 28, 1859, signed J. S. Black, Attorney General.

Letter to the President, dated Washington, 18th April, 1859, signed Reverdy Johnson, John A. Rockwell.

We inclose a printed copy of a portion of these documents, and if upon examination the printed documents shall be found to contain true copies of these documents, it would equally answer our purpose, if that was certified, instead of the manuscript copy, if it should be more convenient to the Department.

If any fees of office for said copies are usually charged, we shall most cheerfully pay the usual fees.

An early attention to this matter will oblige,

Very respectfully, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

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## No. 9.

WASHINGTON, Sept. 26, 1859.

The Hon. LEWIS CASS,
*Secretary of State.*

SIR: We are informed by Messrs. Peachy & Billings, with whom we are associated as counsel in suits pending in California affecting the title and possession of the New Almaden quicksilver mine, that in the years 1846, 1847, and 1848, Thomas O. Larkin, Esq., who was at the time United States Consul at Monterey, in California, addressed some communication to the Department of State at Washington in relation to the discovery and development of that mine. It has become important for the parties whom we represent, in a controversy in relation to the title to the mine, to avail ourselves, as evidence before the courts, of copies of some of those letters. We would therefore respectfully request that you will cause to be furnished to us copies, duly certified, of the letters of Mr. Larkin to the Department, dated on the 4th May, 1846, and 28th March, 1848, and of any other letters of Mr. Larkin on the subject in the State Department. We shall of course cheerfully pay the usual office fees for such copies, if any are charged.

We would also respectfully request that you will cause to be furnished to us for the same purpose a copy, duly certified, of an article in the number, dated July 25, 1846, of the newspaper "Polynesian," published at Honolulu, in the Sandwich Islands, which contains a letter from Mr. Larkin to Mr. Judd in relation to the quicksilver mine. The copy of the "Polynesian" to which we refer, is contained in a volume in the Department of State, containing the files of the "Polynesian" for 1846, transmitted to and bound up by the order of the Department. We desire a copy of all the papers which constitute the entire article above referred to.

If more convenient to the Department to be relieved from the mechanical labor of making the foregoing copies, we will cause the copies to be made and submitted to the examination of the Department for the appropriate certificate, the documents being furnished to us for that purpose.

Very respectfully, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

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## No. 10.

WASHINGTON, 10th November, 1859.

HON. LEWIS CASS,
*Secretary of State,*

SIR: Before answering your official note to us of the 26th of October, returning ours to you of the 4th of that month, we respectfully request a reply to our two notes of the 26th September, 1859, at your earliest convenience. This request is made at the first moment after both of the undersigned have received yours of the 26th ultimo.

We remain, with great regard, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL

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WASHINGTON, December 15, 1859.

SIR: The undersigned, in addition to the correspondence in relation to the New Almaden quicksilver mine of California, which we have had the honor heretofore to communicate to the President, send herewith copies of three letters from the Department of State, under dates respectively of the 27th September, 19th November, and 7th December, 1859; also a copy of a letter from ourselves to the Secretary of State of the 2d December, 1859.

From these letters, in connection with those the copies of which we have heretofore forwarded to the President, it will appear that we asked for certified copies of the correspondence which we have heretofore had with the officers of the Government in relation to the New Almaden mine, in such form as the law prescribes, in order that they be admissible as evidence in court. It will also appear by the reply of the Secretary of State, of the 7th December, and the accompanying certified copies of papers, that copies only have been furnished of three of the letters asked for, viz.: a letter to Hon. Lewis Cass, Secretary of State, dated November 19, 1858, signed by Messrs. Peachy and Billings; a letter to the Secretary of State, of the 17th December, 1858, and signed by ourselves, and Messrs. Crittenden and Benjamin; and a letter to the President, by J. S. Black, Attorney General, dated March 28, 1859.

These three are stated in the Secretary's letter of the 7th December, to be all the letters on file in the Department of State.

As it is important for us to have the whole correspondence properly authenticated, in order to use the same in evidence in the courts of California, we would respectfully ask of the President to cause copies, duly certified, to be furnished us of the following letters addressed to him, viz:

Letter to the President, dated Washington, January 15, 1859, signed Reverdy Johnson, J. J. Crittenden, John A. Rockwell, J. P. Benjamin.

Same, dated Washington, 15th February, 1859, signed Reverdy Johnson, for Messrs. Crittenden, Benjamin, Rockwell, and himself.

Same, dated Washington, March 18, 1859, signed Reverdy Johnson and John A. Rockwell.

Same, dated Washington, March 30, 1859, signed Reverdy Johnson. Referred to the Attorney General, March 31, 1859, signed James Buchanan.

Same, dated April 18, 1859, signed by Reverdy Johnson and John A. Rockwell.

We regret the necessity of troubling the President in relation to these copies, and should not have done so if the letters addressed to the President had been found in the Department of State; and if instead of certified copies of these letters from the Department, where they are deposited, the President will, in a letter under his hand, acknowledge the receipt of these letters at or about their dates, and that the copies are correct, it will be quite satisfactory, as we doubt not that such statement will be by the court deemed quite sufficient evidence to authenticate the copies.

It is the more important for us to have this evidence in one form or the other, as we have received from the President no acknowledgment of the receipt of any of these communications.

In order to avoid the mechanical labor of making copies we send herewith a printed pamphlet, containing, we believe, correct copies of the letters above referred to.

We have the honor to be, very respectfully, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

To the PRESIDENT OF THE UNITED STATES.

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DEPARTMENT OF STATE,
Washington, 19th Nov., 1859.

To the HON. REVERDY JOHNSON,
*Washington.*

SIR: I have received your letter of the 10th instant, and am surprised to learn from it that an answer to neither of your communications of the 26th September had reached you. A copy of the reply which was sent to one of them, bearing date the 27th of that month, is herewith inclosed. If you will send a copy of the pamphlet, the omission of which is referred to, the Department will then take the subject into consideration, and decide upon your request. The letter of the 26th of September, which asks extracts from certain communications from Mr. Larkin, formerly United States Consul at Monterey, in California, was laid by for consideration until the clerk who had charge of those letters could return from a leave of absence. The correspondence of that Consul has now been carefully examined, and I inclose an authenticated extract from all that part of it which refers to the subject of your letter. You are at liberty to copy the publication in the newspaper called the "Polynesian," to which you refer, but this Department cannot with propriety authenticate the transcript.

I have the honor to be, sir,
Your obedient servant,
LEW. CASS.

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DEPARTMENT OF STATE,
Washington, Sept. 27, 1859.

Hon. REVERDY JOHNSON,
*Washington.*

SIR: Your communication of yesterday, asking for copies of the correspondence had with the President and Secretary of State by parties in possession and claiming to be owners of the New Almaden quicksilver mines, has been received; but the pamphlet therein referred to does not accompany it.

The legal charge of this Department for copies is at the rate of ten cents per hundred words; but as you suggest that the contents of the printed pamphlet embrace all or nearly all the correspondence you require, if the same be duly certified, it is deemed proper to await further advices from you.

I am, &c.,
JOHN APPLETON,
*Assistant Secretary.*

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WASHINGTON, 2d December, 1859.

SIR: Your communication dated the 19th ult., addressed to one of the undersigned, post-marked the 29th, was received on the 30th, together with a copy of a letter dated the 27th September, and certified copies of extracts from letters of Consul Larkin to the Department of State in the year 1846. For these, we are obliged to you; but we regret, because of the delay it occasioned in their receipt, that your letters of the 27th September and 19th November, being answers to joint letters from us, were not, as in previous instances, addressed to both of us, especially as the one to whom they were addressed at Washington was in Baltimore.

And we further regret, that when the Department was informed, by our letter of the 10th November, that we had received no reply to ours of the 26th September, that we should have been subjected to the further delay of being informed only on the 19th November, that ours of the 26th September had been answered on the following day.

In that letter of the 19th November, but, as above stated, post-marked on the 29th, and in the copy now sent us of yours of the 27th September, it is stated that the pamphlet referred to did not accompany our letter of the 26th of the latter month. This is certainly a mistake; the pamphlet, we know, was handed in to the Department with our note, in *one package*, and must have been mislaid since its receipt.

In compliance, however, with your suggestions, we send herewith another copy, and add, that we are ready at any moment, either in advance or otherwise, to pay the fees for the copies we request, on being advised of their amount.

We are informed by a letter received by us yesterday, from our associates in California, Messrs. Peachy and Billings, dated the 4th ult., of Mr. Consul Black having refused "to take the acknowledgment of the widow Barron and others to a letter of attorney, in favor of Mr. William E. Barron," of San Francisco, upon the ground "of executive instructions."

The statutes of California, relative to such instruments, authorize their acknowledgment in foreign countries, before a resident Consul of the United States.

We beg leave to inquire, if this refusal is in obedience to the original instructions, of which you have heretofore obligingly advised us, or of new ones since issued by the Department.

We would also request, that the answer to this note, and the answers to any further communications, may be addressed to us jointly, and at Washington, in order to their receipt at the earliest moment.

We have the honor to be, with great regard,

Your obedient servants,

REVERDY JOHNSON,

JOHN A. ROCKWEELL.

HON. LEWIS CASS, &c., &c.,

*Washington.*

DEPARTMENT OF STATE,
Washington, 7th Dec'r, 1859

To Messrs. REVERDY JOHNSON and
JOHN A. ROCKWELL,
*Washington.*

GENTLEMEN: I have to acknowledge the receipt of your letter of the 2d instant, with the accompanying pamphlet. There is no recollection here that the previous copy to which you refer accompanied your letter of the 26th September. Diligent search was made for it at the time, which having proved fruitless, you were so informed in the letter of the Department of the 27th of that month. All the letters on file in this Department, contained in the pamphlet, have been compared with the originals, and the certificate of the Department authenticating them, and attached to the pamphlet itself, is herewith inclosed.

No instruction, respecting testimony in the case to which you refer, has been given to any United States officer in Mexico, except the one to Mr. McLane, of which you have already been apprised.

I am, Gentlemen,
Your most obedient servant,
LEW. CASS.

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WASHINGTON, 17th December, 1859.

GENTLEMEN: I have received your favor of the 15th instant, requesting me to furnish you copies of certain letters addressed to myself concerning the New Almaden quicksilver mine of California. After a thorough and careful search by my private secretary, he has not found any of these letters among my papers. The letter of the 15th January, 1859, was, on the 18th January, 1859, according to the register kept by Mr. Magill, my former acting private secretary, referred to the Attorney General, and the words "Attorney General" are indorsed upon it in his handwriting.

I regret that there should have been any apparent want of courtesy towards gentlemen whom I so highly esteem, in not answering your letters; but having determined from the beginning not to interfere with the Attorney General in the performance of his professional duties, either in the New Almaden or any other case, I deemed it proper to send your communications to his office for his consideration. If in the novel and unfounded claim of converting the President into an appellate jurisdiction, from the decisions of the heads of departments in all cases where interested parties consider themselves aggrieved, I should undertake to direct the Attorney General in what manner he shall conduct suits in which the interests of the United States are involved, I should have no time left to devote to the important business of my office.

I doubt not but that I have referred your other letters to the Attorney General, though I have no recollection of the fact, nor is any notice taken of them on the register. I shall have a very careful search made for them in his office; and if found, I shall immediately cause you to be informed of it.

Yours, very respectfully,

JAMES BUCHANAN.

REVERDY JOHNSON and
JOHN A. ROCKWELL, Esqs.

P. S. Since writing the above, the letter of the 15th February has been found in the Attorney General's office.

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WASHINGTON, December 23d, 1859.

SIR: We have the honor to acknowledge the receipt of the letter of the President of the 17th instant, and would express to him our thanks for the kind and courteous terms of that letter in relation to ourselves personally.

With regard to the communications which we have heretofore made to the President on this subject, we beg leave to say that by referring to the correspondence, it will appear that the object of the letter of ourselves and Messrs. Crittenden and Benjamin, of the 17th December, 1858, to the Secretary of State, and of the inclosed letter of Messrs. Peachy and Billings, of the 19th November, 1858, to that officer, was to obtain through our Government, from Mexico, the execution of the treaty of Guadalupe Hidalgo, so far as it related to the rights and interests of our clients; and as the application, if granted, would involve diplomatice correspondence with Mexico, it was, as we supposed, for that reason, as well as from the very nature of the communication, appropriately addressed to the Secretary of State.

In relation to the instructions which were given by the Secretary of State through Mr. McLane to Mr. Consul Black in Mexico, not to take the depositions of witnesses in these cases, although those instructions were given at the request of the Attorney General, they were issued by the Secretary himself.

With regard to the foregoing and various other matters shown by the correspondence which pertain to the Department of State, the undersigned supposed, not only that the letters were very appropriately addressed to that Department, but that it was eminently proper for us to ask the interposition of the President, especially where questions were presented of so very grave a character.

In addition to these considerations, which, we submit, involved no interference by the President with the Attorney General, in the ordinary discharge of his official duties, the undersigned were aware that the President had in another branch of the controversy growing out of the title to this mine, in which the United States was a party, interposed, to secure at the same time the rights of the United States and justice to all parties, and we had no reason to doubt that he would do so in the present case, not only in view of the large amount in controversy, but of the seriousness and public nature of the questions involved.

As, however, we are now informed by the President, for the first time, that we are in error in these views, and that he regards our appeal to him as irregular, we shall of course yield to his opinion on this point, and no further trouble him by communications in behalf of our clients. We only regret that we should not have been informed of these views of the President when we forwarded to him our first letter of the 15th January, 1859, as it would have saved the President from the annoyance of our subsequent letters, ourselves from the trouble of writing them, and our clients from the serious pecuniary damage arising from delay.

We have not received (doubtless through inadvertence) an acknowledgment of the receipt of our letter to the President of the 29th November, 1859, and would respectfully reqnest of him, that he would cause such acknowledgment to be forwarded to us.

Sincerely reciprocating the sentiments of esteem expressed for us by the President,

We are, very respectfully, your obedient servants,

REVERDY JOHNSON,
JOHN A. ROCKWELL.

To the PRESIDENT OF THE UNITED STATES.

U. S. DISTRICT COURT.

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THE UNITED STATES
*v.* } No. 420.
ANDRES CASTILLERO.

It is hereby stipulated and agreed that the within "Exhibit Castillero No. 3, J. B. W." (Correspondence with the United States Government), be filed on behalf of the claimant, subject to all legal exceptions.

San Francisco, Sept. 12, 1860.

EDMUND RANDOPH.
Asst. Counsel for U. S.
REVERDY JOHNSON.
For Claimants.

Filed Sept. 13th, 1860.
W. H. CHEVERS, Clerk.

# DEPOSITION OF FREDERIC H. LARKIN.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

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|---|---|
| THE UNITED STATES<br>*v.*<br>ANDRES CASTILLERO. | In Land Cases; District Court No. 420,<br>Land Com. No. 366. |

Be it remembered, that on this 14th day of August, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Frederic H. Larkin, a witness produced in behalf of the claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: A. C. Peachy, Esq., of counsel for claimant; E. Randolph, Esq., for the United States.

Questions in behalf of the claimant.

QUESTION 1st. State your name, age, and residence.

ANSWER. Frederic H. Larkin; age 23; residence San Francisco.

Q. 2. You are the son of the late Thomas O. Larkin, of San Francisco, who was formerly United States Consul at Monterey, are you not?

A. I am. I am one of the executors of my late father.

Q. 3. Examine the book now shown you; state in whose custody it is, and what it relates.

A. It is in my custody; it belonged to my father. I brought it here, and it appears to be an account and memorandum book, containing, among other things, the arrival and departure of certain vessels at and from Monterey.

Q. 4. Please examine the memorandum in this book of the 12th February, 1846, and state what you find opposite to that date.

A. I find the words "Brig Hannah, from Mazatlan."

Q. 5. Now examine the memorandum or note opposite the date of 7th March, 1846, and state what it is.

A. I find the words, "Brig Hannah, for Mazatlan."

Q. 6. You find in this book also, do you not, various memoranda of the arrival and departure of vessels at and from Monterey?

A. I do.

Q. 7. Here is a letter produced by yourself, dated "Treasury Office, Honolulu, Oahu, 20th July, 1846," signed "G. P. Judd," and addressed to "Thomas O. Larkin, Esq., U. S. Consul, &c., &c., &c., Monterey." Where did you obtain this letter?

A. I found it filed away among my father's papers.

Q. 8. Will you permit me to file this letter as an Exhibit to your deposition in this case?

A. I will.

[The letter is thereupon filed as "Exhibit Larkin No. 1," to this deposition.]

Q. 9. And here is another letter which you have produced, dated "U. S. Portsmouth, Port of Mazatlan, 1st April, 1846," addressed to "T. O. Larkin, Esq., Monterey," and signed Mott, Talbot & Co.; where did you obtain this letter, and will you permit me to file it also as an exhibit to your deposition?

A. I obtained this letter from the same file as the former. I permit it to be filed as an Exhibit.

[The letter is thereupon filed as "Exhibit Larkin, No. 2," to this deposition.]

Examination adjourned.

JNO. B. WILLIAMS,
U. S. Commissioner.

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SAN FRANCISCO, Sept. 18th, 1860.

Examination closed.

FREDERIC H. LARKIN.

Sworn to and subscribed before me this 18th day of Sept., A. D. 1860.

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed Sept. 18, 1860.
W. H. CHEVERS, Clerk.

## EXHIBIT LARKIN No. 1, J. B. W.

TREASURY OFFICE, HONOLULU,
OAHU, 20th July, 1846.

SIR: I have the honor to acknowledge receipt of your letter per bark "Angola," of the 24th ulto., together with a specimen of Calfornia quicksilver ore.

I thank you sincerely for your kind attention in sending me the specimen, as well as the very interesting particulars relative to the mine.

I am happy in thinking that this is but the beginning of discoveries which will tend to make California a valuable country.

My onerous duties as His Majesty's Minister of Finance, will not permit me to assay the ore in order to test its quality, as I might do if still in practice as a medical man.

I have sent your letter to the editor of the "Polynesian" for insertion, and have no doubt it will be found as interesting to others as it has been to me.

I beg to assure you that I shall always be happy to receive information on any subject of interest connected with California, whenever it may suit your convenience to favor me.

I am, sir, your obedient servant,
G. P. JUDD.

Thomas O. Larkin, Esq.,
U. S. Consul, &c., &c., &c., Monterey.

[Endorsed.]

G. P. Judd, July 20th, 1846, S. Islands.

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## EXHIBIT LARKIN No. 2, J. B. W.

U. S. PORTSMOUTH,
Port of Mazatlan, 1st April, 1846.

T. O. LARKIN, Esq.,
*Monterey.*

DEAR SIR: It has been hinted to us that this ship is bound to Monterey, and although the fact is doubtful, we avail of the chance to acknowledge receipt of your much valued favors of the 2d, 4th and 5th ult., the former enclosing a remittance of a Russian Bill for $2000 for account of Mr. A. B. Thompson.

Your letters have this moment reached us per "Hannah," and we are much obliged for their contents. You were correct in supposing that the destination of this vessel when she sailed from this, was not known to us. We have only time to return you our sincere thanks for your kindness in collecting the debt of Mr. Thompson, which we frankly confess we had written off as lost. We are also much obliged for the fruit, which however, as the Hannah has just anchored, we have not yet received.

The expedition for California will never land, as the government are entirely without resources; but of this and other news we refer you to our good friends of the "Portsmouth," and trusting to find soon a more certain opportunity to write more at length, we remain,

Dear sir, your most obd't servant,

MOTT, TALBOT & CO.

[Endorsed.]

Messrs. Mott, Talbot & Co., April 1st, 1846.

# DEPOSITION OF WILLIAM HOOPER.

In the District Court of the United States, For the Northern District of California.

The United States *vs.* Andres Castillero. In Land Cases; District Court No. 420, Land Com. No. 366.

Be it remembered, that on this 24th day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared William Hooper, a witness produced in behalf of the claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: A. C. Peachy, Esq., for claimant, and Edmund Randolph, Esq., for the United States.

Questions in behalf of the claimant.

Question 1. State your name, age, residence and occupation.

Answer. William Hooper, age 50, residence San Francisco; occupation, one of the Commissioners of the Funded Debt.

Q. 2. Please examine "Exhibit Larkin No. 2," attached to the deposition of Frederic H. Larkin, heretofore taken in this case, purporting to be a letter from Mott, Talbot & Co., to T. O. Larkin Esq., Monterey, dated April 1, 1846, and state if you know in whose handwriting is the body of and signature to said letter?

A. In my opinion, this letter was written by Capt. Mott, of the house of Mott, Talbot & Co. of Mazatlan, Mexico.

Q. 3. Please state your means of knowledge upon which you found the opinion expressed in your last answer.

A. As U. S. Consul and a merchant at the Sandwich Islands, from 1840 to 1845, I was in the habit of occasionally receiving letters from the house of Mott, Talbot & Co.; and I also had a personal and intimate acquaintance with Capt. Mott, at the

Islands, about the year 1840, and in San Francisco from 1849 to 1856–7.

I have frequently seen him write, and have received letters from him. He and myself roomed together in San Francisco for some months.

### CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 4. Did you ever see Capt. Mott write the firm name?

A. I have no recollection of ever having seen him write the firm name.

Examination closed.

WM. HOOPER.

Sworn to and subscribed before me this 24th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed Sept. 18th, 1860.

W. H. Chevers, Clerk.

# DEPOSITION OF C. E. HITCHCOCK.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.

In Land Cases: Dist. Court No. 420,
Land Com. No. 366.

Be it remembered, that on this 24th day of August, A. D. 1860, at San Francisco in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Charles E. Hitchcock, a witness produced in behalf of the claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Frederick Billings, Esq., for claimant, and E. Randolph, Esq., for United States.

Questions in behalf of the claimant.

QUESTION 1. Are you the same Mr. Hitchcock who has heretofore been examined in this case?

ANSWER. I am.

Q. 2. Please examine "Exhibit Larkin No. 1," attached to the deposition of Frederic H. Larkin, heretofore taken in this case, purporting to be a letter from G. P. Judd, dated Treasury Office, Honolulu, Oahu, 20th July, 1846, to Thomas O. Larkin, Esq., U. S. Consul, etc., etc, etc., Monterey, and state if you know in whose handwriting is the body of and signature to said letter.

A. I do. The body of the letter is in the handwriting of G. M. Robertson, at the date of the letter clerk in the Treasury Office, and now a Judge of one of the courts in Honolulu. The signature to the letter is the genuine signature of G. P. Judd, the Minister of Finance of the Hawaiian Government, and now agent of the American Guano Company at Honolulu.

Q. 3. State your means of knowledge on which you found the opinion expressed in your last answer.

A. I lived in Honolulu from 1845 to 1848, and was then well acquainted with Mr. Robertson, and have frequently seen him write. I have received many letters from him, and am well acquainted with his handwriting. During the same period I was intimately acquainted with Dr. Judd, and in the habit of receiving frequent communications from him in writing. I have letters from him in my possession, and have seen him write his name frequently.

Examination closed.

CHARLES E. HITCHCOCK.

Sworn to and subscribed before me, this 24th day of August, A. D. 1860,

Jno. B. Williams,
U. S. Commissioner.

Filed Sept. 18, 1860.
W. H. Chevers, Clerk.

# DEPOSITION OF J. P. BENJAMIN.

IN THE DISTRICT COURT OF THE UNITED STATES,
For the Northern District of California.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.

In Land Cases; District Court No. 420,
Land Commission No. 366.

Be it remembered, that on this 12th day of September, A. D. 1860, at San Francisco, in the District aforesaid, before me, John B. Williams, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared J. P. Benjamin, a witness produced in behalf of the claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows:

Present: Fred'k Billings, Esq., and Reverdy Johnson, Esq., for claimant; and Edmund Randolph, Esq., for the United States.

Questions in behalf of the claimant.

QUESTION 1st. State your name, age, and residence.

ANSWER. J. P. Benjamin, forty-nine years, residence New Orleans.

Q. 2. Examine "Exhibit Bassoco No. 3, O. H," on file in this case, purporting to be a printed copy of the Report of Lafragua, Minister of Relations, to the Mexican Congress, from which extracts appear in the printed transcript of the record in this case, on pages 1356, 1357, and 1358, and state if you have a duplicate of said Exhibit; and if you have, please produce it and state when it first came into your possession, under what circumstances you received it, and from whom; and when, if ever, you parted with it, and to whom and for what.

A. I have looked at the said Exhibit, and state in reply that some time in the fall of the year 1849 I was in possession of the volume now produced (Lafragua's Report, printed in Mexico at the office of Vicente Garcia Torres), which on examination I find to be a duplicate of "Exhibit Bassoco No. 3," and which had been forwarded from the City of Mexico to Don José Garay, and was by him delivered to me, with marginal ink marks at pages 6, 81, and 82. The pages thus marked had reference to the Garay grant of the right of way across the Isthmus of Tehuantepec. It was furnished me for the purpose of proving the legality and validity of that grant, about which doubts had been raised in the United States. I was chairman of a sub-committee of the citizens of New Orleans, who had held a public meeting for the purpose of devising means of securing possession of that grant, and of diverting the trade and travel between the Atlantic and Pacific coasts from New York to New Orleans. I was charged with the duty of investigating the title. I cannot recollect at what date the volume was given me by Mr. Garay. I had an impression, a strong impression, that I received it early in 1848, but subsequent reflection, and reference to the date of the meeting in New Orleans, has shaken that impression, and I am not certain that I received it before 1849, nor earlier than the fall of 1849. I received at the same time from Mr. Garay a number of other pamphlets and books in reference to the Tehuantepec grant.

About two years ago, Mr. Rockwell, one of the counsel of the claimants of the New Almaden mine, called on me in Washington for the purpose of explaining their case, and of engaging my services as associate counsel. I had received a letter from Messrs. Goodhue & Co., of New York, proposing to engage me, and informing me that Mr. Rockwell would call on me for the purpose above mentioned. In the course of Mr. Rockwell's explanations he spoke of an official report of Mr. Lafragua, made to the Mexican Congress, as containing in his opinion conclusive proof of the validity of the claimant's title. I thought from his description that I recognized the volume in my possession as the one referred to, and stepped into an adjoining room and brought out the volume. We examined it together, and found that it contained the passages about the discovery of the mine and the grants to Castillero of which Mr. Rockwell had been speaking. I had not at that time opened the volume for several years, nor was I aware that there was any thing in it on the subject of the mine, having previously looked through it solely in search of such historical and political facts as had any bearing on the Isthmus of Tehuantepec and the validity of the Garay grant. At Mr. Rockwell's request I allowed him to keep the volume, and he subsequently had a certificate attached to the book, signed by Mr. Mata, the Mexican Minister in Washington.

Prior to the delivery of the volume to Mr. Rockwell, I had, on one and perhaps on two occasions, lent the volume for a few days to Hon. Wm. M. Burwell, of Virginia, who was engaged also in forwarding the success of the Tehuantepec enterprise, for the purpose of reference in writing articles and pamphlets on that subject. Some of the pencil marginal notes are, I think, in the handwriting of Mr. Burwell.

When I reached New York last July, on my way to San Francisco, Mr. William E. Barron, of whom I inquired what Mr. Rockwell had done with the volume, told me he had it in his trunk; that Mr. Rockwell had given it to him to be returned to me; and on arrival at San Francisco Mr. Barron took it from his trunk and delivered it to me.

Mr. Rockwell lives in Washington. Mr. Wm. E. Barron lives in San Francisco, and is the same person who is agent of the claimants, and one of the members of the New Almaden Company.

Q. 3. Your attention is called to the passages in said "Exhibit Bassoco No. 3, O. H.," copies of which appear in the printed record of this case on pages 1356–7–8; are these passages also to be found in the volume you have produced, referred to in your preceding answer, in the same words, on the same pages, and exactly in the same position and connection?

A. The passages referred to in "Exhibit Bassoco No. 3. O. H." and in the volume produced by me, I have just examined, and find them to be identical in every respect; but in the printed record of this cause, on pages 1357–8, where those passages appear, there are two or three errors, which, however, do not vary the sense from that of the original.

[The volume produced by the witness is now offered in evidence by the attorney for the claimant, and is marked by the commissioner, "Exhibit J. P. Benjamin No. 1, J. B. W."

The attorney for the United States objects to the admission of said Exhibit as evidence, on the ground that it has not been duly proved.

It is agreed by the attorneys for the respective parties, that the passages from "Exhibit Bassoco No. 3, O. H." as the same appear in the printed record, on pages 1356–7–8, shall also be printed in that record as the passages referred to in "Exhibit J. P. Benjamin No. 1, J. B. W.;" but that the entire Exhibits may be read at the hearing in the District Court, and the original Exhibits used as a whole in the Supreme Court of the United States should the cause be appealed.

JNO. B. WILLIAMS,
U. S. Commissioner.]

## CROSS-EXAMINATION.

Questions by Mr. Randolph.

Q. 4. Can you fix the date of that meeting in New Orleans?

A. It was in the fall of 1849, I think.

Q. 5. You say that you have referred to the date of that meeting; have you referred to any contemporaneous writing?

A. I have refreshed my memory by referring to a publication written by Mr. Ramirez in defense of the Mexican Government in relation to the Garay grant, in which he refers to this meeting as having taken place in 1849. Mr. Ramirez, I believe, was acting as Minister of Foreign Relations. It is that publication which has shaken the impression I previously had that I had received the book in 1848. It was just before or just after that meeting that I got the book, I cannot say which.

Q. 6. How do you satisfy yourself that that meeting was in 1849; that the date mentioned by Ramirez is correct; and might it not have been in 1850?

A. It could not have been in 1850, because I corresponded with General Taylor when he was President, for the purpose of obtaining a leave of absence for Major Barnard of the Engineer corps, in order that he might make the survey of the Isthmus for us. This correspondence took place after the meeting, and in furtherance of its objects. I was one of the citizens of Louisiana who escorted General Taylor to Washington, at his inauguration. The correspondence took place after the inauguration, and after I had returned from Washington to New Orleans. The meeting was held in the fall of the year, and General Taylor was not living in the fall of 1850.

Q. 7. In what month did that meeting take place?

A. I cannot remember; but Mr. Ramirez' book says in October, 1849. My memory for dates is not good.

Q. 8. Do you know how long after the meeting the correspondence referred to was commenced, and how long it continued?

A. It began in the spring of 1850, some months after the meeting, and continued for a few months.

Q. 9. Are you absolutely certain that you had received this volume from Mexico before you commenced this correspondence?

A. I am; for we made the examination of the title, as far as the means in our power would extend, before we took steps for having the survey made, and I know that this volume was one of the first evidences of title placed in my hands. The first step we took towards a survey was the correspondence referred to, which was commenced for the purpose of securing the services of Major Barnard.

Q. 10. From the whole of your statement it seems to me to result, that you got this volume between the date of the public meeting at which you were appointed chairman of a sub-committee, and the commencement of that correspondence?

A. It is impossible for me to say now whether I received the volume just before or just after that meeting. I had gone to Mobile, where Mr. Garay had just arrived on a steamer belonging to a line which then connected with New Orleans *via* Mobile, and there had a conversation with him and obtained from him a great deal of the information which I afterwards used at that public meeting; and I think it was on that visit I received this volume, together with some other publications. Still, I am not certain but I may have received the volume a day or two after that meeting.

Q. 11. Is it at all possible for you to swear that you received this volume at any particular date during the time you were considering the Garay title?

A. It is; for I know this volume was one of my main reliances from the beginning.

Q. 12. Are you at all certain that you got this book from Garay?

A. I am certain of it. I had no other source to get it from. It was handed to me by him, and when I received it it had in it the ink marks referred to in my direct examination.

Q. 12. *a*. Of course you mean that there were marks at those passages, and not that you identify the marks themselves?

A. I cannot identify the marks, of course. If a duplicate volume were presented to me similarly marked I could not identify them.

Q. 13. About what time were you done with the book for the purposes you have mentioned; what did you then do with it, and what became of it?

A. I continued to use the book for some years in the correspondence which ensued in relation to the treaties between the United States and Mexico on the subject of the Garay grant and right of way. I wrote arguments and pamphlets in support of the title, corresponded with Mr. Webster and Mr. Conrad—then members of our cabinet—and with Mr. Letcher, our Minister at Mexico; and was in constant use of this volume for references on that subject. The volume was kept in a paper-case, in my office in New Orleans, exclusively devoted to Tehuantepec business, and I took it, with all important Tehuantepec business, with me to Washington, where it was kept in a paper-case in a room adjoining my library. On my election to the United States Senate, I carried a portion of my law-library and a number of documents and papers, including the Tehuantepec papers, with me to Washington. This removal took place in November, 1853. Whilst in Washington the volume remained in that paper-case, with the exception of one or more occasions before referred to, when loaned to Mr. Burwell, who borrowed it, as before stated, during the first two or three years following the removal of the book to Washington. When Mr. Burwell borrowed the book he always returned it to me within a few days. The book then remained in my office until I delivered it, as before mentioned, to Mr. Rockwell.

Q. 14. Was not the room adjoining your library, where that paper-case was kept, a part of your business or law office in Washington, or accessible at all times to your friends, clients, and visitors; and was not the paper-case kept unlocked?

A. It was. The room was in the second story of my house, and was always accessible to those who called on me. Neither the room nor the paper-case were kept locked.

Q. 15. When Mr. Burwell had the book, I suppose you don't know, of course, where he kept it, and whether it was not circulated about Washington in the hands of any persons who might feel an interest in its contents?

A. Certainly not; I know nothing on that subject.

Q. 16. During the time you were studying the Garay title did you pay any serious attention to this volume; did you study it?

A. I studied carefully those parts of it which in my judgment could be at all useful in vindicating the validity of the Garay grant; especially those portions which gave a history of the successive changes of the different administrations and revolutions in Mexico.

Q. 17. Did it not strike you with a great deal of surprise that you should find conclusive proof of the New Almaden titles—as Mr. Rockwell considered it—in the same volume on which you mainly relied to establish the Garay title, and that all this while you had not observed anything on that subject?

A. It did not, because Mr. Rockwell had previously told me what was in Lafragua's volume, and we only looked at it to see if it was the same volume we had been speaking of; and it is not at all surprising that I had never seen anything in it in relation to the quicksilver mine, for I would be unable even now to say what the volume contains on any given subject, except those of the New Almaden and Tehuantepec. At the time Mr. Rockwell and myself first looked at the volume, I had not read it for years, and knew little or nothing with regard to the controversy respecting New Almaden.

Q. 18. At the time Mr. Rockwell called your attention to it, and upon examination, you for the first time discovered that it contained passages on the subject of the quicksilver mine; did you copy those passages, or take any other means of impressing them on your recollection?

A. I did not. Mr. Rockwell seemed pleased that I had a copy of the book, and begged me to let him take it, and I let him do so, as it might be useful to his clients. I had then not been retained, but was immediately afterwards.

Q. 19. Fix, if you please, as exactly as you can, the date when this happened.

A. This occurred a few weeks before Mr. Rockwell, Mr. Crittenden, Mr. Johnson and myself gave a written opinion to Messrs. Goodhue & Co. relative to the title, which opinion was published in the newspapers almost immediately afterwards.

Q. 20. When did you next see this book?

A. In Washington, after I gave it to Mr. Rockwell—I can't remember when—he showed it to me one day with the certificate annexed to it, and not again until I saw it in San Francisco, as before stated.

Q. 21. It was then nearly two years after the book went out of your possession, that you received it again in San Francisco from Mr. William E. Barron?

A. About eighteen months, as near as I can judge.

Q. 22. At the moment that you delivered the book to Mr. Rockwell, I understand you were not yet retained as counsel in the case?

A. Not yet. An offer had been made to me, but no agreement concluded.

Q. 23. You were not then as well informed of the points most contested on the validity of this title as you are now?

A. By no means. I only knew generally that the title was attacked as fraudulent and ante-dated.

Q. 24. Did you make any list of the number of passages in the book which went to prove this title, and the pages on which they are to be found?

A. I made no memorandum whatever in relation to it.

Q. 25. How would it be possible, under these circumstances, for you now to identify the words, the tenor, and the effect of the passages which were in the book at the time when you gave it to Mr. Rockwell, and be enabled to exclude the possibility of any substitution or change during the eighteen months which elapsed before the volume was returned to you by Mr. William E. Barron in this city?

A. If the passages referred to were presented me in writing or print, or in any other volume than the one now produced by me, I would be unable to say anything further than that they corresponded generally with my recollection; but the general appearance of the volume itself, my frequent use of it, satisfy me beyond all reasonable doubt that it is the same volume I had so long in my possession; yet I will not state that a substitution or change is an absolute impossibility.

Q. 26. Will you please look at the volume produced by you, and refer to the passages which have been offered in evidence in this case by the claimant, viz., those parts of the Lafragua Report and Appendix which are relied upon as supporting the Castillero title, and say whether on these pages there are any marks upon the margin, or elsewhere, made by yourself; and if yea, at what time made?

A. At page 65 there is a pencil mark on the margin; another at page 136; another at page 146: of these three passages the first only is pencil-marked by me, but cannot recollect when I did it; I think recently, since I have been in San Francisco.

Q. 27. Refer to the same papers in the same book, and say whether there are any marks made by yourself, before you delivered the volume to Mr. Rockwell, to be found on any of the pages comprised in the same signatures (which are the marks used by printers to show the number of pages printed on any single sheet of paper, and which marks are always placed at the bottom of the first page) which contain those passages respectively.

A. There are none.

Q. 28. Can you tell me what difficulty there would have been during the eighteen months which elapsed, after you delivered the volume to Mr. Rockwell, and before it was returned to you by Mr. William E. Barron, in taking out of that volume any one or all of the signatures containing those passages and substituting other signatures in their places; and if such a thing had been done, what means you would now have to detect the change.

A. I only say on this subject, that without knowing anything of the printer's or binder's art, it appears to me to be almost an impossible feat: from the color of the paper which has become yellowed by age, and of which the tinge appears to be exactly the same throughout, the texture of the paper and the looks of the print, I don't believe anybody could do it.

Q. 29. As to the color of this paper, you are of course unable to say to what extent it is the color, etc., it had when manufactured, and to what extent it derives it from age?

A. I have no knowledge on this subject, except that derived from my familiarity with old books.

Q. 30. Further than such circumstances as these of the color, texture, etc., of the paper, and the difficulties in the way of printers and bookbinders taking out signatures from volumes, and putting other signatures in their places, do you know of any guaranty other than the mere integrity of the persons who had this book in their hands since it went out of your possession, that there has been neither substitution nor change in these passages, considered so important by the persons who have been keeping the volume?

A. I cannot be supposed to know the extent to which the art of the forger and counterfeiter has gone; what I mean to say is, that I have no other means of ascertaining the impossibility of such substitution than the appearance of the book itself, whilst at the same time I have full confidence in the integrity of both Mr. Rockwell and Mr. Barron.

Q. 31. If all this book had been in manuscript at the time you gave it to Mr. Rockwell, and when eighteen months afterwards returned to you by Mr. Barron, and you had no more knowledge of the words, tenor and effect of the passages relied on than you have testified to, and no recollection of the handwriting, would it not in that case come with as much conviction to your mind as this book comes now, that there has been neither substitution nor alteration during the time it was out of your possession?

A. I don't think the state of facts supposed by this question is possible. I could not have a manuscript volume in my possession a number of years, and refer to it frequently and study it, without becoming familiar with the handwriting. If it were composed of different parts in different handwritings, I would become familiar, of course, only with that part to which I was in the habit of referring, and would recognize that part alone; but this seems to me to be printed throughout with the same kind of type, with variations of course in size, according to the nature of its contents; and those portions to which my attention has been directed present to me, unlearned in the art, no appreciable difference from the pages which precede and follow. All I can say is, in general terms, that the volume appears to me to be the same, in all its parts, as the one I delivered to Mr. Rockwell; that I have no doubt of it myself; but cannot undertake to say that a substitution by an artful forger could not have been made, nor that there was not time enough to have done so.

Q. 32. Do you not observe that as you cannot swear to the words, tenor or effect of the passages which went out of your possession eighteen months ago, that your conviction that they are the same passages which now come back into your possession, depends entirely on your opinion (unlearned in such matters) of the difficulties in the way of printers and book-binders, and on your full belief in the integrity of the interested parties who have had the custody of the volume?

A. Certainly.

### DIRECT EXAMINATION RESUMED.

Q. 33. Do you not recognize in the extracts from the book, substantially in tenor and effect, the passages to which your attention was directed at the time you first brought out the book to Mr. Rockwell; and if so, is not that another ground of identification?

A. What I remember is this—that in the volume, as Mr. Rockwell and I saw it together, there was a relation of the discovery of the mine of Castillero, its richness, and of some arrangements having been made between him and some government officers about it, and of course the fact that this relation and these papers are found in this volume is one of the grounds of my recognition; but my recollection of the contents of the volume on that subject would never suffice of itself to enable me to identify it with any certainty, unless accompanied by my familiarity with its general appearance, with those parts especially referring to the Tehuantepec grant, and with the other considerations mentioned in question 32d.

### CROSS-EXAMINATION RESUMED.

Q. 34. Are you able clearly to distinguish at this day between the impressions which you may retain of what you and Mr. Rockwell saw in the volume together, when you gave it to him eighteen months ago, and those impressions which you may have received more recently?

And at the same time, as you have spoken of book-binders, please say whether this volume is not and always has been an unbound volume, a collection of sheets stitched together after the fashion of a pamphlet?

A. I am able to distinguish those impressions to this extent: I remember being exceedingly struck with the richness of the ore, and remember coming to the conclusion that the passages contained in the book were totally irreconcilable with a theory which I was told was the theory of attack on the titles: to wit, that they had been forged and ante-dated. Further than this, I will not undertake to distinguish my impressions.

As regards the question whether the book is a bound volume or not, it would be usually termed unbound. It is stitched together, and the backs of the sheets glued together, but it had no other cover than a paper one, of which cover nothing now remains but a portion on the back.

Q. 35. You speak of coming to a conclusion as to the incompatibility of what you saw, and what was represented to you by Mr. Rockwell; you mean of course a mere first impression which a man gathers from the statement of a third person upon an entirely new subject?

A. I mean this: Mr. Rockwell told me that the titles produced by the owners of the mine corresponded exactly in dates and contents with the statements in that book. The passages in the book therefore were utterly irreconcilable with the theory of fraud and ante-dating. Mr. Rockwell did not produce the titles before me, and consequently I made no comparison.

J. P. BENJAMIN.

Sworn to and subscribed before me, this 13th day of September, A. D. 1860,

JOHN B. WILLIAMS,
U. S. Commissioner.

Filed Sept. 18, 1860.
W. H. CHEVERS, Clerk.

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## EXHIBIT J. P. BENJAMIN, No. 1, J. B. W.

EXTRACTOS *de Memoria de la primera Secretaria de Estado y del despacho de Relaciones Interiores y Esteriores de los Estados Unidos-Mexicanos, leida al soberano congreso constituyente en los dias* 14, 15, *y* 16 *de Diciembre de* 1846, *por el ministro del ramo, C. Jose Maria Lafragua. Mexico:* 1847. *Imprenta de Vicente G. Torres.* 1847.

[Page 65.]
* * "En el Estado de San Luis Potosi, se hallen en proporcion los metales que se benefician, y el azogue que se estrae, y en la alta California se ha descubierto un criadero, cuya ley sobrepuja á la de la mejor mina que se conoce, la de Almaden, la cual no produce mas de un trece por ciento, cuando la nuestra, en los ensayos practicados en el Colegio de Mineria de esta Capital, sube á un trienta y cinco y medio por ciento." *

[Page 66.]
* * "Yo recomiendo al soberano congreso que fije su atencion en este ramo, haciendo de la esplotacion de nuestro azogue, una verdadera empresa nacional, cuya importancia no se puede encarecer demasiado, bien sea creando un fondo, ò bien dictando otras medidas oportunas." * *

[Page 118. Documentos Justificativos.]

## Num. 52.

(Page 64.)

"SECRETARIA DE LA JUNTA DE
FOMENTO ADMINISTRATIVA DE MINERIA.}

Exmo. Señor:—En cumplimiento de la superior orden de V. E. de 3 del presente, contraida á que esta Junta le dé cuenta de los asuntos confiados á su cuidado desde la época en que lo hizo en el año de 1845, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al congreso general de la nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años, y de la situacion en que hoy se encuentran, con las reflexiones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes;" * *

[Page 136.]

* * * "La Junta en 21 de abril, próximo pasado, pasó á la facultativa del colegio unas muestras de cinabrio que presentó D. Tomas Ramon del Moral á nombre de D. Andres Castillero, vecino de la Alta California, con una esposicion en que pide se le auxilie para trabajar una mina que ha descubierto en la mision de Santa Clara, conocida por los antiguos indios, quienes sacaban de ella el bermellon para pintarse el cuerpo. Hecho el ensaye por el profesor de química, resulta que los metales en comun produjeron la estraordinaria ley de 35½ por 100, lo que se participó al gobierno en 5 de mayo, manifestándole que se habia preguntado al Sr. Castillero cuales eran los auxilios que necesitaba de la Junta.

Este Señor presentó su solicitud en forma, y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducida á que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirviesen en los reconocimientos hechos anteriormente, y todos los frascos para azogue que tiene en el negociacion de Tasco. El Sr. Castillero se obligó por su parte á entregar dicha anticipacion en azogue, á razon de cien pesos quintal dentro de seis meses de su salida en el puerto de Mazatlan. Este convenio fué aprobado por el supremo gobierno en 20 del mismo; pero á vírtud de la declaration hecha por los Estados-Unidos del Norte, cuando iba ya á recibir la libranza sobre Mazatlan, el ministerio pasó la órden de 19 de setiembre de este año, mandando suspender todo pago del ramo de azogues, á escepcion de los gastos alimenticios del colegio y la oficina." * * *

* * * "No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder á la alta confianza con que la honró el gobierno. Una parte de ellos van especificados en la presente nota, y las demas se hallan consignados en las memorias, informes, y multitud de comunicaciones que obran en ese ministerio. Por ahora únicamente se reducirá á asegurar lo que consta de esos documentos, á saber: que el espiritu de la empresa se llegó á estimular en terminos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por companias, y ya tambien por particulares; que en el de San Luis Potosi, el azogue que se estrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del estrangero; que en la Alta California, en el presidio de Santa Rosa, ha llegado á descubrirse un gran criadero, por el Sr. D. Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayes practicados en el colegio de Mineria que la que dan los frutos comunes sube á un 35¼ por 100, cuando los de la mejor mina que se conoce, que es la de Almaden, no pasa de un 13 por 100; y en fin, que por todos los datos que se han reunido, se puede esperar descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ha podido llevarla á cabo, porque se le privó de uno de sus fondos del 1 por 100 de la circulacion de la moneda sin sustituirle otro, y porque del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el gobierno en los apuros del erario, ha usado de los restantes. El mal se ha agravó hasta el estremo lamentable de quedarse sin ninguno, por la órden de 10 de mayo ultimo, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la Junta no se detendrá á pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado." * * *

## TRANSLATION OF EXHIBIT J. P. BENJAMIN No. 1.

EXTRACTS *from the report which Don José Maria Lafragua, Minister of Interior and Exterior Relations, read to Congress on the* 14*th*, 15*th and* 16*th of December*, 1846, *and of the report by Vicente Segura, President of the Junta de Fomento de Mineria, addressed to said Minister on the* 17*th November*, 1846.

[Page 65.]

* * * "In the State of San Luis Potosi, the metals reduced, and the Quicksilver extracted, are in proportion; and in Upper California a mine (*criadero*) has been discovered, whose *ley* surpasses that of the best mine known, that of Almaden, which does not produce more than thirteen per cent., while ours, by the assays made in the College of Mining, of this capital, exceeds thirty-five and a half per cent." * *

[Page 66.]

* * * "I recommend the sovereign Congress to direct its attention to this subject, making the production of our quicksilver a truly national enterprise, the importance of which cannot be overrated; either by creating a fund, or dictating other suitable measures." * *

[Page 118.]

### Number 52.

"SECRETARY'S OFFICE OF THE JUNTA DE FOMENTO Y ADMINISTRATIVA OF MINING.

"Most Excellent Sir:—In compliance with your Excellency's superior order of the 3d inst., directing this Junta to give you an account of the matters confided to its care since the time of its report in 1845, and of their present condition, with the object of having them in view when forming the *Memoria* which you are to present to the general Congress of the nation as soon as it shall be installed, the Junta has the honor to submit to your Excellency a simple historical relation of the management of the most important matters with which it has been occupied for the last two years, and their present situation, with the reflections and recommendations which it has been deemed suitable for the better and more faithful performance of its duties."

[Page 136.]

* * * "The Junta, on the 21st of April last, sent to the professional Board (Junta Facultativa) of the College some specimens of cinnabar which Don Tomas Ramon del Moral pre-

sented, in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he has discovered at the Mission of Santa Clara, known by the old Indians, who got out of it vermillion to paint their bodies. The assay having been made by the Professor of Chemistry, it resulted that the ores in common produced the extraordinary ley of thirty-five and a half per cent, which was communicated to the Government on the 5th May, representing to it that Señor Castillero had been asked what assistance he required of the Junta.

"This Señor presented his petition in due form, and it having been very attentively examined by the Junta, he made his propositions, to which this (Junta) agreed, to wit, that there should then be delivered to him five thousand dollars in money, eight iron retorts, of those which the Junta ordered to be made for the examinations previously made, and all the quicksilver flasks it has in the negociation of Tasco. Señor Castillero obligated himself, on his part, to repay said advance in quicksilver, at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration of the blockade made by the United States of the North, when he was about to receive the draft on Mazatlan, the Ministry issued the order of September 19th of this year, directing the suspension of all payments of the branch of quicksilver, except some for the support of the College, and the expenses of the office."

* * *

[Page 146.]

* * * "This is not the occasion to present together all the labors of the Junta, to correspond to the high confidence with which the Government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in the Ministry. For the present it will merely assure what is shown in these documents, to wit, that the spirit of enterprise has been so stimulated that the quicksilver mines in the principal Departments of the Republic are being worked, both by companies and also by individuals; that in that of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that in that of Upper California, in the Presidio of Santa Rosa, there has been discovered by Señor Don Andres Castillero a great mine, the *leys* of which are truly surprising, since it results from the assays made in the College of Mining that the common fruits

show a ley of over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped, on good grounds, that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

"This grand national enterprise the Junta has not been able to carry out, because it was deprived of one of its funds, of one per cent. of the circulation of money, without substituting any other, and because of the remaining fund it could only dispose of one-third part, since the Government, in the distress of its treasury, has used the rest. The evil was increased to the lamentable extremity of leaving it (the Junta) without any, by the order of the 10th of May last, which directed the suspension of all the payments which were made by the public treasury. The sad results of such determinations the Junta will not stop to detail; they are manifest from what has already been here shown." * * * * * *

# STIPULATION ADMITTING EVIDENCE.

U. S. DISTRICT COURT.

THE UNITED STATES
*v.*
ANDRES CASTILLERO.
No. 420.

It is hereby stipulated and agreed that the following named Exhibits be filed on the part of the claimant, subject to all legal objections except such as are provided for by this stipulation:

Exhibit Castillero No. 4, J. B. W.—Certificate of Lic. Fran$^{co}$. Enciso, Mexico March 11, 1856.

Exhibit Castillero No. 5, J. B. W.—Letter: Andres Castillero to Alexander Forbes, January 14, 1847.

Exhibit Castillero No. 6, J. B. W.—Letter: James A. Forbes to Alexander Forbes, January 13, 1849.

Exhibit Castillero No. 7, J. B. W.—Letter: James A. Forbes to Barron, Forbes & Co., October 27, 1849.

Exhibit Castillero No. 8, J. B. W.—Letter: James A.Forbes to Barron, Forbes & Co., October 31, 1849.

Exhibit Castillero No. 9, J. B. W.—Certified copy of denouncement of Pedro Mesa and others, January 31, 1848.

Exhibit Castillero No. 10, J. B. W.—Certified copy of denouncement of José Suñol, February 5, 1848.

Exhibit Castillero No. 11, J. B. W.—Certified copy of denouncement of Ygnacio Soto, February 7th, 1848.

Exhibit Castillero No. 12, J. B. W.—Certified copy of denouncement of Ygnacio Soto, February 13, 1848.

Exhibit Castillero No. 13, J. B. W.—Certificate of R. C. Hopkins, September 27, 1860.

Exhibit Castillero No. 14, J. B. W.—Testimony of D. Teodoro Sotomayer and others, taken in Mexico.

It is further stipulated and agreed that M. G. Vallejo will prove the handwriting of and the signature to Exhibit Castillero No 5, and that John Young will prove the indorsement on same Exhibit to be in the handwriting of Robert Walkinshaw, deceased, and that B. Davidson will prove the signatures to Exhibits Castillero, 6, 7 and 8.

Dated at San Francisco, October 1, 1860.

And, it is further stipulated that General M. G. Vallejo will prove the handwriting of Castillero in the parts of Exhibit J. Y. No. 1, W. H. C., which in the written statement of R. C. Hopkins, he says he believes to be in the handwriting of said Castillero.

October 1, 1860.

PEACHY & BILLINGS,
Claimant's Atty's.

EDMUND RANDOLPH,
Asst. Counsel U. S.

Filed October 4, 1860.

W. H. Chevers, Clerk.

# EXHIBIT CASTILLERO No. 4, J. B. W.

SELLO CUARTO [SELLO.] UN REAL.

Años de mil ochocientos cincuenta y seis y cincuenta y siete.

El C. Lic Francisco S. de Enciso, minero matriculado y Presidente de la Diputacion territorial de mineria en el Estado de Oajaca.

Certifico: Que durante el tiempo que he sido presidente del tribunal espresado, y con anterioridad á ese periodo, en los diversos en que he servido en el mismo tribunal como uno de sus miembros, he visto que por una practica constante y no interrumpida, los habitantes de los pueblos lejanos de la Capital han presentado varios denuncios de minas de oro, plata y otros metales ante los Alcaldes ó justicias ordinarios de dichos pueblos, ó de los mas inmediatos, cuyos denuncios les han sido admitidos por dichos funcionarios, y en virtud de este titulo han entrado los denunciantes en posecion de sus minas, en la que han sido mantenidos hasta hoy sin haber sido inquietados, ni perturbados por persona alguna. Ygualmente certifico: que esta practica há sido aprobado tacita y espresamente por el tribunal de mineria, y que ella se há observado á vista ciencia y paciencia de las autoridades todas del Estado.

Y para la debida constancia, á pedimento de los Señores Barron, Forbes y compania, firmo la presente.

Mejico 11 de Marzo de 1856.

LIC. F$^{co}$. ENCISO.
[Rubric.]

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El Ciud$^{o}$. Simon Negreiros Escrib$^{o}$. Pub$^{co}$. de Grrā. y de Estado Mayor Gra$^{l}$.

Certifico y doy fé que la firma que antesede es la que husa y acostumbra el S. L. D. Fran$^{co}$. Enciso veciño de Oajaca y diputado presidente de la Diputacion de Mineria. Y para constancia pongo la presente en Mej$^{co}$. á veinte y seis de Marzo de mil ochocientos cincuenta y seis.

†
SIMON NEGREIROS.
[Rubric.]

Los Ynfrascriptos Escribanos publicos del Numero.

Certificamos y damos fee: que el signo y firmo con que esta autorizada la anterior certificacion, son de nuestro compañero Don Simon Negreiros, Escribano publico como se titula, por lo que, á lo que apere autorizado con su signo y firma, se há dado y dá entera fee y crédito asi en juicio como fuera de él. En cuya comprobacion ponemos la presente, quedando agregado el Sello de nuestro Nacional Colegio, en Mejico á veinte y ocho de Marzo de mil ochientos cincuenta y seis.

[SELLO.] †
FRAN$^{CO}$. VILLALON.
[Rubric.]

†
JOAQ$^{N}$. VIGUERAS,
Escribano Pub$^{co}$.
[Rubric.]

†
AG$^{TO}$. VERA.
[Rubric.]

—

No. 94. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 28th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signatures of Joaq$^{n}$. Vigueras, Ag$^{to}$ Vera and Fran$^{co}$. Villalon, subscribed to the foregoing certificate, are in the proper handwriting of said persons respectively, the same as used by them in all their official acts, who are all well known to me, and were at the time of subscribing their respective names duly authorized Notaries Public of this city, and that all their official acts are entitled to full faith and credit as such, jointly and separately.

Register H, folio 126.

Fees $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]
JOHN BLACK,
*U. S. Consul.*

## TRANSLATION EXHIBIT CASTILLERO No. 4.

**FOURTH STAMP. [SEAL.] ONE REAL.**

The citizen Licentiate Francisco S. de Enciso, matriculated Miner and President of the Territorial Mining Deputation of the State of Oajaca, do certify that during the time I have been President of said Tribunal, and previous to that period, at the different times at which I have acted as member of that Tribunal, I have seen that as a constant and uninterrupted practice, the inhabitants of the towns remote from the Capital, have presented denouncements of mines of gold, silver, and other metals, before the Alcaldes and ordinary judicial authorities of said towns, or to those of the nearest towns, which denouncements have been accepted from them by said functionaries, and by virtue of this title the denouncers have gone into possession of their mines, in which they have been maintained to this day without having been troubled or disturbed by any one. I certify in like manner, that this practice has been tacitly and expressly approved by the Mining Tribunal, and that it has been observed under the eyes of and with the knowledge and acquaintance of all the authorities of the State.

And for due proof thereof, at the request of Messrs. Barron, Forbes & Co., I sign the present.

Mexico, 11th March, 1856.

LICENT. FCO. ENCISO.
[Rubric.]

—

The citizen, Simon Negreiros, Notary Public of War and the General Staff, do certify and give faith that the preceding signature is that which is used and commonly made by the Sõr. Licen't Don Francisco Enciso, a citizen of Oajaca, and Deputy President of the Mining Deputation. And in proof thereof, I give the present at Mexico the twenty-third day of March, eighteen hundred and fifty-six.

(Signo.)
SIMON NEGREIROS.
[Rubric.]

—

The undersigned Notaries Public, we do certify and give faith, that the signo and signature whereby the foregoing certificate is authenticated, are of our associate, Don Simon Negreiros, Notary Public, as he entitles himself, wherefore to all that appears authenticated by his signo and signature, there has been and is given entire faith and credit, as well in judicial proceedings as elsewhere. In proof whereof, we give the present, the Seal of our National College being affixed at Mexico the twenty-eighth March, eighteen hundred and fifty-six.

(Signo.) JOAQUIN VIGUERAS. [Rubric.]
(Signo.) AGUSTIN VERA. [Rubric.]
(Signo.) FRANCISCO VILLALON. [Rubric.]

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No. 94. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, March 28th, 1856.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signatures of Joaquin Vigueras, Agustin Vera and Francisco Villalon, subscribed to the foregoing certificate, are in the proper handwriting of said persons respectively, the same as used by them in all their official acts, who are all well known to me, and were at the time of subscribing their respective names duly authorized Notaries Public of this city, and that all their official acts are entitled to full faith and credit as such, jointly and separately.

Register H, folio 126.
Fees $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
*U. S. Consul.*

# EXHIBIT CASTILLERO No. 5, J. B. W.

S. D. Alejandro Forbes,

Mej$^{co}$. 14 de En$^{o}$ de 1847.

Muy Sr. mio de mi estimacion:

El Sr. D. Francisco Martinez Negrete me ha manifestado la buena disposicion q. V. tiene para poner mi Ysla de Sta. Cruz el amparo del Gobierno de S. M. B. Yo agradezco á V. lo mismo que al Sr. Negrete este favor, y al efecto acompaño una carta p$^{a}$ el Sr. D. José Ant$^{o}$ Aguirre vecino de California, el q. tiene mi poder y un documento que acredita mi propiedad.

Me ha parecido oportuno acompañar á V. cópia del título de posesion de D. José Reyes Berreyeza en donde está la Mina de azogue: en mi concepto no ocupa la posesion del mencionado Berreyeza, sino que se haya situada en terreno baldio: digole á V. esto porque así se me informó por varios coolindantes: la cópia que acompaño á V. es dada por él mismo y incluye en si una falsedad; porque el Gobernador Michiltorena solo le dió un sitio de tierra, segun á mi me ha informado el mismo Sr. Hago á V. esta Refleccion para que V. por un apoderado suyo registre el título del Berreyeza en el archivo de los Angeles, para que V. pueda tomar posesion de los otros dos que pertenecen à la compañia, y que ha concedido el Gobierno de Méjico.

He puesto en manos del Sr. D. Francisco Martinez Negrete una Memoria de la Junta de fomento, en la que hace relacion de varios concesiones particulares q. dá el Gob$^{o}$. á los Mineros de azogue. Puede q. alguna vez se necesite p$^{a}$ la introducion de dicho metal, y aun p$^{a}$ mandarlo á las minas.

Esta ocacion me proporciona ofrecerme á su disposicion p$^{a}$ q. mande lo q. guste á su afmō. y S. S. que at$^{o}$.

B. L. M.

ANDRES CASTILLERO.

[Rubric.]

P. L.—Acabo de recivir la favorecida de V. fecha dos del presente, y me reserbo p$^{a}$ contestarla hata que demas lectura á otras q. me quiere comunicar el S$^{r}$ D$^{n}$ Fran$^{co}$ Martinez Negrete.

[Addressed.]

Al Sr. D$^{n}$ Alejandro Forbes,
Consul de S. M. B., Tepic.

[Endorsed.]

D$^{n.}$ Andres Castillero to Mr. Forbes, Jan'y 14, 1847.

## TRANSLATION EXHIBIT CASTILLERO No. 5.

Sōr Don Alexander Forbes,

MEXICO, 14th January, 1847.

Esteemed Sir: The Sōr Don Francisco Martinez Negrete has informed of your willingness to place my Island of Santa Cruz under the protection of H. B. Majesty's Government. I thank you as well as Mr. Negrete for this favor, and to that end I enclose a letter for Sōr Don Antonio Aguirre, a citizen of California, who holds my power of attorney and a document which proves my property.

It has seemed to me proper to enclose you a copy of the title of possession of Don José Reyes Berreyesa, in which is situate the Quicksilver mine; in my opinion it is not within the possession of said Berreyesa, but is situate on vacant land. I state this to you because I was so informed by several adjacent proprietors (colindantes). The copy which I send you herewith is given by himself, and bears a falsehood on its face; for Governor Micheltorena gave him only one league (sitio) of land, as that gentleman himself has informed me. I remark this to you, so that you, by an agent of yours, may examine Berreyesa's title in the Archives office at Los Angeles, so that you may take possession of the other two which belong to the company and which the Government of Mexico has granted.

I have placed in the hands of Sōr Don Francisco Martinez Negrete a Report by the Junta of Encouragement, in which it mentions several special concessions which the Supreme Government makes to quicksilver miners. Perhaps it may sometimes be required for the introduction of said metal and even for sending it to the mines. This occasion allows me to place myself at your disposal, that you may command as you please your affectionate friend and servant who kisses your hand.

ANDRES CASTILLERO.
[Rubric.]

Addressed—To Sōr. Don Alexander Forbes, British Consul, Tepic.

# EXHIBIT CASTILLERO No. 6, J. B. W.

SANTA CLARA, 13th January, 1849.

Alexander Forbes, Esquire.

My Dear Sir:—I take advantage of a conveyance afforded to me by Mr. Frederic Probst to write you, in the hope that my letter may reach you before you shall have left for this coast.

I have already said to you in a separate communication how much I am pleased to receive your friendly letters. Those letters have been solacing to my feelings, inasmuch as they are the missives of friendship from one whom I have been anxious to serve, and toward whom I never entertained any feelings than those of veneration, respect and friendship. Perhaps over-sensitiveness has made me feel injured. I confess my spirit to be *fier*, and impatient under coercion, and who of my name is not? But enough of this. I hope your health is completely restored, and that we shall meet again soon in California. You will find me ready to renew our relations of friendship and good offices. Meanwhile be assured that your interests will be most cheerfully attended to by me, and in the event of it becoming necessary for me to assume the charge of the mine in the absence, or illness, of Mr. Walkinshaw, I shall do so.

The present winter has been so far very severe. We have had no rain of any consequence until the 6th of this month. It rained and blew from the south-east seven days. On the 11th it commenced snowing, and continued up to the present moment. The whole country is entirely covered with snow, an event which had not occurred for the last thirty-five years. The hills in the vicinity of the mine appear as if they were doomed to be bound up in ice for months. In fact, at the door of my house in the Mission the snow is three inches deep! You may judge what will be the fate of those poor wretches who are exposed to four feet of snow in the gold region, which as you know is at a much greater elevation than any inhabited part of California. The operations of the diggers will be suspended as long as this inclement weather shall continue. The major part of those who are still remaining in the mountains have been obliged to build log houses for their shelter, but they cannot travel about the country to obtain any supplies of food, and I should not be surprised to hear of starvation among them.

The price of gold has risen, that is to say, for cash. It cannot be obtained in any quantity for less than thirteen dollars. This is owing to the purchase made by your old friend, Com. Jones, who having surplus funds, has been purchasing at 12 dollars per ounce (troy of course), to which is to be added the purchases of other speculators.

I have to thank you for the tables and account of assays you caused to be made of the placer gold, and sent to me by the Cayuga.

With respect to the mine of Almaden, I think you will regret not having ordered retorts long since. I never could doubt the efficacy of some apparatus similar to those used for the extraction of gas. The work of the operatives you sent up in the first voyage of the Cayuga will always be useful. Those people will doubtless wish to go to the placer in the spring. Your information respecting Alden is incorrect, he has *not* been instrumental in detaining the people at the mine. I myself had great trouble by persuasion and threatening to keep the barreteros from going, and at the request of Mr. Walkinshaw was present at their new agreement with him to work by the "carga." But Alden is an efficient man if he be properly governed. He has no reason of complaint, for you have done more for him than any other man would have done; and if he studies his own true interest, he will not abandon your service. The foreign workmen left the mine by advice of Alden, and he himself would have left had he not been awaiting the arrival of his family.

I have received proposals from the house of Jecker, Torre & Co. for purchasing "barras" in the mine of Almaden. I have declined entering in any negotiation of this nature, but I have made proposals for them to take the habilitacion of the mine of Guadalupe, which is still in the state in which you saw it. Herewith I accompany a copy of my letter to D. Ysidro de la Torre upon that subject, for your government, and if he should not feel disposed to take the habilitacion, it would be more agreeable to me for you to include this mine in the negociation of Almaden, upon terms which may be advantageous to both parties. I may add that it is possible to obtain the major part of the shares in the mine of Guadalupe by judicious management.

I do not feel any satisfaction at the suppression of the 9th article of the treaty of peace between Mexico and the United States, nor at the substitution of the ambiguous phrase contained in the present 10th article of that treaty, as a great latitude is given for injustice towards the holders of land in California. I beg to impress upon your mind the importance of *suggestions* made by me *to you in my letter to you by Mr. Walkin-*

*shaw*, *May* 1847, *relative to such matters.* I have not the whole of the treaty, but those articles have come to my hands by accident. It is also important to me, and perhaps to you, to obtain a clear and accurate statement of the authority under which the Missions of California were founded; whether they were considered in justice to belong to the Government of Spain or Mexico; whether there exists any record of any title or titles of those Missions in Mexico, or in the possession of the Pious fund of California, I should say in the hands of Syndic of those funds; or whether, in fine, there exist any document of a positive grant by the Spanish Government to the lands in and about the precincts of each Mission. This is very essential in order to render valid the sales of Mission lands by the curators thereof to private individuals. It would be doing me a great favor if you could obtain authentic information upon these points. I have much to say to you upon other points, but I cannot write too much upon the subject to which I have alluded, contained in my letter above mentioned, and which I fear has escaped your memory. Please bear in mind that times have changed in California, and that there are more than two men of the stamp of *the Hon. John Ricord!* and that I may not be able to beat them off so easily as I did that rascal in the affair of Guadalupe and San Antonio. I expect to have another bout in relation to the latter mine.

I have not been at the placer since it *or they* were discovered, but in former times I have not only been over that country, but there have been men under my charge who were daily in all those tributaries of those rivers putting in from twelve to twenty beaver traps every night, and without stumbling upon a lump of gold!! The doctrine of *egalité et liberte* is most amply verified now in California. I cannot add the fraternity, for demoralization has increased very much since gold has become so plentiful!

This wonderful discovery will doubtless produce great detriment to California in general, but when the augmented population shall have exhausted the abundance of this precious metal, when intellectual labor and capital shall be required for the extraction of the gold from sands, then matters will resume their former channel, and doubtless before that time there will be a correspondent fall in the prices of merchandise of all kinds. For such prices as $75 for beef per bbl. and $90 for pork, 97 cents per lb. for ham, and $30 each for English blankets, must rouse the attention of merchants in all parts of the world. Even within the last two months there has been a great fall in the prices of provisions, which is an article of first necessity. Hence the policy of disposing of cargoes immediately.

It is a great pity that a large amount of cash could not have been sent by the first voyage of the Cayuga, or before, for the purchase of gold-dust for cash. It would then have been a brilliant negociation. There may be something done in the spring.

I have carefully perused all your communications to me by the Cayuga, and shall give them all attention.

My Consular duties continue uninterrupted. I have had a great deal of courtesy shown me by Com. Jones and Col. Mason. I was saluted the other day by the Commodore on a visit to his ship. A noisy compliment, but an acknowledgment of my official station and character.

I have already sent you my life certificate up to the 31st of December.

I remain, my dear sir,
Yours in all sincerity,
JAS. ALEX. FORBES.

# EXHIBIT CASTILLERO No. 7, J. B. W.

San Francisco, 27th October 1849.

Messrs. Barron, Forbes & Co., Tepic.

Gentlemen: Herewith I accompany a certified copy of the proceedings had in the court of the first instance of the district of San José, and before the Judge of the Supreme Court of California, in relation to the villainous transactions of Robert Walkinshaw and his colleagues to retain the possession of the mine of New Almaden.

This nefarious transaction has so far advanced towards its maturity that I am compelled to use every effort within my reach to frustrate the same; and so far, I am happy to say that I have been successful.

The principal dangerous points which I have most feared, is the abduction of some of the papers from the records of the Alcalde's office in San José, and the destruction of the title or order given by the Mexican Government to Castillero of the two leagues of land on the mining possession. In which view the denunciation of the mine was made, and that together with the purchase of the land of Berreyesa (which I so earnestly advised you to purchase), is the foundation for annulling the title to the mine on the part of the original proprietors.

This deep and villainous conspiracy had its origin in Walkinshaw, whom you may rest assured is the prime mover and agitator of all and every part of these proceedings, and he is aided by some other persons here, of whom I know only one. This is a Mr. Shillaber, who has come forward as the purchaser of that land which I pointed out to you on the map of New Almaden, in Tepic, and which you authorized me to purchase under certain restrictions.

It now becomes my duty to use my own discretion in the discharge of the great trust deposited by yourselves and Mr. Alexander Forbes in me, and which you shall find is not misplaced.

In order to strike a decisive blow at the iniquitous proceedings of Walkinshaw and his associates, it becomes of the most vital importance for me to purchase the aforesaid land, in which the mine and hacienda are comprised, and which the aforesaid Shillaber has endeavored to purchase for twenty thousand dollars. The contract entered into by the heirs of Berreyesa, the owner of the land, was a fraudulent contract made out by Antonio Games, the brother-in-law of Walkinshaw, but upon which no consideration has been received at the stipulated time by the Berreyesa's, who consequently, (that is to say the two younger brothers who signed a contract to sell), in co-operation with their mother, declared the contract null and void. They were offered twenty-five thousand dollars by Shillaber on Sunday morning last, after I had frustrated the sale of the land to him, and refused.

My object in coming here now, is to obtain the money for the payment of that land which I have purchased for account of the negociation, and for which *I must pay* the sum of thirty thousand dollars. I leave this to-night to secure the title deed, which you may rest assured shall be executed with all the formalities and precise designation of boundaries, as shall admit of no future difficulty.

In these arduous and harrassing proceedings, I am consoled by the reflection that I am performing my duty towards those interested, in the confidence that I shall be sustained by yourselves and your colleagues in this most important business, and if it shall be supposed that I have made sacrifices, all I can say is, that in the first place I have not been able to accomplish the purchase of that land before this, by reason of the injudicious proceedings of Walkinshaw, and that now when it comes to this stage, I am bound to save you all and myself from ruin, in the loss of this invaluable property.

All I require is your backing, your support and your belief that you shall be defended by me until the last gasp.

I remain, gentlemen,

Yours most sincerely,

JAS. ALEX. FORBES.

P. S.—I shall endeavor to write you by this packet, advising the result of my proceedings.

# EXHIBIT CASTILLERO No. 8, J. B. W.

Santa Clara, 31st Octr. 1849.

Messrs. Barron, Forbes & Co.

Gentlemen: :—Herewith I accompany a copy of a letter that I addressed to the Secretary of State of California, accompanying to him a copy of the proceedings of the Tribunal of First Instance of the District of San José, in relation to the mine of New Almaden.

I have the pleasure to inform you that the lawyer employed by me was heard in Monterey, before the Supreme Court in open session, on the 29th inst., (the members of which court had just been appointed by reason of the resignation of the former judges) and obtained the following decision from that court, viz.: That I am to be replaced in possession of the mine and its appurtenances as before; and in conformity to the order of Judge Burnett, and by the order of Governor Riley, the rascal judge May is suspended, and another person appointed in his place, and whose commission is already at the Pueblo.

I wrote to Mr. Alex. Forbes to send me certain law books from Tepic, which not having arrived, have been of the greatest necessity to me. Pray send them, and direct all my letters to Probst, Smith & Co., to whom I am much indebted for their active co-operation with me.

I remain, gentlemen,

Your obt. servt.,

JAS. ALEX. FORBES.

## EXHIBIT CASTILLERO No. 9, J. B. W.

—

Sor. Alcalde del Pueblo de San José de Guadalupe.

Pedro Mesa, José Suñol y Pedro Sansevain todos vecinos de esta poblasion ante la notoria justificasion de V. hacemos presente, que haviendo descubierto una Mina de Azogue hallandose situado a distancia de tres ó cuatro mil varas al Norte de la Casa de Don Juan Higuerra en Pala siguiendo asi al Norceste á la misma casa cuyo metal y piedras acompañamos á V. y queriendola trabajan en compania. Suplicamos á V. que arreglado á la ordenanza de mineria se sirva fijar rotulones en los parages publicos de la jurisdiccion para que llegando el tiempo de la posescion juridica aseguro nuestro derecho segun las leyes que tratan la materia.

Por tanto á V. suplicamos provee de conformidad de lo que resiberemos gracia y justicia admitiendo esta en papel comun por falta del sello correspondiente. Pueblo de San José de Guadalupe Enero 31 de 1848.

(Firmado) PEDRO SANSEVAIN,
JOSÉ SUÑOL,
PEDRO MESA.

Jusgado del Pueblo de San José de Guad$^{e}$. el dia 31 de Enero á las 8 A. M. de 1848. Certifico que esta denuncio fue resibido la fecha y la hora: juntamente con especimens del mismo metal liquida y en piedra lo que queda depositado en este Jusgado de mi cargo.

JAMES W. WEEKES, Alcalde.

Esta denuncio ha sido retirado par solicitasion de los interesados esta 3 dia de Febrero de 1848.

JAMES W. WEEKES, Alcalde.

Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on pages 1 and 2 of this contains a true, full and correct copy of an instrument now on file, and of record in this office, and recorded in Book II. of Deeds, on page 47 thereof.

Witness my hand and official seal hereto affixed at office,
[SEAL.] in the city of San José, the day and date in this certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÖELL, Deputy.

## TRANSLATION EXHIBIT CASTILLERO No. 9.

Sōr. Alcalde of the town of San José Guadalupe.

Peter Mesa, Joseph Suñol and Peter Sainsevain, all citizens of this town, before your notorious justification show, that having discovered a quicksilver mine situate at three or four thousand varas north of the house of Don Juan Higuera at the fig trees, running north-easterly from said house, the metal and ores of which we send you herewith, we pray you that according to the requirements of the mining *ordenanzas*, you be pleased to post notice in the public places of the jurisdiction, so that when the time for juridical possession arrives, our right may be secured according to the laws which treat of the subject.

Wherefore, we pray you to ordain in conformity, by which we will receive favor and justice, admitting this on common paper, there being none of the corresponding seal.

Town of San José Guadalupe, January 31, 1848.

(Signed) PEDRO SAINSEVAIN,
JOSÉ SUÑOL,
PEDRO MESA.

Tribunal of the town of San José Guadalupe, 31st January, 1848, at 8 o'clock, A. M., I certify that this denouncement was received at the date and hour, together with specimens of the same metal liquid and in ore, which remain deposited in this Tribunal in my charge.

JAMES W. WEEKES, Alcalde.

This denouncement has been withdrawn at the request of the parties interested, this 3d day of February, 1848.

JAMES W. WEEKES, Alcalde.

Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on pages 1 and 2 of this contains a true, full and correct copy of an Instrument now on record in this office, and recorded in Book 2 of Deeds on page 48 thereof.

[SEAL.] Witness my hand and official seal hereunto affixed at office in the City of San José, the day and date in this Certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÖELL, Deputy.

## EXHIBIT CASTILLERO No. 10, J. B. W.

José Suñol originario de esta Departamento Residente en este Jurisdiccion comerciante de profesion ante de V. como mas halla lugar en derecho se presente y dice que haviendo descubierto una veta de azogue en un rebosadero en el Cerro ó Cuchillo en que esta ubicado la mina de Nuevo Almaden y á la distancia de una legua poco mas ó menos desta acia al Noroeste y contigua á la Arroyo de las Capitancillos siendo al rumbo de la veta segun indica á la superficia entre Norte y Oeste muestra de cuya metal se presenta haciendo formal y legal registro de dicha beta y declara ser sus compañeros en esta registro Dn. Miguel Narbaes labrador originario de este departamento, Dn. Pedro Sansevain originario de Francia Ciudadano Mejicano naturalizado maquenista de profescion ambos residentes en esta Jurisdiccion y Dn. Gil Sanches natural de Mexico. Herrero de profesion residente en Monterey=y en virtud de que el ha de trabajar en compania tiene derecho de los cuatro pertenencias consedididas por la ordenanza=Por tanto á V. suplico se sirva de proveer este pedimento conforme á ley mandando fijar carteles y de habrier el correspondiente registro promitiendo el que pide abrir pozo de pozescion conforme á ordenanza y asi proveido que si devuelve al interesado para los fines que le convenga. Pueblo de San José, 5 de Febrero de 1848.

(Firmado) JOSÉ SUÑOL.

Jusgado del Pueblo de San José, 5 de Febrero de 1848. Certifico que esta denuncio fue presentado en esta Jusgado de mi cargo en la fecha ariba mencionado á las cuatro de la tarde, con los metales de muestra que espresa esta denuncio y jurado ser sacado de dicho mineral.

JAMES W. WEEKES,
Alcalde.

Archibado esta 7 dia del Febrero del año de 1848.

JAMES W. WEEKES,
Alcalde.

Recorder's Office, Santa Clara county, California September, 21, A. D. 1860. I hereby certify that the foregoing on pages 1 and 2 of this contains a true, full, and correct copy of an in-

strument now of record in this office, and recorded in Book II. of Deeds, on page 51 thereof.

[SEAL.] Witness my hand and official seal hereto affixed at office, in the City of San José, the day and year in this certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÖELL, Deputy.

## TRANSLATION EXHIBIT CASTILLERO No. 10.

José Suñol, native of this Department, resident of this jurisdiction, merchant by profession, presents himself before you as best he may in law, and says, that having discovered a vein of quicksilver in a pocket in the hill or divide (cuchilla), in which the New Almaden mine is situate, and at the distance of a league more or less from the latter towards the north-west, and contiguous to the Capitancillos creek, the direction of the vein, as indicated on the surface, being between north and west, specimens of the ore of which are presented, making formal and legal registry of said vein, and he declares that his partners in this registry are Don Miguel Narbaes, cultivator, native of this Department, Don Pedro Sainsevain, a native of France, naturalized Mexican citizen, machinist by profession, both residents of this jurisdiction, and Don Gil Sanchez, native of Mexico, blacksmith by profession, resident at Monterey—and as he is to work in company, he is entitled to the four pertenencias granted by the *ordenanza*. Wherefore I pray you to be pleased to deal with this petition according to law, ordering notices to be posted, and the corresponding registry to be made, the petitioner promising to open a possessory pit according to the ordenanza, and being thus dealt with it be returned to the party interested, for the ends which may suit him. Town of San José, February, 5th, 1848.

(Signed.) JOSÉ SUÑOL.

Tribunal of the Town of San José, February 5th, 1848.

I certify that this denouncement was presented in this Court under my charge, at the date above stated at four o'clock in the afternoon, with the sample ores mentioned in this denouncement, and sworn to as having been taken from said mine.

JAMES W. WEEKES, Alcalde.

Recorded this 7th day of February, 1848.

JAMES W. WEEKES, Alcalde.

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Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on page 1 and 2 of this contains a true, full, and correct copy of an instrument now of record in this office, and recorded in Book II. of Deeds, on page 51 thereof.

[SEAL.] Witness my hand and official seal hereto affixed at office in the City of San José, the day and year in this certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÖELL, Deputy.

# EXHIBIT CASTILLERO No. 11, J. B. W.

Sor. Alcalde 1°.

Ygnacio Soto originario de este Departamento labrador de profesion y residente en esta Jurisdiccion. Ante Vª. como mas haya lugar en derecho se presenta y dice que haviendo descubierto una veta de Azogue, en el cerro en que esta ubicado la Mina de Nuevo Almaden y a la distancia de cuatro mil y poco de varas mas o menos de la misma hacia el Noroeste, siendo el rumbo de la veta (segun se indica en la superficie) entre los dichos puntos, y muestra de cuyo metal se presente con este: haciendo formal y legal registro de dicha veta declarando el que habia ser su intencion trabajar dicha veta, en compañia de los ciudadanos Andres Martines y Domingo Soto naturales y vecinos de esta Jurisdiccion en cuya vertud promete verificarlo conforme á ordenanza para obtener los premios correspondientes. Por tanto, A. V. Suplica se sirva de mandar proveer este pedimento conforme a la ley, mandando fijar carteles y de abrir el correspondiente registro, y asi proveido que se devuelva al interesado para los fines que convenga. Pueblo de San José Guadalupe Siete de Febrero de un mil ochocientos cuarenta y ocho.

(Fermado) YGNACIO SOTO.

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Jusgado del Pueblo de San José, Guad$^{e}$ 7 de Febrero de 1848. Ha se presentado este pidimento hoy siete de Febrero de mil ochocientos cuarente y ocho a los diez de la mañana ante mi el infrascrito Alcalde 1° de este Jurisdiccion, y ordene a la parte con el arreglo del Art. 4° del Titulo 6° de la Ordenanza Abilita su pozo de posecion mazde fijar los carteles tomandose razon de toda el espresado en el correspondiente Libro de Registro y debuelvose a la parte asi le ordené mande y probei yo el citado Juez de que doy fé.

JAMES W. WEEKES, Alcalde.

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Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on pages 1 and 2 of this contains a true, full and correct copy of an Instrument now on record in this office, and recorded in Book 2 of Deeds on page 48 thereof.

[SEAL.] Witness my hand and official seal hereto affixed at office in the City of San José, the day and date in this Certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÓELL, Deputy.

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## TRANSLATION EXHIBIT CASTILLERO No. 11.

Sōr. 1st. Alcalde.

Ygnacio Soto, native of this Department, cultivator by profession, and resident of this jurisdiction, presents himself before you as best he may in law, and says, that having discovered a vein of quicksilver in the hill in which is situate the mine of New Almaden, and at the distance of four thousand and odd varas more or less from the same towards the north-east, the direction of the vein (as shown on the surface) being between the said two points (north and east), and specimens of the ores of which are herewith presented, making formal and legal registry of said vein, the speaker declaring it to be his intention to work said vein in company with citizens Andres Martinez and Domingo Soto, natives and residents of this jurisdiction, in virtue whereof he promises to do so according to the ordenanza to obtain the corresponding rewards.

Wherefore, he prays you to be pleased to order that this petition be dealt with according to law, ordering notices to be posted, the corresponding registry to be made, and having been so dealt with that it be returned to the party interested for the ends which may be proper.

Town of San José Guadalupe, February 7th, eighteen hundred and forty-eight.

(Signed) YGNACIO SOTO.

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Tribunal of the town of San José Guadalupe, 7th February, 1848.

This petition was presented to-day, 7th February, eighteen hundred and forty-eight, at ten o'clock in the forenoon, before me, the undersigned, 1st Alcalde of this jurisdiction, and I ordered the party, in conformity with Art. 4, Title 6th of the Ordenanza, to habilitate his possessory pit; I ordered the notices to be posted, note being taken of all the foregoing in the corresponding Book of Registry, and let it be returned to the party. Thus I, the said Judge, ordered, commanded, and provided, of which I give faith.

JAMES W. WEEKES, Alcalde.

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Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on pages 1 and 2 of this contains a true, full and correct copy of an Instrument now on record in this office, and recorded in Book 2 of Deeds on page 48 thereof.

[SEAL.] Witness my hand and official seal hereto affixed at office in the City of San José, the day and date in this certificate first above written.

JNO. R. WILSON, County Recorder.
By GEO. M. YÓELL, Daputy.

# EXHIBIT CASTILLERO No. 12, J. B. W.

Sōr Juez de Paz: Ygnacio Soto Ciudadano Mexicano de profesion labrador y natıvo en Está departamento ante vd. con el respeto devido y como mas haya lugar en derecho me presenta y digo. Que haviendo descubierto una veta de Azogue en un parage perteneciente a esta Jurisdiccion hago presente a V. que con arreglo al Artº 4º del Titulo 6º de la Ordenanza de Mineria vigente en esta Departamento declaro que dicha veta se halla uvicado en la Sierra Azul a la orilla ezquierda de una Arroyo nombrado los Capitancillos y al O N O del Mineral de Almaden, distante una legua poco mas ó menos por cuyo virtud hago ante vd. el presente escrito depositando en ese Jusgado de su cargo dos piedras arrancadas de la beta y el metal correspondiente declarando igualmente que trabajaré dicho mineral en Compañia de los Sōres Dn. Pedro Sansevain, Dn. Jose Suñol, Dn. Andres Martinez y Dn. Domingo Soto, por lo que suplico se sirva vd. decretar el dia y la hora en que le entrege este demencio y pregonarlo si vd. lo tiene a bien en los parages acostumbrados para que el tiempo que señala la referida ordenanza se sirva vd. adjudicarme la posecion como primier descubridor y denunciante. Suplico a vd. se sirva acceder a me pedido de lo que recivire favor y justicia y admiter esta denuncio en papel comun por no haver del sello correspondiente. Pueblo de San Jose, Febº 13 de 1848.

(Fermado) YGNACIO SOTO.

Jusgado del Pueblo de San Jose de Guad$^{e}$, 14 de Febrero 1848. Certifico que este denuncio me fue representado en esta Jusgado demi cargo en el fecha ariba mencionado en el hora de los diez de la mañana juntamente con una piedra se muestra del Mineral de Azogue, jurado de ser sacado del mismo lugar que espreso el denuncio, y en cumplimiento del ordenanza de Mineria adverto el denunciante, que se hayo una mina denunciado por el Sōr Dn. Maximo Fernandes en dicha rumbo y no contraveniendose con esto ó otro que tiene mejor reclamo es valido este denuncio y el mismo tiempo reclamo que presenta el azogue liquido en el mas pronto que sea posible de dicho mineral para ser depositado en este Jusgado.

JAMES W. WEEKES, Alcalde.

Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing, on pages 1, 2 and 3 of this, contains a true, full and correct copy of an Instrument now of record in this office, and recorded in Book 2 of Deeds, on page 54 thereof. Witness my hand and official seal hereto affixed, at office in the City of San [SEAL.] José the day and year in this certificate first above written.

JNO. R. WILSON, County Recorder.

By GEO. M. YÖELL, Deputy.

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## TRANSLATION EXHIBIT CASTILLERO No. 12.

Sōr. Justice of the Peace:

Ygnacio Soto, a Mexican citizen, by profession a cultivator, and a native of this Department, with due respect, and as best I may in law, present myself before you and say, that having discovered a vein of quicksilver at a place belonging to this jurisdiction, I show to you that, in accordance with Art. 4th of Title 6th of the Mining Ordenanza, in force in this Department, I declare that said vein is situate in the Sierra Azul (blue mountains), on the left bank of a creek called the Capitancillos, and a league more or less north-west from the Almaden mine, wherefore I make before you the present writing, depositing in that Tribunal under your charge two pieces of ore taken from the vein, and the corresponding metal, declaring likewise that I will work said mine in company with Messrs. Don Pedro Sainsevain, Don José Suñol, Don Andres Martinez and Don Domingo Soto. Wherefore I pray that you be pleased to order the day and hour at which I shall deliver you this denouncement, and post notices thereof if you deem it proper to do so at the usual places, so that at the time indicated by said Ordenanza, you may be pleased to adjudge to me the possession as first discoverer and denouncer. I pray you to be pleased to grant my petition whereby I will receive favor and justice, and to admit the denouncement on common paper as there is none of the corresponding seal. Town of San José, 13th February, 1848.

(Signed.) YGNACIO SOTO.

Tribunal of the town of San José Guadalupe, February 14th, 1848.

I certify that this denouncement was presented to me in this Court under my charge, at the date above mentioned, at the hour of ten o'clock in the forenoon, together with a sample piece of quicksilver ore, sworn to as being taken from the same place mentioned in the denouncement, and in compliance with the Mining Ordenanzas. I informed the denouncer that a mine has been denounced in that direction by Don Maximo Fernandez; and not conflicting with this or any other better claim, this denouncement is valid, and at the same time I demanded that he should present the liquid quicksilver from said mine as soon as possible, to be deposited in this Court.

JAMES W. WEEKES, Alcalde.

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Recorder's Office, Santa Clara County, California, September 21, A. D. 1860. I hereby certify that the foregoing on pages 1, 2 and 3 of this contains a true, full and correct copy of an Instrument now on record in this office, and recorded in Book 2 of Deeds on page 54 thereof.

Witness my hand and official seal hereto affixed at office in the City of San José, the day and date in this certificate first above written.

[SEAL.]

JNO. R. WILSON, County Recorder.

By GEO. M. YÖELL, Deputy.

# EXHIBIT CASTILLERO, No. 13, J. B. W.

I hereby certify, that I am, and have been for the last five years, in charge of the Spanish Archives in the office of the U. S. Surveyor General for California; that during this time, I have, from time to time, been employed by Messrs. Halleck, Peachy and Billings, to search said Archives for any document in relation to the discovery and development, by one Andres Castillero, of the Quicksilver mine of New Almaden, and generally to search for any evidence, tending directly or indirectly to sustain the title of said Castillero to said Quicksilver mine; that in the prosecution of said searches I have found,—

*First*, A letter from Andres Castillero to Governor Pio Pico, dated Monterey, December 15th, 1845, saying: that at the distance of thirty leagues from Monterey he had discovered a mineral of Azogue of the best quality, &c., &c. This letter was first seen by me about the month of May, 1856.

*Second*, The *borrador* of a letter from Governor Pio Pico to the Minister of Exterior Relations in Mexico, dated February 13th, 1846 (Angeles), in relation to the discovery by Andres Castillero of a Quicksilver mine, forwarding at the same time a letter of Castillero in relation to the matter, together with a sample of the ore, which he asks may be presented to the President; the borrador is in the handwriting of Agustin Olvera, and was first discovered by me in the early part of 1859.

*Third*, A letter from Manuel Castro, Prefect of the Second District, to the Secretary of State, dated Monterey, December 31st, 1845; in relation to the denouncement and working by Andres Castillero of a Quicksilver mine in the Jurisdiction of San José, and saying that he has made a petition for two square leagues of land in the immediate neighborhood of the same. This document was also discovered by me about the beginning of the year 1859.

*Fourth*, The Borrador of a letter from José Ma. Covarrubias, Secretary of State, to the Prefect of the Second District, being *a reply* to the letter of the Prefect of the 31st of December, above set forth; saying that he has informed the Governor of the contents of his letter of the 31st of December. This document was discovered by me some time in the summer of 1859.

The documents described in the foregoing statement are all that I have been able to find, in any way relating to the discovery and denouncement by Castillero of the Quicksilver mine of New Almaden.

I further certify that the latest official communication from the Supreme Government of Mexico, to the Department of California, as shown by the Archives, is a Circular from the Office of the Minister of Exterior Relations, signed by Castillo Lanzas, dated Mexico, March 24th, 1846. And I further certify, that I have examined a document filed in the case of the U. S. vs. Andres Castillero in the U. S. Dist. Court, marked "Exhibit J. Y., No. 1, W. H. C.," commencing "Año de 1845; Espediente de denuncio posesion y Compañia de la mina de Azogue, nombrada Santa Clara, Jurisdicion de Sn. José Guadalupe en la Alta California." And that I think the first page of said document is in the handwriting of Andres Castillero; and that the following interlined words, to wit: "*Noviembre viente y dos de mil ochocientos cuarenta y sinco, Andres Castillero,*" found on the second page of said document, between the sixth and seventh lines, counting from the bottom of the page, I think are also in the handwriting of said Andres Castillero."

R. C. HOPKINS.

San Francisco, September 27th, 1860.

## EXHIBIT CASTILLERO No. 14, J. B. W.

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[SELLO.]

YNTERROGATORIO á cuyo tenor se ha de ecsaminar D. Teodoro Sotomayor.

1ª Diga su nombre, edad, residencia y demas generales.

2ª Diga que empleos ha desempeñado en el Gobierno Mejicano, desde cuando y cual el q sirve actualmente.

3ª Diga si tuvo noticia del descubrimto. que hizo D. Andres Castillero de una mina de azogue en la Alta California, cuando lo supo y como.

4ª Diga si sabe que desde entonces haya habido sobre este asunto alguno ó algunos documentos escritos sobre esto, en donde los vio por primera vez y en donde ecsisten actualmente.

5ª Diga si sabe que en 1846 ecsistiera en el Ministerio de Justicia algun memorandum de los negocios del Ministerio, como se formaba, si ecsiste ahora, en donde lo ha visto y si lo cree legìtimo y verdadero.

6ª Diga si conocio á D. Jose Luciano Becerra desde cuando y en donde, si sabe cuando murió y en que parte.

7ª Diga si conoce á los Señores D. Jose Maria Duran, D. Mariano Rodriguez y D. José Maria Yrisarri y D. Mariano Miranda, desde cuando, en donde y es teman algun empleo en el año de 1846, y cual fue ese.

8ª Diga si sabe que en la Junta de fomento y administrativa de mineria ecsistan algunos documentos sobre esto y si conoce y ha visto la letra de los que alli ecsisten.

9ª Diga si ha visto el espediente que sobre este asunto ecsiste en el Ministerio de Relaciones y si en los documentos relativos á este asunto conoce las letras con que estan escritos.

10ª Si es cierto que por parte del S. D. Guillermo Barron se le invito para que fuera á California á atestiguas la verdad de los hechos que en este interrogatorio se refieren, y si lo es tambien que se negò á ello, diga por que motivos.

Mexico, 7 de Julio de 1859.

EUSTAQUIO W. BARRON.

L. EMILIO PARDO.
[Rubric.]

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[SELLO.]

YNTERROGATORIO á cuyo tenor se ha de examinar á D. Mariano Rodriguez.

1ª Diga su nombre, edad, residencia y demas generales.

2ª Diga que empleos ha desempeñado en el Gobierno mejicano desde cuando y cual el que sirve actualmente.

3ª Diga si tuvo noticia del descubrimiento que hizo D. Andres Castillero de una mina de azogue en la Alta California cuando lo supo y como.

4ª Diga si sabe que desde entonces haya habido sobre este asunto alguno ò algunos documentos escritos, en donde los vio por primera vez y en donde ecsisten actualmte.

5ª Diga si sabe que en 1846, existiera en el Ministerio de Justicia algun memorandum de los negocios del Ministerio, como se formaba, si ecsiste ahora, en donde lo ha visto y si lo cree legitimo y verdadero.

6ª Diga si conociò á D. José Luciano Becerra, desde cuando y en donde, si sabe cuando muriò y en que fecha.

7ª Diga si conoce á los Señores D. José Mª. Duran, D. José Maria Yrisarri, Don Mariano Miranda, D. Teodoro Sotomayor y D. Joaquin Romanos, desde cuando en donde y si tenian algun empleo en el año de 1846, esprese cual.

Méjico, siete de Julio de 1859.

EUSTAQUIO W. BARRON.

L. EMILIO PARDO.
[Rubric.]

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Mexico, Julio 7 de 1859.

Por presentados los documentos que acompaña: recíbase á esta parte la informacion que ofrece previa citacion del Sr. Black por medio de atento oficio, librándose igualmente á las personas que conforme á la ley disfrutar el privilegio de declarar en esta forma, y obre dicha informacion los efectos que haya lugar en derecho. Lo proveyó el Sr. Lic. Dn. Antonio Madrid, Juez 1º de lo civil y firmó doy fé.

MADRID. [Rubric.[ PABLO SANCHEZ. [Rubric.]

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Eustaquio W. Barron por la Compañia de Nuevo Almaden en la Alta California ante V. con las protestas de mi respeto y como mejor haya lugar en derecho digo: que teniendo necesidad de practicar una informacion para probar algunos hechos ante los Tribunales de California y apegándome á las reglas establecidas por las leyes americanas para asegurar en su territorio la fee probatoria en ciertos casos especiales, ocurrí á la persona que el Gobierno de los Estados Unidos tenia acreditada en esta Ciudad, como Consul pidiéndole recibiera dicha informacion; pero este funcionario ha rehusado su intervencion, manifestándome que tiene órdenes del Ministro Americano en Veracruz para no autorizar ningun procedimiento que tenga coneccion con el pleito que los Estados Unidos siguen contra D. Andrés Castillero y los que de él han habido derecho sobre la mina de Azogue que este Sr. descubrió en la Alta California, y de que le dió título bastante el Supremo Gobierno en el mes de Mayo de 1846. Esta singular prohibicion, que ha paralizado mis gestiones por aquella vía, me deja espedita la que franquea el derecho público de las Naciones: en tal virtud ocurro á V. suplicándole se sirva examinar á los testigos que presentaré al tenor de los interrogatorios que acompaño, sirviéndose librar atento oficio al Señor D. Juan Black Cónsul nombrado por los Estados Unidos en esta Ciudad, invitandolo para que concurra á conocer y vér jurar á los testigos; y practicada que sea dicha informacion V. se ha de servir mandar que se me entregue original para los usos que me convengan.

A. V. suplico provea de conformidad por ser justicia que pido y juro con lo necessario &a.

Mexico, Julio 7 de 1859.

EUSTAQUIO W. BARRON.

L. EMILIO PARDO.
[Rubric.]

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Otrosí digo, que acompaño debidamente certificada la edicion oficial de la Memoria que presentó el Exmo Señor D. José María Lafragua, Ministro de Relaciones en el año de 1846 para los usos que en los interrogatorios respectivos se espresan; pidiendo que rubricadas por el actuario las fojas que designaré, se me devuelva como parte de las diligencias promovidas, así como tambien pido que se libren á los Sres. D. Bernardo Couto, D. Luis G. Cuevas, D. Miguel Atristain y D. José María Duran los oficios correspondientes para que evacuen por informe las preguntas de que se trata conforme á derecho.

Fecha ut supra.

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Otrosí digo: que no se ha legalizado por el Cónsul americano la firma del S. Arroyo, por haberse negado á hacerlo este funcionario.

L. EMILIO PARDO.
[Rubric.]

EUSTAQUIO W. BARRON.

Se recibio á las nueve de la mañana del dia siete de Julio.

[Rubric.]

En la fecha de celebró oficie al Sr. Consul en la forma que espresa el auto anterior: doy fe.

VILLELA.
[Rubric.]

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En la fecha y en cumplimiento del auto anterior a libró oficio acompañando los interrogatorios respectivos, á los Sres. Lic Dn Bernardo Couto, Lic Dn Miguel Atristain, D Luis Gonzaga Cuevas, Dn José Maria Duran, Don Juan Ma. Flores, y Dn. Vicente Segura. Lo asiento para constancia: doy fe.

VILLELA.
[Rubric.]

—

Mexico Julio 9 de 1859.

Agréguese el oficio que se ha recibido del Sr. Black, el cual se pasará para su traduccion al Lic Dn Francisco Bonilla, a quien se hará saber para que previa su aceptacion y juramento desempeñe su encargo. Lo proveyó el S Juez: doy fe.

Y de que tambien mando agregar el oficio del Sr Couto.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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En doce del mismo, presente D. Eustaquio W. Barron, le leí íntegro y no pidió copia del auto anterior y dijo: que exhibe unas cartas pidiendo al Sr Juez que ahora que se va á pasar el oficio del S. Black al Sr. Lic. Bonilla, se pasen tambien las cartas referidas para su traduccion; y firmó doy fé. 1º. sirva mandar no vale, que no vale.

EUSTAQUIO W. BARRON. [Rubric.] JOSÉ VILLELA. [Rubric.]

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México Julio 13 de 1859.

Como lo pide. Lo proveyó el S. Juez doy fé.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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En la misma fecha presente en su casa el Lic. Don Francisco Bonilla, le notifiqué el auto anterior, y dijo: que acepta el cargo y jura en toda forma de derecho desempeñarlo bien y fielmente para lo cual pide se le entreguen los documentos; y firmó doy fé.

LIC. F. D. BONILLA. [Rubric.] JOSÉ VILLELA. [Rubric.]

En seguida presente Dn. Eustaquio W. Barron, le hice saber el auto que antecedes, (leyendolo integro y no pidio copia) del que quedo enterado y firmó doy fe.

EUSTAQUIO W. BARRON. JOSÉ VILLELA.
[Rubric.]

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MEXICO, July 9th, 1859.

Sir:—I had the honor last evening to receive an official communication under date of the 7th instant, addressed to me by his Honor Judge of the First Civil Court, D. Antonio Madrid, advising me that D. Eustaquio W. Barron had presented himself in his Court for the Company of New Almaden in Upper California, manifesting the necessity of taking testimony to prove some facts before the tribunals of Upper California, and at the same time stating that I had refused my intervention, stating that I had orders from the American Minister in Vera Cruz not to authorize any proceedings in relation to the affair mentioned. I must here state that said Minister has given me no such orders in the case, as the correspondence on the subject between myself and D. Eustaquio W. Barron will show, the subject in reference to the case, being fully explained in my letter of the 25th ultimo in answer to that of Mr. Barron of the 22d of the same, all which correspondence I presume he has attached to and included in his escrito, as it should be, in order that the case may be fairly stated and understood.

His Honor the Judge also knows that I am not considered by the authorities established in this city as in the exercise of consular functions.

I have the honor to be,
Your obedient servant,
JOHN BLACK.

To His Honor Antonio Madrid,
First Judge of the Civil Court, Mexico.

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Evacuaria yo inmediamente la declaracion que se sirvé V. pedirme en su oficio de ayer, conforme al interrogatorio q. ha presentado la parte de D. Eustaquio Barron en el negocio del Nuevo Almaden en la Alta California, si dicho interrogatorio no versara sobre puntos relativo a la mision diplomática, que en union de los Sres. D. Luis Cuevas y Don Miguel Atristain

segui con el plenipotenciario americano Mr. Nicolas P. Trist para ajustar el tratado de pas entre la República y los Estados Unidos, que firmamos en la Ciudad de Guadalupe el 2 de Febrero de 1848. Como lo que entonces hicimos, fué con el carácter de representantes del Gobierno nacional, creo que sin mandamiento suyo no puedo prestarme á hacer las manifestaciones que en el interrogatorio se piden. El mismo Gobº ha ordenado que sobre algun articulo del tratado que tiene conexion con el negocio del Nuevo Almaden, demos un informe oficial, que va á extenderse, y que pasarémos oportunamente al Ministerio de relaciones.

Es cuanto puedo decir á V. en contestacion á su citado oficio, devolviendole el interrogatorio que me acompaña, y protestandole mi particular atencion.

Dios y Libertad. Mexico Julio 9 de 1859.

BERNARDO COUTO.
[Rubric.]

Sõr. Juez 1º del ramo civil, Lic. D. Antonio Madrid.

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En seguida, ante el señor juez compareció D. Teodoro Soto, y juramentado en debida forma, fué examinado con arreglo al interrogatorio que le corresponde y—A la primera dijo, llamarse como va dicho, natural de Leon de los Aldamas, vecino de México, de cincuenta y cinco años de edad, casado, empleado, y no le tocan las generales de la ley.—A la segunda: queentro á ser empleado en el Ministerio de Justicia y Negocios Eclesiásticos, el año de mil ochocientos viente y nueve en la plaza de portero; y en mil ochocientos trienta y nueve, en una promocion que hubo, ascendió á escribiente cuarto, de allí á tercero, y despues à primero: luego tuvo despacho de oficial segundo del Archivo, y en seguida de primero del mismo. En mil ochocientos cuarenta y nueve, hubo una vacante que proveer despues de la muerte del Sr. D. Joaquin Romanos, y en el ascenso consiguiente entró de oficial octavo; y como esta plaza se suprimió el año de mil ochocientos cincuenta y tres, quedó de segundo escribiente con los goces de oficial, que es el empleo que actualmente ocupa.—A la tercera: que supo de este negocio, porque en el mes de Mayo de mil ochocientos cuarenta y seis vió en el Ministerio de Justicia, de que era empleado como tiene dicho, la solicitud del Sr. Castillero, y el oficio de Junta de fomento y administrativa de Minería con que la remitió.—A la cuarta: que desde que remitió la Junta de fomento y administrativa de Minería, la instancia de Castillero, tuvo conocimiento de este negocio por la razon referida de ser escribiente del Ministerio, y en ejercicio de su empleo, escribió en limpio uno de los oficios relativos á este asunto: que hoy existe el espediente que entonces se formó, en el Ministerio de Relaciones Esteriores, y que hace poco mas de un año vió otras comunicaciones relativas á este negocio en el Ministerio de Gobernacion y en la Administracion del fondo de Minería.—A la quinta; que en el Ministerio que actualmente está, habia en aquella fecha un libro que se llamaba de partes, que comprende varios años, en el cual está asentado, entre otros muchos de la época, el estracto de este negocio, y del acuerdo que la recayó, escrito de letra de D. José María Ýrisarri: que el libro referido está todavia en el Archivo del Ministerio de Justicio.—A la sesta: que conoció al Sr. D. José Luciano Becerra desde que se le nombró Obispo de Chiapas, y lo trató luego cuando fué nombrado Ministro de Justicia y Negocios Eclesiásticos: que despues pasó á ia ciudad de Puebla donde murió, no recuerda en qué fecha.—A la séptima: que conoció al Sr. D. Josá María Durán, que era oficial mayor del Ministerio en equella fecha y funcionó algunas veces como encargado de su despacho; á D. Mariano Rodriguez como empleado que era de la Secretaria, á D. José Maria Ýrisarri que era entonces oficial octavo, y á D. Mariano Miranda que entró de meritorio, quien duró algunos años en el empleo hasta el de mil ochocientos cincuenta y tres que se separó por un nuevo arreglo de la planta de la Secretaría.—A la octava: que en el mes de Julio del año próximo pasado, á peticion del Lic. D. Emilio Pardo, concurrió á la oficina del fondo de Minería, en union del Señor Ministro que era de los Estados-Unidos, del cónsul inglés, y de otras personas, en donde vió el espediente que allí existe sobre este asunto, y en él una comunicacion del Ministerio de Justicia firmada por el Sr. Becerra en veinte de Mayo de mil ochocientos cuarenta y seis, accediendo en todas sus partes á la solicitud de Castillero, la cual fué escrita de letra del declarante, en equella fecha, como lo dijo entonces despues de haberla examinando detenidamente.—A la novena: que tambien con los mismos Srēs. y en los mismos dias de que habla en su respuesta anterior, vió el espediente de que se trata en la oficina de que habla la pregunta, y despues de haberlo examinando conoció las etras de D. José María Durán, quien escribió en él un acuerdo; la de D. Joaquin Romanos que escribió otro acuerdo, y la de D. Mariano Rodriguez, oficial de la mesa en que si giró el negocio, de cuyo letra son, la carátula y minutas del espediente: que a todos estos señores los conoció sin recordar la fecha precisa en el mismo Ministerio de Justicia de que erañ todos empleados.—A la décima: que es cierto que se le invitó como espresa la pregunta, y lo es igualmente que el que responde se negó por evitar los graves perjuicios que se le seguian de su separacion de su familia y la de su pais.—Que lo espuesto es la verdad mediante el juramento que ha interpuesto; y firmó doy fé.

MADRID. [Rubric.]
TEODORO SOTOMAYER. [Rubric.]
JOSÉ VILLELA. [Rubric.]

En seguida ante el señor juez compareció D. Mariano Rodriguez, y juramentado en debida forma fué interrogado conforme al documento que le corresponde y—A la primera dijo: llamarse como va dicho, natural y vecino de Mexico, casado, oficial segundo primero jubilado del Ministerio de Justica, de sesenta y un uños deedad, y no le tocan las generales de la ley.—A la segunda: que sirvió en el Ministerio de Justicia desde el dia veintidos de Noviembre del año de mil ochocientos veintiunto, hasta el primero de Junio de mil ochocientos cincuenta y dos en que se jubiló; y que en el transcurso de esos años desempeñó las plazas de escribiente segundo, oficial octavo ó de partes, archivero, oficial sesto, quinto, tercero, segundo segundo, y segundo primero.—A la tercera: que tuvo noticia del descubrimiento de D. Andrés Castillero por la comunicacion con que en cinco de Mayo de mil ochocientos cuarenta y seis la Junta de fomento y administrativa de Minería dió parte al Ministerio de Justicia é Instruccion pública del descubrimiento mencionado; y que esto lo supo el que responde, por correr á su cargo la mesa de la Secretarìa en que se despachó este asunto.—A la cuarta: que poco despues de la fecha referida, es decir, en los primeros dias de Mayo de mil ochocientos cuarenta y seis, vió el documento de que habla su respuesta anterior que sirvió de principio al espediente que entonces se formó, y que ahora existe el espediente referido en el Ministerio de Relaciones esteriores, adonde lo ha visto y examinado detenidamente en estos mismos dias.—A la quinta: que desde la creacion del Ministerio debia existir un libro en que uno de los empleados de la Secretarìa, que se llamaba oficial de partes, tenia órden de hacer un asiento de los negocios del Ministerio, y de tomar nota de los acuerdos relativos: que uno de esos volumenes que se comenzó en mil ochocientos cuarenta y uno, lo vió el que responde desde su formacion, y ahora lo ha registrado con detenimiento y ha encontrado en él el acuerdo relativo al negocio de D. Andrés Castillero, de letra de D. José Marìa Yrisarri, empleado del Ministerio de Justicia, en cuyo archivo existe el libro referido, que lo crée legìtimo y verdadero, porque muchas fojas de él se escribieron á su presencia; y que en la parte relativa al asunto biente del Ministerio, y en ejercicio de su empleo, escribió en limpio uno de los oficios relativos á este asunto: que hoy existe el espediente que entonces se formó, en el Ministerio de Relaciones Esteriores, y que hace poco mas de un año vió otras comunicaciones relativas á este negocio en el Ministerio de Gobernacion y en la Administracion del fondo de Minería.—A la quinta; que en el Ministerio que actualmente está, habia en aquella fecha un libro que se llamaba de partes, que comprende varios años, en el cual está asentado, entre otros muchos de la época, el estracto de este negocio, y del acuerdo que la recayó, escrito de letra de D. José María Yrisarri: que el libro referido está todavia en el Archivo del Ministerio de Justicio.—A la sesta: que conoció al Sr. D. José Luciano Becerra desde que se le nombró Obispo de Chiapas, y lo trató luego cuando fué nombrado Ministro de Justicia y Negocios Eclesiásticos: que despues pasó á ia ciudad de Puebla donde murió, no recuerda en qué fecha.—A la séptima: que conoció al Sr. D. Josá María Durán, que era oficial mayor del Ministerio en equella fecha y funcionó algunas veces como encargado de su despacho; á D. Mariano Rodriguez como empleado que era de la Secretaria, á D. José Maria Yrisarri que era entonces oficial octavo, y á D. Mariano Miranda que entró de meritorio, quien duró algunos años en el empleo hasta el de mil ochocientos cincuenta y tres que se separó por un nuevo arreglo de la planta de la Secretaría.—A la octava: que en el mes de Julio del año próximo pasado, á peticion del Lic. D. Emilio Pardo, concurrió á la oficina del fondo de Minería, en union del Señor Ministro que era de los Estados-Unidos, del cónsul inglés, y de otras personas, en donde vió el espediente que allí existe sobre este asunto, y en él una comunicacion del Ministerio de Justicia firmada por el Sr. Becerra en veinte de Mayo de mil ochocientos cuarenta y seis, accediendo en todas sus partes á la solicitud de Castillero, la cual fué escrita de letra del declarante, en equella fecha, como lo dijo entonces despues de haberla examinando detenidamente.—A la novena: que tambien con los mismos Srēs. y en los mismos dias de que habla en su respuesta anterior, vió el espediente de que se trata en la oficina de que habla la pregunta, y despues de haberlo examinando conoció las etras de D. José María Durán, quien escribió en él un acuerdo; la de D. Joaquin Romanos que escribió otro acuerdo, y la de D. Mariano Rodriguez, oficial de la mesa en que si giró el negocio, de cuyo letra son, la carátula y minutas del espediente: que a todos estos señores los conoció sin recordar la fecha precisa en el mismo Ministerio de Justicia de que eran todos empleados.—A la décima: que es cierto que se le invitó como espresa la pregunta, y lo es igualmente que el que responde se negó por evitar los graves perjuicios que se le seguian de su separacion de su familia y la de su pais.—Que lo espuesto es la verdad mediante el juramento que ha interpuesto; y firmó doy fé.

MADRID. [Rubric.]
TEODORO SOTOMAYER. [Rubric.]
JOSÉ VILLELA. [Rubric.]

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En seguida ante el señor juez compareció D. Mariano Rodriguez, y juramentado en debida forma fué interrogado conforme al documento que le corresponde y—A la primera dijo: llamarse como va dicho, natural y vecino de Mexico, casado, oficial segundo primero jubilado del Ministerio de Justica, de sesenta y un uños deedad, y no le tocan las generales de la ley.—A la segunda: que sirvió en el Ministerio de Justicia desde el dia veintidos de Noviembre del año de mil ochocientos veintiunto, hasta el primero de Junio de mil ochocientos cincuenta y dos en que se jubiló; y que en el transcurso de esos años desempeñó las plazas de escribiente segundo, oficial octavo ó de partes, archivero, oficial sesto, quinto, tercero, segundo segundo, y segundo primero.—A la tercera: que tuvo noticia del descubrimiento de D. Andrés Castillero por la comunicacion con que en cinco de Mayo de mil ochocientos cuarenta y seis la Junta de fomento y administrativa de Minería dió parte al Ministerio de Justicia é Instruccion pública del descubrimiento mencionado; y que esto lo supo el que responde, por correr á su cargo la mesa de la Secretarìa en que se despachó este asunto.—A la cuarta: que poco despues de la fecha referida, es decir, en los primeros dias de Mayo de mil ochocientos cuarenta y seis, vió el documento de que habla su respuesta anterior que sirvió de principio al espediente que entonces se formó, y que ahora existe el espediente referido en el Ministerio de Relaciones esteriores, adonde lo ha visto y examinado detenidamente en estos mismos dias.—A la quinta: que desde la creacion del Ministerio debia existir un libro en que uno de los empleados de la Secretarìa, que se llamaba oficial de partes, tenia órden de hacer un asiento de los negocios del Ministerio, y de tomar nota de los acuerdos relativos: que uno de esos volumenes que se comenzó en mil ochocientos cuarenta y uno, lo vió el que responde desde su formacion, y ahora lo ha registrado con detenimiento y ha encontrado en él el acuerdo relativo al negocio de D. Andrés Castillero, de letra de D. José Marìa Yrisarri, empleado del Ministerio de Justicia, en cuyo archivo existe el libro referido, que lo crée legìtimo y verdadero, porque muchas fojas de él se escribieron á su presencia; y que en la parte relativa al asunto de que trata este interrogatorio, lo crée tanto mas verdadero, cuanto que la carátula y minutas de que habla en su respuesta cuarta, están todas escritas de su letra en las fechas que en ellas se mencionan.—A la sesta: que con motivo de haber tomado á su cargo el Ilmō. Sr. D. José Luciano Becerra, la cartera del Ministerio de Justicia é Instruccion pública, en el año de mil ochocientos cuarenta y seis, lo conoció y trató el que habla, como oficial del espresado Ministerio, y que sabe que murió en su obispado de Puebla en el año de mil ochocientos cincuenta y cuatro.—A la séptima: que conoce á todas las personas por quienes se le pregunta, empleados todos en la fecha de que se trata en el Ministerio de Justicia é Instruccion pública: que recuerda que los dos primeros eran empleados superiores de la oficina, y los otros eran inferiores, pero que despues de tanto tiempo no recuerda por menor los funciones que desempeñaba cada uno. Que todos estos detalles se los ha referido varias veces a los interesados, en el año pasado y en el presente, cuando le instaron con empeño que fuera á dar su declaracion sobre esto á los Tribunales de California, lo cual no pudo hacer por el muy quebrantado estado de su salud. Que lo espuesto es la verdad mediante el juramento que ha interpuesto; y firmo doy fé. tat° formado no vale.

MADRID. [Rubric.] MAR°· RODRIGUEZ OSIO. [Rubric.]

JOSÉ VILLELA. [Rubric.]

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MEXICO, Julio 13, de 1859.

Agreguese el oficio que se ha resibido del Sr. Segura. Lo provoyó el S. Juez: doy fé.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

Se agrega el interrogatorio, y contestacion que dio el Sr. D$^{n}$. Vicente Segura. Lo asiento para constanesa.

VILLELA. [Rubric.]

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YNTERROGATORIO á cuyo teñor será examinando el Sr. D. José Vicente Segura.—1ª. Sìrvase vd. decir su nombre, edad y lugar de residencia.—2ª. Diga vd. qué empleos ha desempeñado bajo el Gobierno mexicano y en qué épocas, y cuál el que desempeña vd. actualmente.—3°. Si era vd. en el año de 1846 presidente de la Junta de Fomento y administrativa de Minería, sírvase decir si tuvo ó no conocimiento del desubrimiento que habia hecho D. Andres Castillero de una mina de azogue en la Alta California, y cómo tuvo vd. esa noticia.—4ª. Diga vd. si en virtud de esas noticias la Junta de Fomento y administrativa de Minería acordó alguna medida, cuál fué ésta, y si se conserva algun documento relativo á ella, diga á donde está y desde cuándo lo ha visto.—5ª. Diga vd. si la medida de que habla la pregunta anterior produjo algun resultado, cuál fué éste y si existiere alguna comunicacion relativa á este punto, diga lo mismo que en la anterior.—6ª. Sírvase vd. decir si hechos los ensayes de las muestras de cinabrio remitidas de California acordó ó nó la junta que se diera despues la noticia correspondiente, á quién, y si sabe que exista algun documento escrito sobre esto—7ª. Dada la noticia al Supremo Gobierno, diga vd. si la dió al descubridor de la mina D. Andres Castillero, y si la junta recibió ó no contestacion de uno y otro cuándo la recibió, dónde estan los documentos, desde qué fecha los vió y tuvo noticia de ellos.—8ª. Diga si á los documentos de que habla la pregunta anterior recayó algun acuerdo de la junta, cuál fué éste, si se pasó alguna nota en consecuencia y á quién, por quién fué suscrita la nota, si se conserva algun borrador de ella y en donde, y si considera la nota y el borrador legítimos, diga por qué y esprese desde cuándo ha visto los documentos mencianados.—9ª. Diga vd. por conducto de qué Ministerio se pasaron al Supremo Gobierno los documentos de que habla la pregunta anterior, y si ricibió la junta contestacion, en dónde está ésta, y quá medidas se acordaron despues de recibida.—10ª. Sírvase vd. decir qué resultado tuvieron las medidas de que habla su respuesta anterior.—11ª. Diga si todos los documentos de que se hace mencion en las preguntas anteriores están reunidos, en dónde existen, si ha dado recientemente copia de ellos, en qué forma y á quién.—12ª. Diga si las medidas de que hablan las anteriores preguntas se tomaron por acuerdo de la junta, y si de ellas existen borradores ú originales, esprese en dónde, si ha dado copia de ellos, á quién y en qué forma.—13ª. Diga si sabe que las actas de la junta se copiaban en algun libro siguiéndose unas á otras, y que ese libro estaba sellado por la oficina respectiva, si el libro existiere, diga si lo considera legitimo y por qué.—14ª. Diga quiénes formaban la Junta de fomento y administrativa de Minerìa en el año de 1846, si esas personas firmaron los acuerdos en la junta, cuándo lo hicieron y si los vió firmar el mismo declarante.—15ª. Diga si en los últimos meses del año de 1846 el Ministerio de Relaciones pidió á la Junta de fomento y administrativa de Minería una memoria sobre los negocios de su ramo, quién hizo ese documento, quién lo suscribió, si en él se hizo relacion de la mina y concesion de Castillero ; y leida que le sea la parte relativa de la memoria del Ministerio de Relaciones que se acompaña á estas diligencias, esprese si es la misma que él remitió y que aparece publicada en aquella fecha.—16ª. Diga si conoce á D. Manuel Couto, si ha ocupado algunos empleos en la Junta de fomento y administrativa de Minería desde 1846, cuáles han sido estos y desde qué fecha desempeña el último.—17ª. Diga si conoce á D. Ysidro R. Gondra, desde cuándo, que empleo desempeñaba en 1846 en la Junta de fomento y administrativa de Minería, y si recuerda cuándo se separó de este empleo.—18ª. Diga si conoce á D. Andres Castillero, desde cuándo, si lo vió en México en el mes de Mayo de 1846, y en dónde.—19ª. Diga si por el conocimiento que tiene de los negocios de Minería, crée que conforme á las leyes mexicanas la concesion de la mina de azogue que hizo el Supremo Gobierno á Castillero, previo informe de la junta, le dió un título legítimo para poseer la mina y pertenencias que se le concedieron.

Méjico, Julio 7 de 1859.

EUSTAQUIO W. BARRON.

L. EMILIO PARDO.
[Rubric.]

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A la 1ª. Digo llamarme Vicente Segura, de setenta años de edad, y rerido en la ciudad de México desde 1836.—A la 2ª. Que en el año de 1814 fuí electo alcalde primero y presidente del muy ilustre Ayuntamiento de la ciudad de Córdoba, lugar de mi nacimiento. En 1824 fuí nombrado gefe del Departamento de Orizaba, y serví este cargo hasta fines del año de 1827. En el año de 1828 se me nombró y desempeñé el cargo de contador general de las rentas del Estado de Veracruz, se me ascendió al empleo de administrador general de las rentas del mismo Estado, y desde el año de 1833 hasta el de 1835, desempeñé en la ciudad de Puebla el cargo de interventor por el Estado de Veracruz en la grueza decimal. En el año de 1835 fuí nombrado ministro de Estado y del despacho de la Secretaría de Hacienda. Posteriormente se me designó, en virtud de la constitucion de 1837, consejero de Estado. He servido tambien los cargos de diputado y senador en el Congreso de la Union. En 1836 se me nombró contador por el Gobierno, del establecimiento de Minería, y desde esta fecha hasta la presente, en su oficina, he seguido prestando mis servicios, ya con el carácter de contador hasta el año de 1842 y despues como individuo de la Junta de fomento y administrativa de Minería, vocal del tribunal de Minería y últimamente administrador general del fondo dotal de Minería. En la actualidad tambien se me ha honrado con el nombramiento de consejeso de Estado.—A la 3ª Que en el año de 1846, como miembro que era yo de la Junta administrativa de fomento y Minería, me tocó en turno funcionar de presidente de la misma corporacion, y en el mes de Abril de aquel año D. Tomas Ramon del Moral presentó á la junta mencionada una carta de D. Andrés Castillero, en que le participaba haber descubierto una mina de azogue cerca de la mision de Santa Clara en la Alta California, remitiendo al presidente de la República unas muestras de cinabrio, y suplicándole que lo mandara ensayar para que despues de esto pidiera á la Junta la proteccion que ésta debia dar por ley á los esplotadores del azogue nacional.—A la 4ª Que en virtud de la noticia de que he hablado en la respuesta anterior, la Junta acordó que se pasara una nota al director del colegio nacional de Minería, encargandole que en el establecimiento se hiciera un ensaye de las muestras que se le acompañaban, en union de copias de las cartas de Castillero al Presidente D. José Joaquin de Herrera y D. Tomas Ramon del Moral, y que avisara el resultado. El borrador ó minuta de esa comunicacion existe en el archivo de lo que entonces era Junta administrativa de fomento y hoy es Administracion del fondo de Minería, y yo la he visto en la oficina desde que la escribió D. Ysidro R. Gondra, oficial primero que entonces hacia de secretario, de cuya letra está escrita desde su fecha que es 21 de Abril de 1846, y es la 1ª foja del espediente que se formó, siendo la 2ª y 3ª las copias de las las cartas de que ha hablado.—A la 5ª Que el resultado que produjo la medida anterior fué que el dia 29 de Abril, el director del colegio de Minería D. José M. Tornel participase á la Junta que la facultativa de profesores del colegio, se habia impuesto del negocio, y le decia que las muestras de cinabrio estaban ya depositades en el gabinete de Mineralogia, unas, y otras ensayadas por el profesor de Química D. Manuel Herrera, dando una ley de 35½ por 100. El documento que existe sobre esto es la misma comunicacion original del Sr. Tornel que se recibió en 3 de Mayo, segun nota puesta por mí mismo, y esa nota se guarda en el mismo archivo de la oficina que es á mi cargo, desde la misma fecha en que la recibí que fué cuando la ví por primera vez y son las fojas 4 y 5 del espediente referido.—A la 6ª Que hechos lor ensayes con tan satisfactorios resultados como he dicho, la Junta acordó que se hiciera saber al Supremo Gobierno, como se hizo en efecto en 5 de Mayo por conducto del Ministerio de Justicia, por cuya Secretaría como ramo de lo interior se giraban entonces los negocios de Mineria. La minuta de esa comunicacion existe tambien en el archivo de la oficina donde la he visto desde su fecha, y el original firmado por mì se remitió al Ministerio de Justicia como he dicho, y forma la foja 5 vuelta y 6 frente del espediente á que me he referido.—A la 7ª. Que como se decia en la nota de que he hablado en la respuesta anterior, se preguntó á D. Andrés Castillero la clase de auxilios que necesitaba para fomento de su brillante empresa, y contestó en 12 de Mayo haciendo una solicitud cuya copia existe autorizada por el Sr. D. Ysidro R. Gondra. El Gobierno à su vez acusó recibo en 9 de Mayo de la comunicacion de 5 del mismo, y tanto uno como otro documento se encuentran tambien en el archivo de la oficina de mi cargo, el uno desde su fecha y el otro debe haberse recibido acaso en el mismo dia ó poco despues. Este último es la foja 7ª. del espediente y el 1º. comprende las 13 y 14 del mismo.—A la 8ª. Que la Junta acordó que se recomendara al Supremo Gobierno la solicitud de Castillero, porque siendo un cuerpo meramente administrativo, no tenia facultades para acceder por sì sola á los deseos del solicitante, en consecuencia se pasó al Exmo. Sr. D. Luciano Becerra, entonces ministro de Justicia, la comunicacion de 14 de Mayo, firmada por mì como presidente entonces de la Junta, y cuyo borrador ó minuta existe en la oficina de mi cargo. Estos documentos los he visto en mi oficina desde su fecha y los considero tan legítimos y verdaderos como que de la solicitud de Castillero se me dió cuenta á mi y á la Junta, la minuta se redactó por mi órden y la comunicacion original se suscribió y firmó por mi como lo he dicho, siendo hoy esa minuta las fojas 8, 9, 10, 11 y 12 del repetido espediente.—A la 9ª. Que ya en una de las respuestas anteriores dije que estas comunicaciones se pasaron al Supremo Gobierno por conducto del Ministerio de Justicia. La Junta recibió contestacion á su nota de 14 de Mayo en 20 del mismo, accediendo en todas sus partes á la solicitud de Castillero: la comunicacion original dirigida á la Junta, existe en la oficina de mi cargo, y como la solicitud de Castillero era que se otorgase un contrato con la Junta para que se le facilitaran cinco mil pesos, que se le entregaran los frascos de fierro existentes en Tasco y demás cosas que se ven en su solicitud, se dió órden á un escribano para que otorgara la escritura respectiva, se dispuso el dinero pare entregarlo al solicitante, y se acordó dar la órden para que se pusieran á su disposicion los frascos vacìos que habia en Tasco, propios de la Junta. La comunicacion que se recibió del Supremo Gobierno forma la foja 15ª. del espediente.—A la 10ª. Que estas medidas no tuvieron resultado alguno, porque desde 2 de Mayo del mismo año de 1846 se suspendieron todos los pagos de las oficinas del erario: se dudo por la Junta con posterioridad si se comprendia en esa suspension la de los gastos del fondo de azogues, y como en 23 de Mayo llegó á la Junta la declaracion en que se mandaba suspender todo pago de este ramo, ya no se pudo entregar á Castillero la cantidad que se tenia preparada para el efecto, y que aun llegó á estar contada para su entrega.—A la 11ª. Que todos los documentos de que he hablado se encuentran reunidos y cosidos en el espediente á que me he referido en la mayor parte de las preguntas anteriores. De él se han dado en el año pasado dos calcos certificados á peticion de la casa del Sr. Barron en el mes de Mayo del año pasado de 1858 Se dió un tercero á petition del mismo señor, en 20 de Abril del corriente año, y por último se ha dado otro calco para el Ministerio de Relaciones esteriores por órden que se recibió del de Fomento en 30 del último Abril.—A la 12ª. Que todas las medidas de que he hablado se tomaron por acuerdo de la Junta en la parte en que toca á los procedimientos de ésta, y esos acuerdos constan en las actas respectivas de las cuales existen en el archivo de esta oficina cuadernos en que están los borradores y libros en que se ponen en limpio. La parte conducente de unos y otros que pidieron los interesados, se les dió tambien en cálco certificado en el mes de Abril pasado.—A la 13ª. Que he dicho que las actas de la junta se copiaban en un libro, y que de la parte conducente dì calco certificado á los interesados: en él espresé que las actas se seguian unas á otras, que estaba sellado por la oficina que conforme á nuestras leyes debe hacerlo, y lo considero legìtimo por haberse hecho conforme á lo que previene el reglamento de la oficina, y verdadero, porque lo he visto escribir por mi órden y por empleados de la misma oficina.—A la 14ª. Que en el año de 1846 éramos vocales de la Junta de Mineria el Sr. D. José Maria Bassoco, el Sr. D. Juan Maria Flores y yo mismo; y suplentes, los Sres. D. José Joaquin de Rosas y D. Atilano Sanchez: los acuerdos de la Junta se firmaban por ellos, segun concurrian á las sesiones, y yo mismo los vì firmar varias ocasiones.—A la 15ª. Que en 5 de Noviembre de 1846, segun consta del libro de Actas de la Junta, se dió cuenta con un oficio del Ministerio de Relaciones de 3 del mismo mes, pidiendo noticias exactas de los trabajos de la Junta desde 1845, con las indicaciones que creyese oportunas: que en virtud de esta comunicacion, la Junta mandó estractar la Memoria formada el Sr. secretario Castera, agregándole las noticias posteriores, lo cual hize redactando yo mismo la conclusion que abraza desde la página 142 hasta el fin, que es la 147: que ese documento lo firmé como presidente de la Junta en 17 del mismo mes y año, y se insertó en el Apéndice de la Memoria de Relaciones del referido año de 1846, bajo el número 52; y en la foja 136 de la edicion oficial de la Memoria del Sr. Lafragua, se hace referencia de todo lo sucedido con Castillero: que en el mes de Abril del presente año vi la Memoria original de la Junta en poder del Sr. Bassoco, y es la misma que corre impresa.—A la 16ª. Que conozco á D. Manuel Couto desde su infancia, por las íntimas relaciones de amistad que tuve con el señor su padre. En 1846 era escribiente de la Junta de fomento y administrativa de Minería, hasta 1848 que ascendió á oficial segundo de la Secretaria de la Junta de fomento de Minería, cuyo empelo desempeñó hasta 1852. En 28 de Junio del mismo año se espidió un decreto, organizando de nuevo la oficina, y fué nombrado secretario de la Administracion del fondo y encargado de los archivos de la misma, que es el empleo que desempeña hasta la fecha.—A la 17ª. Que conozco á D. Ysidro R. Gondra muchos años antes de que fuera empleado en la oficina de la Junta de fomento de Minería: en 1846 era oficial primero de la Secretaría de la Junta administrativa y de fomento de Minería, y encargado de la misma Secretaría por ausencia con licencia del secretario, que lo era entonces D. José María Castera.—A la 18ª. Que conozco á D. Andrés Castillero desde el año de 1846, y lo ví en México, en el mes que refiere la pregunta, en la misma oficina á donde se presento varias veces á agitar su negocio pendiente.—A la 19ª. Que creo que conforme á las leyes mexicanas, en los lugares donde no hay diputacion de minas dentro del partido que abraza su jurisdiccion, la primera autoridad política del lugar ó del contorno mas inmediato á él, ejerce las atribuciones de la Diputacion de Minería, esto és, admite los denuncios y dá legítimamente las posesiones mineras como se ha acostumbrado y se acostumbra todavía en tales casos; y creo ademas, que investido el Gobierno del general Paredes, como lo estaba en 1846, de facultades estraordinarias, cabia dentro de ellas el aprobar las pertenencias y posesion de la mina de azogue descubierta por el Sr. Castillero, en los términos que lo hizo el juez de San José y consultó al Gobierno la Junta administrativa de fomento de Minería, como consta en el oficio que se elevó al Supremo Gobierno con fecha 14 de Mayo y obra en el espediente á fojas 14; y así en mi concepto, la concesion hecha á D. Andrés Castillero por el Supremo Gobierno, le dá un título legítimo á poseer la mina y pertenencias que la Junta acordó se le concediera como premio de su descubrimiento. Que lo espuesto lo ha repetido muchas veces á los interesados que le instaron empeñosamente para irlo á declarar á los tribunales de California, lo cual no pudo hacer el que responde por su avanzada edad y enfermedades.

VICENTE SEGURA.
[Rubric.]

En contestacion á la atenta comunicacion de V. S. de 8 del presente, tengo el honor de remitirle en pliego separado las respuestas al interrogatorio presentado por D. Eustaquio Barron, conforme á las constancias que obran en esta oficina en el negocio relativo á la mina de azogue que descubrió D. Andrés Castillero en la mision de Santa Clara de la Alta California en el año de 1846.

Dios y L. Julio 9 de 1859. VICENTE SEGURA.
[Rubric.]

Sor. Juez 1° de la Civil, Lic. D. Antonio Madrid.

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Mexico, Julio 15 de 1859.

Agreguese á la informacion el oficio que ha remitido el Sr. Dⁿ· Luis G. Cuevas. Lo proveyó el S. Juez: dóy fe.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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Se agrega á este cuaderno el oficio del Sr. Cuevas, en cumplimᵗᵒ de lo mandado en el auto anterior: doy fé.

VILLELA.
[Rubric.]

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Mexico, Julio 26 de 1859.

Agreguese el oficio y diligencias con que se da cuenta. Lo proveyó el Sr. Juez doy fe.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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Se agrega el oficio que refiere el auto anterior y es el que remitio el Sr. Dⁿ· José Mª Duran. Lo asiento para constancia.

VILLELA.
[Rubric.]

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México, Setiembre 5 de 1859.

Agreguese al espediente el oficio que se ha recibido del Sr. Flores. Lo proveyó y firmó el Sr. Juez interino 1° de lo civil, Lic. Dn. Ygnº Solares: doy fé.

SOLARES. [Rubrio.] PABLO SANCHEZ. [Rubrie.]

En cumplimiento del auto anterior queda agregado el oficio que se refiere, doy fe.

VILLELA.
[Rubric.]

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En seis del mismo compareció Dn. Eustaquio W. Barron y dijo: que estando yá traducidas las cartas que exhibió, pide al Juzgado se sirva mandar se le devuelvan quedando razon en este espediente; y firmó doy fé.

EUSTAQUIO W. BARRON. JOSÉ VILLELA.
[Rubric.]

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México, Setiembre 6 de 1859.

Como lo pide. Lo proveyó el Sr. Juez doy fé.

SOLARES. PABLO SANCHEZ.
[Rubric.] [Rubric.]

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En la misma fecha se devolvieron á Dn Eustaquio W. Barron, las tres cartas que exhibió el dia doce de Julio anterior y son las mismas que se tradujeron por el Lic. Dn Francisco Bonilla, y se hallan agregadas á este cuaderno; y como recibido de ellas firma la presente: doy fé.

JOSÉ VILLELA. EUSTAQUIO W. BARRON.
[Rubric.]

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Ynterrogatorio á cuyo tenor se ha de examinar á los señores Licenciados D. Bernardo Couto, D. Luis G. Cuevas y D. Miguel Atristain.—1a. Sirvase vd. decir su nombre, edad, residencia y demas generales.—2a. Sirvase vd. decir si fué comisionado por el Supremo Gobierno en 1847 para la redaccion del tratado de paz que se firmó en 2 de Febrero de 1848 con el Sr. Trist, comisionado de los Estados-Unidos de América.—3a. Sírvase vd. decir qué razones hubo para fijar en el art. 10o. del Tratado de Guadalupe el dia 13 de Mayo de 1846 como la última fecha de las concesiones de tierras hechas por el Supremo Gobierno en el Departamento de la Alta California, pormenorizando todas las especies que sobre este punto le sea á vd. posible recordar. Mejico, Julio 7 de 1859.

L. EMILIO PARDO. EUSTAQUIO W. BARRON.
[Rubric.]

El Sr. Dr. D. Bernardo Couto ha recibido una comunicacion del Ministerio de Relaciones para que los plenipotenciarios que firmamos el Tratado de Guadalupe, informemos sobre el negocio á que se contrae el interrogatorio presentado en ese juzgado por el Sr. D. Eustaquio W. Barron, que V. S. se ha servido acompañarme con su oficio de 8 del presente, que se me entregó ayer; y así por esta circunstancia, como porque no me seria permitido decir nada sobre aquella negociacion sin el previo permiso ú órden del Supremo Gobierno, no pueda dar la declaracion que desea el mismo Sr. Barron.—Tengo el honor de decirlo á V. S. en debida contestacion con las protestas de mi respeto y consideracion.

Dios y libertad. México, 15 de Julio de 1859.

LUIS G. CUEVAS.
[Rubric.]

Sõr. Juez 1° de lo Civil, Dn Antonio Madrid.

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YNTERROGATORIO á cuyo tenor será examinado D. José Maria Duran.—1a. Sírvase vd. decir su nombre, edad, lugar de su residencia y demas generales.—2a. Diga qué empleos ha desempeñado bajo el gobierno mexicano, desde cuándo y cuál el que sirve actualmente.—3a. Diga si tuvo noticia del descubrimiento que hizo D. Andrés Castillero de una mina de azogue en la Alta California, desde cuándo y cómo.—4a. Diga si sabe que desde entonces haya habido alguno ó algunos documentos escritos sobre esto, en dónde los vió por primera vez, y en dónde existen actualmente.—5a. Diga si ha visto recientemente esos documentos, si los ha examinado con atencion, de letra de quién están escritos, y si los crée legítimos y verdaderos.—6a. Diga si sabe que en 1846 existiera en el Ministerio de Justicia algun memorandum de los negocios del mismo Ministerio, cómo se formaba éste, si sabe que existe ahora, en dónde lo ha visto y si lo crée legítimo y verdadero.—7a. Diga si conoció al Ilmõ. Sr. D. José Luciano Becerra, cuándo y en dónde, que empleo público ocupaba en Mayo de 1846: si sabe que haya muesto, desde cuándo y en dónde.—8a. Diga si sabe que cada año se presentaba á las cámaras por los Ministerios respectivos una memoria de los negocios de su ramo, si sabe que en fines de 1846 presentó documento de esta especie el señor ministro de relaciones D. José María Lafragua, si esa memoria es la misma que se le presenta impresa, y si la crée legítima y verdadera.—9a. Leidos que le sean los documentos relativos á la mina de azogue de Castillero, diga si la parte de hechos que se refiere al Ministerio de Justicia es exacta y le consta su certidumbre.—10a. Diga si la concesion que hizo el Supremo Gobierno á Castillero en 1846, cabia en su concepto en las facultades de que estaba investido entonces el ejecutivo, y si los negocios de Minería corrian en aquella fecha á cargo del Ministerio de Justicia.—11ª. Diga si conoce á los Sres. D. Teodoro Soto-Mayor, D. Mariano Rodriguez, D. José María Yrisarri, D. Mariano Miranda y D. Joaquin Romanos, desde cúando, y si en Mayo de 1846 desempeñaban algun empleo, esprese cuál fué éste.

L. EMILIO PARDO. EUSTAQUIO W. BARRON.
[Rubric.]

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Contestacion al interrogatorio que me acompaña el señor juez 1°. de lo civil D. Antonio Madrid con oficio de 8 del presente mes, relativo al negocio del Nuevo Almaden en la Alta California.—A la 1ª. pregunta digo: que mi nombre es José María Duran, que soy viudo, de setenta años cumplidos de edad, vecino de esta ciudad, capital de la República mexicana.—A la 2ª. Que despues de haber desempeñado varios empleos en tiempo del gobierno español desde el año de 1811, continué mis servicios bajo el gobierno mexicano independiente al instalarse por primera vez las Secretarías de Estado, entrando en la titulada de Justicia y Negocios Eclesiásticos con el nombramiento de archivero, y que en ella fuí ascendiendo sucesivamente hasta ocupar la plaza de oficial mayor primero en 19 de Mayo de 1847; pero que aun siendo mayor segundo me habilitó el Supremo Gobierno desde 1°. de Agosto de 1840 con el ejercicio de Decretos, con cuyo carácter desempeñé el Ministerio quince ocasiones, cubriendo las faltas de los señores ministros por su ausencia, enfermedad y renuncia. Que serví la mayoría hasta 7 de Enero de 1854 que por mi edad, enfermedad y dilatados servicios se me concedió mi jubilacion ó retiro con los honores, fuero, prerogativas y excenciones de los secretarios de Estado, por lo que actualmente no sirvo ningun empleo de desempeño obligatorio, sino el de consiliario de la Academia nacional de Nobles Artes de San 'Cárlos, y el de socio de número de la Sociedad Mexicana de Geografia y Estadística.—A la 3ª. Que desde el mes de Mayo de 1846 tuve noticia del descubrimiento que hizo D. Andrés Castillero de una mina de azogue en la Mision de Santa Clara de la Alta California, porque ví la comunicacion oficial que con fecha 5 del mismo dirigió al Ministerio de Justicia (que en aquella época tenia tambien á su cargo los ramos de instruccion pública), el presidente de la Junta de fomento y administrativa de Minería, poniendo en conocimiento del Supremo Gobierno el descubrimiento mencionado.—A la 4ª. Que desde entonces comenzaron á entrar al

Ministerio citado otros escritos sobre este negocio, que allí mismo ví por primera vez, y con todos se dió principio al espediente que actualmente existe en el Ministerio de Relaciones exteriores, donde los he visto recientemente con el motivo que diré despues.—A la 5ª. Que hace poco mas de un año que con motivo de no encontrar los interesados el paradero de esos documentos, á ruego suyo fuí en persona á procurar que se buscaran en la parte donde creí que debian existir, y en efecto fueron encontrados en una mesa del Ministerio de Relaciones exteriores, los cuales conocí recordando el asunto y mirando en ellos letra de mi mano y pluma, como lo es de un acuerdo de 9 de Mayo puesto al márgen de la primera comunicacion, y minutas ó borradores de letra de D. Mariano Rodriguez, así como el acuerdo de 20 del mismo Mayo en la segunda comunicacion de letra de D. Joaquin Romanos ya difunto, cosas todas que puedo declarar en verdad por haberlo examinado detenidamente, y creo tan legítimos y verdaderos esos documentos como que, fuera del ministro, yo era el gefe inmediato de la Seretaría, donde comenzó el negocio.—A la 6ª. Que conforme al primer reglamento de las Secretarías de Estado, habia en la de Justicia una mesa con un oficial encargado de poner en un libro de á folio paginado, estractos del contenido de los negocios que entraban al Ministerio y de las resoluciones que se dictaban sobre ellos: que existe allí archivado, y lo he visto hace pocos dias, uno que comenzó el año de 1841 y concluyó el de 1846 inclusive, del cual no puedo dudar su legitimidad.—A la 7ª. Que conocí al Ilmō. Sr. D. José Luciano Becerra hace muchos años, y lo traté muy de cerca en el tiempo que fué ministro de Justicia, negocios eclesiásticos é instruccion pública, cuyo empleo desempeñó desde los primeros dias de Enero hasta mediados de Junio de 1846: es bien sabido que dicho señor murió en la ciudad de Puebla, siendo obispo de aquella diócesis en el año de 1854.—A la 8ª. Que tan cierto es que cada año se presentaba á las Cámaras del Congreso general una Memoria de los negocios de cada Ministerio, por su gefe respectivo, que no puede dudarlo ninguno de los que asistian á las galerías ó leian los periódicos en que se publicaban las actas de las sesiones; y ademas esas Memorias se circulaban impresas á todas las autoridades y funcionarios: que el Sr. D. José María Lafragua presentó la suya en Diciembre de 1846 y es la misma que ahora se me presenta en un ejemplar impreso y certificado por el señor oficial mayor del Ministerio de Relaciones D. Miguel Arroyo; y que no puedo dudar de su legitimidad y verdad por haberla visto circular, y recibido yo ejemplares de mano de dicho Sr. Ministro Lafragua en la ciudad de Querétaro donde me hallaba con el Supremo Gobierno en el año de 1847.—

A la 9ª. Que vistos y leidos los documentos relativos á la mina de azogue de Castillero, veo que la parte de hechos que se refiere al Ministerio de Justicia es esacta, y no puedo dudar de su certidumbre.—A la 10ª. Que en 1846, desde 7 de Enero hasta 6 de Agosto, todos los negocios de Minería corrian por el Ministerio de Justicia, porque se tituló tambien de instruccion pública, y por tal motivo tenia á su cargo el Colegio y la Junta de fomento y administrativa del ramo.—A la 11ª. Que conozco bien á los Sres. D. Teodoro Soto-Mayor, D. Mariano Rodriguez, D. José María Yrisarri, D. Mariano Miranda y conocí tambien á D. Joaquin Romanos, ya difunto: al 1º. desde el año de 1828, al 2º. desde la instalacion de los ministerios en 1821, al 3º. desde el año de 1834, al 4º. desde el de 184 , y al 5º. tambien desde la instalacion de los Ministerios. En el año de 1846 desempeñaba Romanos la plaza de oficial segundo primero del Ministerio de Justicia. Rodriguez la de quinto, Yrisarri la de octavo y Soto-Mayor y Miranda la de escribientes.—Lo que dejo referido es cuanto puedo declarar en verdad añadiendo, que por causa de mi avanzada edad y enfermedades no me presté á ir personalmente á California á hacer esta declaracion ante aquellos Tribunales, dos veces que he sido invitado empeñosamente para ello.

Méjico, Julio 26 de 1859. JOSE Mª. DURAN.
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Devuelvo á V. el interrogatorio que se sirvió remitirme con su atento oficio de 8 del presente mes, relativo al negocio del Nuevo Almaden, acompañándole en pliego separado las respuestas correspondientes, siguiendo el órden en que se halla formado dicho interrogatorio.—Con este motivo tengo el honor de renovar á vd. las protestas de mi aprecio y respeto.

Dios y L. Méjico, Julio 26 de 1859.

JOSE Mª. DURAN.
[Rubric.]

S. Juez 1º. de lo Civil, Lic. D. Antonio Madrid.

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México, Junio 17 de 1859.—Estimado Señor.—Siento poner en conocimiento de vd. que en las presentes circunstancias me es imposible espedir el testimonio que me pide.—Soy de vd. con el mayor respeto su obediente servidor.

JUAN BLACK.

Sr. Lic. D. Emilio Pardo.—Núm. 9, calle del Esclavo.

Consulado de los Estados-Unidos de América.—México, Junio 21 de 1859.—Señor.—En contestacion á la carta de vd., fecha de hoy, debo decirle: que en las actuales circunstancias no puedo espedir el testimonio que vd. solicita; pues he recibido una comunicacion del honorable Roberto M. Mac-Lane, enviado estraordinario y ministro plenipotenciario de los Estados-Unidos de América, cerca del Gobierno constitucional, en que me dice (al tratar de un testimonio sobre cierto negocio pendiente entre los Estados-Unidos, D. Andrés Castillero, Juan Parrott y otros) lo que copio: "Tengo instrucciones para avisar á vd. que el Gobierno no autoriza tal procedimiento."—Por tanto, considero deber suspender la espedicion de dicho testimonio hasta que pueda consultar con el espresado Ministro sobre el negocio, y recibir de él nuevas instrucciones acerca de ello; pues tal vez las primeras no comprendan al caso de vd. Mas en esto no puedo yo considerarme (por carecer de los datos necesarios) competente para decidir; y por lo mismo esperaré nuevas instrucciones para obrar de una manera mas positiva.—Soy con el mayor respeto vuestro obediente servidor.

JUAN BLACK.

Sr. D. Eustaquio W. Barron.—México.

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Consulado de los Estados-Unidos de América.—México, Junio 25 de 1859.—Señor:—Anoche he recibido la carta de vd., fecha 22 del presente; y en respuesta debo decirle: que no tiene vd. razon al sorprenderse del contenido de mi carta de 21 del corriente, cuando parece que estaba vd. bien informado en la materia, y sabia de antemano lo que habia pasado; y ahora se muestra vd. altamente disgustado de que sus propios "esfuerzos, y los de los ilustrados caballeros que han emprendido la defensa de vuestros derechos (como V. dice), con el objeto de conseguir del Gobierno de los Estados-Unidos algun auxilio para aclarar la cuestion de dudas y asegurar el verdadero lado en que debe hallarse y probarse la verdad; lo cual vd. siente decir que es enteramente infructuoso;" y que "no contento con desdeñar vuestras proposiciones en Washington, tambien persigue á vd. el Gobierno aquí, en nombre de un Gran Pueblo, y por conductos oficiales, para suspender una ley de los Estados-Unidos, promulgada y autorizada por el Congreso de la Union." Mas adelante dice vd.: "Felizmente para vd. mismo y los interesados con vd. en los juicios pendientes ante los tribunales de los Estados-Unidos, no es el departamento ejecutivo del Gobierno de aquel país el que tiene que decidir sobre la justicia del caso." Esto lo debia vd. haber considerado y reservado, y no pedir la intervencion en negocios pendientes en los tribunales judiciales.—Ahora parece, segun lo que precede, que vd. y sus ilustrados calleros, en lugar de atenerse á lo que los tribunales que conocen de vuestros negocios han determinado ó puedan determinar, se han salido de la esfera legal, pidiendo la intervencion ejecutiva de los Estados-Unidos para detener y alterar el curso regular de los procedimientos en vuestro caso; y porque ella rehusa colocarse sobre la ley para acomodarse á vos, lo acusais como un acto de suspender una ley de los Estados Unidos. Otra cosa de que tambien la acusais es de ser obstinada en rehusarse á obrar con su no autorizacion de procedimientos que vd. exige se le permita practicar, independientemente de los tribunales que única y legalmente tienen jurisdiccion en el caso; y el simple acto de anunciárseme tal no autorizacion, es declarado por vd. "un acto de perseguiros aquí, en nombre de un Gran Pueblo, y por medios oficiales, para suspender una ley de los Estados-Unidos, promulgada y autorizada por el Congreso de la Union."—Nada hay en las instrucciones sobre suspender ley alguna ni prohibir la espedicion de testimonio; es simplemente un aviso, manifestando que para poder proceder legalmente no se requiere la intervencion y autorizacion de la autoridad ejecutiva; y que su sancion no es requisito previo para continuar procedimientos legalmente conducidos que emanan de la propia autoridad judicial; y finalmente, que no se puede, ni se autorizará ninguno. —Soy de vd., señor, con el mas profundo respeto, su obediente servidor.

JUAN BLACK.

Señor D. Eustaquio W. Barron.—México.

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México, Julio 9 de 1859.—Señor:—Tuve el honor de recibir anoche una comunication oficial de fecha 7 del presente, dirigida á mí por el honorable juez 1°. de lo civil D. Antonio Madrid, avisándome que D. Eustaquio Barron se habia presentado en su juzgado por la Compañia del Nuevo Almaden en la Alta California, manifestando la necesidad de espedírsele un testimonio para probar algunos hechos ante los tribunales de la Alta California; asegurando al mismo tiempo que yo habia rehusado mi intervencion, y agregando que yo tenia ordenes del Ministro Americano en Veracruz para no autorizar procedimiento alguno relativo al asunto mencionado. Debo protestar aquí que el ministro no me ha dado tales órdenes en el caso, como puede verse en la correspondencia que sobre la materia ha mediado entre mì y D. Eustaquio W. Barron; habiendo sido estensivamente esplicado el asunto relativo al caso en mi carta de 25 del pasado, en respuesta á la del Sr. Barron de 22 del mismo; cuya correspondencia supongo que toda él la habrá acompañado á su escrito, como debe ser para la perfecta inteligencia del caso.—El honorable señor juez sabe ademas que yo no estoy considerado por las autoridades establecidas en esta ciudad con capacidad de ejercer las funciones consulares.—Tengo el honor de ser vuestro obediente servidor.

JUAN BLACK.

Honorable Antonio Madrid, 1er. juez de lo civil.—México.

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Es traduccion fiel del original que se me ha pasado.—México, Agosto 24 de 1859.

Fco. DIEZ DE BONILLA.
[Rubric.]

Drōs. conforme al artº 35 del capº 9 del arancel, 7 ps. 4 rs.
[Una Rubrica.]

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YNTERROGATORIO á cuyo tenor será examinado el Sr. D. Juan Maria Flores.—1a. Diga su nombre, edad, residencia y demas generales.—2a. Sìrvase vd. decir qué empleos ha desempeñado bajo el Gobierno mexicano, en qué épocas, cuál el que servia en 1846, y cuál el que desempeña actualmente.—3a. Diga si en los meses de Abril y Mayo de aquel año de 1846, como vocal que era de la Junta de fomento y administrativa de Mineria, tuvo conocimiento de haberse descubierto una mina de azogue en la Alta California por D. Andrés Castillero.—4a. Diga si es cierto, como lo es, que las muestras del metal remitidas por Castillero á D. Tomas Ramon del Moral, fueron ensayadas en el Colegio Nacional de Mineria por acuerdo de la Junta, y con el resultado de esta operacion se diò cuenta al Supremo Gobierno.—5a. Diga si conoce á D. Andrés Castillero, y si recuerda que en los meses referidos del año citado de 1846 lo vio en México y en donde.—6a. Diga si es cierto que Castillero hizo una solicitud pretendiendo que la Junta le facilitara ciertos fondos para la esplotacion de la empresa, y le pidio su recomendacion para que el Supremo Gobierno accediera á su pretension en los términos de su solicitud.—7a. Diga si sabe y le consta que el Gobierno accedio á lo pedido por Castillero, y si en consecuencia la Junta se disponia á entregar la suma necesaria.—8a. Diga si sabe y le consta que este arreglo se frustro por la orden que el Supremo Gobierno espidiò en Mayo de 1846, previniendo la suspension de toda especie de pagos.—9ª. Diga si sabe, que sobre este asunto de Castillero haya habido algunos documentos escritos, cuándo y en dònde los viò por primera vez, si sabe que existen ahora y en dònde.—10ª. Diga si sabe quién fué Presidente de la Junta de fomento y administrativa de Minería en 1846, y quiénes vocales y suplentes de la misma corporacion.—11ª. Diga cuál era la forma en que se daban los acuerdos de la Junta, si de ellos ha quedado algun documento escrito, dónde, cuándo lo ha visto, en dónde y si sabe que exista ahora.—12ª. Diga si sabe que las Secretarias de Estado de la República tenian obligacion de dar cada año el soberano Congreso una Memoria de los negocios de su ramo; si sabe que en 1846 la Secretaría de Relaciones cumplió con ese requisito, y si la Memoria que se le presenta es la edicion oficial de la que se leyó en el mencionado año de 1846.—13ª. Diga si en el año referido se pidió por el Ministerio de Relaciones alguna Memoria á la Junta de fomento y administrativa de Minería, y si esta es la misma que corre impresa en el apéndice de la Memoria del Sr. Lafragua bajo el núm. 52.—14ª. Diga, impuesto que sea de las págs. 136 y 146 de la Memoria que se le acompaña, si el estracto que en ella se hace de los procedimientos de la Junta de Minería en el negocio de Castillero, es exacto y le consta su certidumbre.—15ª. Diga en que forma se celebraban los acuerdos de la Junta de fomento y administrativa de Minería; si se conservaban en alguna parte, si existen ahora y en dónde.—16ª. Si es cierto que por parte del Sr. D. Guillermo E. Barron se le suplicó que fuera á California á atestiguar la verdad de los hechos que en esta interrogatorio se refieren, y si lo es tambien que se negó á ello, por los motivos que se le suplica esprese.

Méjico, siete de Julio de 1859.

L. EMILIO PARDO. EUSTAQUIO W. BARRON.
[Rubric.]

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Es en mi poder el oficio de vd. de 8 de Julio último, que no he contestado hasta ahora por haber estado enfermo y fuera de la capital. A él se sirve vd. acompañarme el interrogatorio presentado por el apoderado del Sr. D. Eustaquio Barron, y en debida respuesta debe decirle.—A la primera pregunta: que mi nombre es Juan María Florez Gutierrez de Teran, natural de esta capital, de sesenta y ocho años de edad: mi residencia fué en Europa hasta el año de 1832 que volví á la República, viviendo desde entónces en México, y en la actualidad en una hacienda nombrada "San José," jurisdiccion del pueblo de Mixcoac, á dos leguas de la misma ciudad, y no me tocan las generales de la ley.—A la segunda, que por los años de 1834 á 35 fuí alcalde primero del Ayuntamiento de México, en los de 45 y 46 diputado al congreso general. En el de 1847 alcalde segundo del Ayuntamiento de México, y en el de 1848 gobernador del Distrito Federal y actualmente consejero de Gobierno.—A la tercera, que es cierta.—A la cuarta, que lo es igualmente.—A la quinta, que es cierto qne en los referidos meses del año de 1846 ví en México á D. Andrés Castillero, y hablé con él en el local en que celebraba sus sesiones la Junta de fomento administrativa de Minerìa, á donde fué el espresado Castillero con el objeto que espresa la 6ª. pregunta, que es tambien cierta.—A la sétima, que es cierta.—A la octava, cierta.—A la novena, que habiendo convenido la Junta con Castillero los términos en que habia de facilitarle la suma estipulada para el laborìo de la mina de azogue, se estendió la escritura correspondiente, la cual no llegó á firmarse, por haber recibido la Junta la órden del Supremo Gobierno de que habla la pregunta 8ª.; que esa escritura la vió en la sala referida en que celebraba la Junta de Minerìa sus seciones, por haber intervenido en todo ese negocio como miembro de la espresada Junta.—A la décima: qué en el año de 1846 era Presidente de la Junta el Sr. D. Vicente Segura como comisionado del Gobierno: y vocales lo eran por los acreedores, D. José Marìa Bassoco, y por los mineros el que habla; y suplentes por los acreedores D. Joaquin Rozas, y D. Atilano Sanchez por los mineros.—A la undécima: que los acuerdos de la Junta se daban por mayorìa de votos y se asentaban en el libro de actas de la Junta en donde al que contesta los ha visto, y crée existen en la Secretarìa de la misma.—A la décima-segunda, que es cierta, y que la Memoria que se me presente y devuelvo, es la edicion oficial de la que se leyó en el congreso.—A la décima-tercera, que es cierto su contenido, y que la Memoria de la Junta es la misma que corre impresa en el apéndice de la Memoria del Sr. ministro de Relaciones Lafragua ya citada.—A la décima-cuarta: que es cierto todo lo que en ella se pregunta, y me consta por haber intervenido, como ya tengo dicho, en todo ese negocio como vocál que era de la Junta de Minerìa.—A la décima-quinta: creo contestada esta pregunta con la respuesta que dì á la undécima.—Décima-sesta: que es cierto fuì solicitado para ir á Californias á atestiguar la verdad de los hechos que en este interrogatorio se refieren, y con bastante sentimiento no pude prestar este servicio al Sr. Barron, porque ni mi edad ni mi quebrantada salud me permitian hacer tan largo viaje.—San José, Setiembre 5 de 1859.

JUAN Mª· FLOREZ.
[Rubric.]

Sōr. Juez 1°. de lo civil.

Mariano Dominguez, Magistrado del Supremo Tribunal de Justicia de la Nacion, y actual Ministro Semanero de su primera Sala.

Certifico: que el Lic. D. Antonio Madrid es Juez primero de lo civil de esta Capital; que por enfermedad de este está en el desempeño del Juzgado el suplente Lic. D. Ygnacio Solares y que las firmas de dichos individuos que se hallan en el anterior documento son las mismas que usan en todos los instrumentos públicos que autorizan. Ygualmente certifico: que D. José Villela y D. Pablo Sanchez son Escribanos públicos de la Nacion y suyas asimismo las firmas que se hallan en las actuaciones anteriores. Méjico, Agosto veinticinco de mil ochocientos sesenta.

MAR^o. DOMINGUEZ.
[Rubric.]

[SEAL.]

L. JOSE M. RODRIGUEZ VILLANUEVA, Srio.
[Rubric.]

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[SEAL.] José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial Mayor 1° del Ministerio de Relaciones exteriores.

Certifico que D. Mariano Dominguez es Magistrado de la Suprema Corte de Justicia y la anterior firma es la suya que usa en los documentos que autoriza. Mejico Agosto 25 de 1860.

Drō. 4 p^s.

J. MIGUEL ARROYO.
[Rubric.]

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I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that D. José Miguel Arroyo, whose usual signature, well known to me, appears at the foot of the foregoing attestation, is, as he styles himself, Chief Clerk in the Department of the Ministry for Foreign Affairs of the Mexican Republic, and that to all Acts and Deeds thus attested by him, full faith and credit are and ought to be given in Judicature and thereout.

No. 57.
[SEAL.]
4 rs.

In testimony whereof, I have hereunto set my Hand and Consular Seal in the City of Mexico, this twenty-fifth day of August, in the year of our Lord one thousand eight hundred and sixty.

F. GLENNIE, H. B. M's Consul.

## TRANSLATION EXHIBIT CASTILLERO No. 14.

**Interrogatory**, to the tenor of which D. Teodoro Sotomayor is to be examined.

1st. Declare your name, residence, age, and other formal generalities. 2d. Declare what offices you have filled in the Mexican Government, since when, and what is your present official capacity. 3d. Declare if you had knowledge of the discovery of a mine of quicksilver by D. Andres Castillero, in Upper California, and when, and how you knew of it. 4th. Declare, if you know, whether, since that time there have been any written document or documents upon this matter, where you first saw them, and where they now are. 5th. Declare if you know whether in 1846 there existed in the Ministry of Justice any memorandum of the transactions of the Ministry, how it was formed, if it now exists, where you saw it, and if you believe it lawful and true. 6th. Declare if you knew D. José Luciano Becerra, since when, and where, and if you know when and where he died. 7th. Declare if you know Señores D. José Maria Duran, D. Mariano Rodriguez, and D. José Maria Yrisarri, and D. Mariano Miranda, since when, where, and if they held any office in the year 1846, and what it was. 8th. Declare if you know that in the Junta for the Encouragement and Administration of Mining, there exist any documents in relation to this matter, and if you know, and have seen the handwriting of those which exist there. 9th. Declare if you have seen the collection of documents (*expediente*) in relation to this matter, which exists in the Ministry of Relations, and if in the said documents upon this matter you know the handwriting in which they are written. 10th. Declare if it be true that you were invited on the part of Mr. William Barron to proceed to California to testify orally to the truth of the facts referred to in this interrogatory; and if you declined to do so, state upon what reasons.

Mexico, 7th July, 1859.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric].

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[Seal.]

**Interrogatory**, to the tenor of which D. Mariano Rodriguez is to be examined.

1st. Declare your name, age, residence, and the other formal generalities.

2d. Declare what offices you have filled in the Mexican Government, since when, and in what capacity you now serve.

3d. Declare if you had notice of the discovery by D. Andres Castillero of a mine of quicksilver in Upper California, and where and how you learned it.

4th. Declare, if you know, whether, since what time there have been any written document or documents relating to that matter, where you saw them for the first time, and where they now are.

5th. Declare if you know whether in 1846 there existed in the Ministry of Justice any memorandum of the transactions of the Ministry, how it was formed, whether it now exists, where you have seen it, and whether you believe it to be true and lawful.

6th. Declare whether you knew D. José Luciano Becerra; since when, and where; if you know when he died, and at what date.

7th. Declare if you know Señores D. José Maria Duran, D. José Maria Yrisarri, D. Mariana Miranda, D. Teodoro Soto Mayor, and D. Joaquin Romanos; since when, and where; and if they held any office in the year 1846, tell what it was.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric].

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Mexico, 7th July, 1859.

The documents annexed having been presented, let the testimony be now taken. Mr. Black being first duly cited by means of an attentive despatch, citing also the persons who, according to law, enjoy the privilege of giving evidence in this form, and let the said testimony have due lawful effect. This decreed the Señor Lic. D. Antonio Madrid, first Civil Judge, and signed. I certify.

PABLO SANCHEZ.
[Rubric.]

MADRID.
[Rubric.]

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I, Eustace W. Barron, for the New Almaden Company, in Upper California, before you, protesting my respect, and in the most due form of law, do say, that having a necessity to take testimony in order to prove certain facts before the courts of California, and conforming to the rules established by American laws to assure in their territory the faith and credit of proofs in certain special cases, I appeared before the person whom the Government of the United States held accredited as Consul in this city, soliciting that such testimony might be taken before him; but this functionary has refused his intervention, manifesting to me that he is ordered by the American Minister at Vera Cruz not to authorize any procedure connected with the suit now in prosecution by the United States against D. Andres Castillero, and those who from him have derived rights in the mine of quicksilver discovered by him in Upper California, and to which the Supreme Government granted him sufficient title in the month of May, 1846. This singular prohibition, which has paralyzed my proceedings in that mode, leaves open to me the mode furnished by the public law of nations; and, in virtue thereof, I appear before you, soliciting that you will please to examine, according to the tenor of the interrogatories hereto annexed, the witnesses whom I shall present, giving due official notice to Mr. John Black, Consul for the United States in this city, inviting him to be present to know the witnesses, and see them sworn; and when the said evidence shall have been taken, that you will please to order that it shall be delivered to me in original, for the uses which may suit me; and I petition you to make decree accordingly, because that is just which I ask and swear, with the necessary, etc.

Mexico, 7th July, 1859.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric.]

*Item.*—I say that I offer herewith the official edition, duly certified, of the Report presented by his Excellency, D. José Maria Lafragua, Minister of Relations, in the year 1846, for the uses expressed in the interrogatories relating thereto, soliciting that the folios thereof which I shall designate being signed by the rubric of the actuary, may be returned to me as part of the Judicial procedure sought; and I also solicit, that the proper official directions be issued to Señores Bernardo Couto, D. Luis G. Cuevas, D. Miguel Atristain, and D. José Maria Duran, that they make due and formal answers to the said interrogatories according to law.

Dated *ut supra.*

*Item.*—I say that the signature of Señor Arroyo has not been authenticated by the American Consul, because that functionary has refused so to do.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric.]

Received at nine o'clock, A. M., on the 7th July.
[Rubric.]

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On the same date a despatch was directed to the Sor. Consul in the form required by the foregoing decree. I give faith.

VILLELA.
[Rubric.]

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On the same date, and in compliance with the foregoing decree, despatches were addressed to the Señores Licentiate Don Bernardo Couto, Licentiate Don Miguel Atristain, Don Luis Gonzaga Cuevas, Don José Maria Duran, Don Juan M. Flores, and Don Vicente Segura. I make this entry in proof thereof. I give faith.

VILLELA.
[Rubric.]

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Mexico, July 9, 1859.

Let the despatch received from Mr. Black be annexed and passed for translation to Lic. D. Francisco Bonilla, to whom it shall be made known, so that having first accepted and been sworn, he may discharge this duty. This decreed the Señor Judge. I certify. And also, that he ordered the despatch from Sor. Couto to be annexed.

MADRID.
[Rubric.]

JOSÉ VILLELA.
[Rubric.]

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On the twelfth of the same month, Mr. Eustace W. Barron being present, I read it to him in full, and asked for no copy of the foregoing decree, and he said that he presents certain letters soliciting the Judge, that now that the despatch of Mr. Black is to be passed to Señor Lic. Bonilla, there also be passed to him the said letters for translation; and signed. I certify.

JOSEPH VILLELA.
[Rubric.]

EUSTACE W. BARRON.

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Mexico, 13th July, 1859.

Petition granted. Thus decreed the Señor Judge.

PABLO SANCHEZ.
[Rubric.]

MADRID.
[Rubric.]

On the same date, the Lic. D. Francisco Bonilla being present in his house, I notified him of the foregoing decree, and he said that he accepts the duty, and swears in due form of law to discharge the same well and truly, in order to which he prays that the documents be delivered to him; and signed.

LIC. F. D. BONILLA. [Rubric.] JOSÉ VILLELA. [Rubric.]

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Afterwards, Don Eustacio W. Barron being present, I informed him of the foregoing decree, (reading it in full), and he asked (no copy), of which he took cognizance and signed. I give faith.

EUSTAQUIO W. BARRON. JOSÉ VILLELA. [Rubric.]

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Mexico, July 9th, 1859.

Sir:—I had the honor last evening to receive an official communication under date of the 7th instant, addressed to me by his Honor, Judge of the First Civil Court, D. Antonio Madrid, advising me that D. Eustaquio W. Barron had presented himself in his Court for the Company of New Almaden in Upper California, manifesting the necessity of taking testimony to prove some facts before the tribunals of Upper California, and at the same time stating that I had refused my intervention, stating that I had orders from the American Minister in Vera Cruz not to authorize any proceedings in relation to the affair mentioned. I must here state that said Minister has given me no such orders in the case, as the correspondence on the subject between myself and D. Eustaquio W. Barron will show, the subject in reference to the case being fully explained in my letter of the 25th ultimo in answer to that of Mr. Barron of the 22d of the same; all which correspondence I presume he has attached to and included in his escrito, as it should be, in order that the case may be fairly stated and understood.

His Honor, the Judge, also knows that I am not considered by the authorities established in this city as in the exercise of consular functions.

I have the honor to be,

Your obedient servant,

JOHN BLACK.

To His Honor Antonio Madrid,
First Judge of the Civil Court, Mexico.

I would immediately give the deposition which you are pleased to require of me in your official communication of yesterday, according to the interrogatory presented by Mr. Eustace Barron's party, in the New Almaden business in Upper California, if said interrogatory did not turn upon points relating to the diplomatic mission, which, in conjunction with Señores D. Luis Cuevas and D. Miguel Atristain, I discharged with the American Plenipotentiary, Mr. Nicholas P. Trist, to conclude the treaty of peace between the republic and the United States, which we signed in the city of Guadalupe on the 2d of February, 1848. As what we then did was done in the character of representatives of the National Government, I believe that, without its order, I cannot permit myself to make the statements required in the interrogatory. The Government itself has ordered, that in relation to an article of the treaty having connection with the New Almaden business, we shall make an official report, which is about to be drawn up, and which we shall duly forward to the Ministry of Relations.

This is all that I can state to you in answer to your said official communication, returning to you the accompanying interrogatory, and assuring you of my special consideration.

God and liberty. Mexico, July 9th, 1859.

BERNARDO COUTO.
[Rubric.]

To the Sōr. First Civil Judge, Lic. D. Antonio Madrid.

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In continuation, D. Teodoro Soto appeared before the Sōr. judge, and being sworn in due form, was examined in conformity with the interrogatory addressed to him; and to the 1st, said that his name is as aforesaid; that he is a native of Leon de los Aldamos; citizen of Mexico; fifty-five years of age; married; in office; and that the general rules of law as to incompetency of witnesses do not apply to him. To the 2d, that he commenced to be an employé in the Ministry of Justice and Ecclesiastical Affairs in the year 1829, in the situation of door-keeper, and in 1839, in a promotion which took place, he rose to be fourth clerk, then to be third, and afterwards to be first; then he held the office of second "oficial" of the archives, and afterwards of first "oficial" of the same. In 1849 there was a vacancy to fill after the death of Señor D. Joaquin Romanos, and in the consequent promotion he became eighth "oficial," and as this office was suppressed in the year 1853, he remained second writer, with the emoluments of "oficial," which is the office he now holds. To the 3d, that he knew about this business, because in the month of May, 1856, he saw in the Ministry of Justice, of which he was then, as he has said, an employé, the petition of Señor Castillero and the despatch of the Junta for the Encouragement and Administration of Mining, with which it was transmitted. To the 4th, that from the time that the Junta for the Encouragement and Administration of Mining transmitted the petition of Castillero, deponent had knowledge of that business by the reason aforesaid of his being a clerk of the Ministry, and in the course of his employment he made a fair copy of one of the despatches relating to this matter; that the collection of documents (*espediente*) which was then formed now exists in the Ministry of Foreign Relations, and that little more than one year ago deponent saw other communications relative to this business in the Ministry of Gobernacion and in the Administration of the Mining fund. To the 5th, that in the Ministry in which it now exists, there was at that date a book entitled of *partes*, which comprehends several years, in which is recorded, among many other transactions of that time, the abstract of this business, and of the resolution taken upon it, written in the handwriting of D. José Maria Yrisarri; that the aforesaid book is yet in the archives of the Ministry of Justice. To the 6th, that he knew D. José Luciano Becerra from the time that he was appointed Bishop of Chiapas, and conversed with him shortly after he was appointed Minister of Justice and Ecclesiastical affairs; that afterwards he went to the city of Puebla, where he died; at what date deponent does not recollect. To the 7th, that he knew D. José Maria Duran; that he was first "oficial" of the Ministry at that date, and sometimes acted as chief of the bureau; that he knew D. Mariano Rodriguez as an employé, as he then was of the office; D. José Maria Yrisarri, who was then eighth "oficial," and D. Mariano Miranda, who entered on probation, and so remained some years until 1853, when he left it by reason of a new arrangement of the staff of the office. To the 8th, that in the month of July of last year, upon request of the Licentiate D. Emilio Pardo, he went to the office of the Mining Fund, together with the then minister of the United States, the British consul, and other persons, where he saw the collection of documents (*espediente*) which exists there in relation to this matter, and in it a communication from the Ministry of Justice, signed by Señor Becerra on the 20th of May, 1846, acceding in all its parts to the petition of Castillero, which was written in the handwriting of the deponent at that date, as he then declared after careful examination of it. To the 9th, that also with the same gentlemen, and about the same time of which he speaks in his previous answer, he saw the collection of documents (*espediente*) in the office spoken of in the question, and after having examined it, he knew the handwriting of D. José Maria Duran, who wrote in it a resolution (*acuerdo*); that of D. Joaquin Romanos, who wrote another resolution; and that of D. Mariano Rodriguez, "oficial" of the desk in which the business was transacted, in whose handwriting are the title-page and minute of the collection of documents (*espediente*); that he knew all these gentlemen without recollection of the precise date, in the same Ministry of Justice of which they were all employés. To the 10th, that it is true that he was invited as is expressed in the question, and that it is also true that in reply he declined, in order to avoid grave injuries which would result to him from his separation from his family and his country; and that what is aforesaid, is the truth under the oath which he has taken, and he signed.

TEODORO SOTOMAYOR.
[Rubric.]

MADRID.
[Rubric.]

JOSE VILLELA.
[Rubric.]

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In continuation appeared before the Judge, D. Mariano Rodriguez, and being sworn in due form of law, was interrogated in conformity with the document corresponding to him; and to the first interrogatory he said, that his name is as aforesaid; that he is a native and citizen of Mexico—married; that he is second official—first pensioner of the Ministry of Justice—seventy-one years of age, and the general rules of law as to incompetency of witnesses do not apply to him. To the 2d, that he served in the Ministry of Justice from the 22d day of November, of the year 1821, to the first of June, 1852, when he was pensioned off; and that, in the course of those years, he filled the offices of second writer, "oficial" eighth, or of despatches, keeper of records, "oficial" sixth, fifth, third, second second, and second first. To the 3d, that he had knowledge of Don Andres Castillero's discovery by the communication in which, on the fifth of May, 1846, the Junta for the Encouragement and Administration of Mining advised the Ministry of Justice and Public Instruction of the said discovery, and that deponent knew of this, because the desk of the bureau in which the subject was despatched was in his charge. To the 4th, that a little after the date aforesaid—that is to say, in the first days of May, 1846—he saw the document referred to in his foregoing answer, which served as the beginning of the collection of documents (*espediente*) which was then formed, and that the said collection (*espediente*) now exists in the Ministry of Relations, where deponent has seen it and examined it

carefully within the past few days. To the 5th, that since the creation of the Ministry there has had to be in existence a book, in which one of the clerks of the Department, called the Oficial *de partes* was ordered to make record of the transactions of the Ministry, and to take note of its resolutions in relation thereto; that deponent has seen one of these books since its commencement, which was in 1841, and that now he has examined it with care, and has found in it the resolution (*acuerdo*) relative to the business of D. Andres Castillero in the handwriting of D. José Maria Yrisarri, an employé of the Ministry of Justice, in the archives of which exists the said book, that he believes to be true and lawful, because many folios of it were written in his presence; and that, in the part referring to the matter mentioned in this interrogatory, he so much the more believes it to be true, inasmuch as the title-page and minutes, (*minutas*), mentioned in deponent's fourth answer, are all written in his own handwriting at the dates therein mentioned. To the 6th, that by reason of the Most Illustrious Señor D. José Luciano Becerra having taken into his charge the portfolio of the Ministry of Justice and Public Instruction in the year 1846, deponent knew him, and conversed with him, as an "Oficial" of the said Ministry, and knows that he died in his bishopric of Puebla in the year 1854. To the 7th, that he knows all the persons inquired of, all being employés at the date in question in the Ministry of Justice and Public Instruction; that he remembers that the two first were superior employés in the bureau, and the others were inferior; but that, after the lapse of so much time, he does not remember exactly the duties performed by each of them. That all these particulars deponent has, at various times during the past and present year, related to the parties in interest, when they urgently pressed him that he should go to give his evidence in relation thereto before the courts of California, which he could not do by reason of the very feeble state of his health; and that the aforesaid is the truth under the oath which he has taken. And he signed. I give faith. MARIANO RODRIGUEZ OSIO.
[Rubric.]

MADRID, JOSE VILLELA.
[Rubric.] [Rubric.]

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Mexico, 13th July, 1859.

Let this be added to the despatch which has been received from Señor Segura. So decreed by the Señor Judge. I give faith. PABLO SANCHEZ.
[Rubric].

MADRID.
[Rubric].

It is added to the interrogatory and answer given by Señor Don Vicente Segura. In testimony whereof, I make this entry.

VILLELA.
[Rubric].

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INTERROGATORY, to the tenor of which D. José Vicente Segura shall be examined.—1st. Please to tell your name, age, and place of residence.—2d. Declare what offices you have filled under the Mexican Government, and at what periods, and that which you now fill.—3d. If, in the year 1846 you were President of the Junta for the Encouragement and Administration of Mining, please to declare whether you had or not knowledge of the discovery which D. Andres Castillero had made of a quicksilver mine in Upper California, and how you had that knowledge.—4th. Declare if, in virtue of this knowledge, the Junta for, &c., resolved upon any measure, what this was; and if any document is preserved in relation to it, tell where it is, and at what time you saw it.—5th. Declare, if the measure spoken of in the preceding question produced any result, what this was; and if any communication relative to this point be in existence, tell the same of it as of the preceding.—6th. Please to declare if, after the assays of the specimens of quicksilver ore transmitted from California had been made, the Junta did or did not resolve that the appropriate notice should be given; to whom, and whether you know if there be any written document on this point in existence.—7th. The notice having been given to the Supreme Government, declare if you gave it to the discoverer of the mine, D. Andres Castillero, and if the board received or not an answer from one and the other; when it was received; where are the documents; at what date you saw them, and had knowledge of them.—8th. Declare, if upon the documents spoken of in the preceding question any resolution of the Junta was adopted, what this was; if any note passed in consequence, and to whom; by whom the note was subscribed; whether any first draught of it is preserved, and where; and if you consider the note and the first draught authentic, declare why, and tell when you saw the documents aforesaid.—9th. Declare through which Ministry the documents spoken of in the preceding question were passed to the Supreme Government; and if the Junta received an answer; and if the Junta received an answer, where it is, and what measures were adopted after the receipt of it.—10th. Please to declare what result the measures spoken of in your preceding answer had.—11th. Declare if all the documents mentioned in the preceding questions are collected together, where they are; if you have recently given a copy of them, in form, and to whom.—12th. Declare if the measures spoken of in the preceding questions were taken by the resolution of the Junta; and if first draughts or originals of them be in existence, say where; whether you have given copy of them, to whom, and in what form.—13th. Declare if you know that the proceedings of the Junta were copied in any book one after the other in series, and that this book was sealed by the proper office; if the book be in existence, say whether you consider it authentic, and why.—14th. Declare who composed the Junta for the Encouragement and Administration of Mining in the year 1846; if those persons signed the resolutions of the board, when did they do so, and if you, the deponent, saw them sign.—15th. Declare if in the last months of the year 1846, the Ministry of Relations required from the Junta for the Encouragement and Administration of Mining a report (*memoria*) upon the business under its charge; who made that document, who subscribed it; if in it was made report of the mine and grant of Castillero; and after reading the relative portion of the report of the Ministry of Relations which is annexed to these papers, declare if it be the same which that Ministry transmitted, and which appears as published at that date.—16th. Declare if you know D. Manuel Couto; whether he held any offices in the Junta for the Encouragement and Administration of Mining since 1846, what they have been, and since what date he has filled the last of them.—17th. Declare if you know D. Isidro R. Gondra; since when; what office he filled in 1846 in the Junta for the Encouragement and Administration of Mining, and if you remember when he left that office.—18th. Declare if you know D. Andres Castillero; since when; whether you saw him in Mexico in May, 1846, and where.—19th. Declare whether, from your knowledge of mining affairs, you believe that in conformity to Mexican laws the grant of the mine of quicksilver made by the Supreme Government to Castillero, upon a previous report of the Junta, gave him a lawful title to possess the mine and its appurtenances as granted to him.

Mexico, 7th July, 1856.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric].

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To the 1st, I say that my name is Vicente Segura; I am 70 years of age; and since 1836 I reside in the City of Mexico. To the 2d, that in the year 1814 I was elected first alcalde and president of the very illustrious corporation (ayuntamiento) of the city of Cordova, my native place. In 1824 I was appointed chief of the department of Orizaba, and filled that office till the end of the year 1827. In the year 1828 I was appointed to and filled the office of controller general of the revenues of the State of Vera Cruz—was promoted to the office of Administrator General of the revenues of the same State, and from the year 1833 to 1835 I filled in the city of Puebla the office of supervisor for the State of Vera Cruz in the gross tithe rents. In the year 1835 I was appointed Minister of State, and discharge of the duties of Minister of Hacienda. Afterwards, in virtue of the Constitution of 1837, I was designated Counselor of State.—I have also filled the offices of deputy and Senator in the Congress of the Union. In 1836 I was appointed controller for the government of the Mining Establishment, and since that date up to the present time I have given my services continuously in its office, both in the capacity of controller to the year 1842, and since as member of the Junta for the Encouragement and Administration of Mining; member of the Tribunal of Mining; and, finally, general administrator of the Mining Dotal Fund. At the present time, also, I have been honored with the appointment of Counselor of State. To the 3d, that in the year 1846, as member as I then was of the Junta for the Encouragement and Administration of Mining, it belonged to me in turn to discharge the duty of president of that Junta; and in the month of April of that year, D. Tomas Ramon del Moral presented to the said Junta a letter of D. Andres Castillero, in which he informed him that he had discovered a mine of quicksilver near the Mission of Santa Clara, in Upper California, transmitting to the President of the Republic several specimens of the quicksilver ore, and petitioning him to order the same to be assayed, in order that after this he might solicit from the Junta the protection which it, according to law, had to give to extractors of national quicksilver. To the 4th, that in virtue of the information spoken of in the preceding answer, the Junta resolved that a note should be passed to the Director of the National College of Mining, directihg him to have an assay in that establishment of the specimens which were transmitted to him, together with copies of the letters of Castillero to the president, D. José Joaquin Herrera, and D. Tomas Ramon del Moral, and that he should report the result. The first draught or minute of that communication exists in the archives of what was then the Junta for Encouragement and Administration of Mining, and now is the Administration of the Mining fund; and I have seen it in the office since it was written by D. Isidro R. Gondra, first "oficial," then acting as secretary, in whose handwriting it is written from its date, which is the 21st of April, 1846, and it is the first leaf of the collection of documents (*espedtente*) which was formed, the second and third leaves being copies of the letters of which I have spoken. To the 5th, that the result produced by the preceding measure was, that on the 29th of April the College of Mining, D. José M. Tornel, informed the Junta that the faculty of professors of the College had taken cognizance of the business, and reported to him that some of the specimens of quicksilver were already deposited in the mineralogical cabinet, and that others had been assayed by the professor of chemistry, D. Manuel Herrera, yielding a "ley" 35½ per cent. The document which exists in regard to this same original communication of Señor Tornel, which was received on the 3d of May, according to a note made by myself, and this note is preserved in the same archives of the office which is in my charge, since the same date in which I received it, which was the first time I saw it, and it is the leaves 4 and 5 of the above mentioned collection of documents, (*espediente*). To the 6th, that when the assays had been made with the satisfactory results which I have described, the Junta resolved that the fact should be made known to the Supreme Government; which was, in fact, done on the 5th of May, through the Ministry of Justice, through which department, as being of the branch of the interior, the affairs of mining were then managed. The minute of this communication also exists in the archives of the office, where I have seen it ever since its date, and the original signed by me was, as I have said, forwarded to the Ministry of Justice, and forms the reverse of leaf 5 and the front of leaf 6, of the collection of documents (*expediente*) to which I have referred. To the 7th, that, as was said in the note of which I have spoken in the preceding answer, D. Andres Castillero was inquired of as to what kind of aid he needed for the carrying on of his brilliant enterprise, and he answered on the 12th of May, making a petition, of which a copy exists, authenticated by Señor D. Isidro R. Gondra. The Government in its turn acknowledged receipt, on the 9th of May, of the communication of the 5th of that month, and both the one and the other of these documents are found in the archives of my office, the one since its date, and the other must have been received on the day of its date, perhaps, or a little after. This last is the 7th leaf of the collection of the documents (*expediente*), and the former comprises the 13th and 14th leaves of the same. To the 8th, that the Junta resolved that Castillero's petition should be recommended to the Supreme Government, because, being merely an administrative body, it did not possess authority of itself alone to accede to the requests of the petitioner, and in consequence there was passed to his Excellency D. Luciano Becerra, then Minister of Justice, the communication of the 14th of May, signed by myself as then President of the Junta, and the first draught or minute of which exists in the office under my charge. These documents I have seen in my office ever since their date, and I consider them as authentic and true, as that the petition of Castillero was laid before me and the Junta. The minute was drawn up by my order, and the original communication was subscribed and signed by me, as I have said, that minute being now leaves 8, 9, 10, 11 and 12, of the aforesaid collection of documents (*espedientes*). To the 9th, that I have already said in one of the preceding answers, that these communications were passed to the Supreme Government through the Ministry of Justice. The Junta received an answer to its note of the 14th of May, on the 20th of the same, acceding to the petition of Castillero in all its parts. The original communication addressed to the Junta exists in the office under my charge; and as the petition of Castillero was that there should be executed a contract with the Junta to advance him five thousand dollars, to deliver him the iron flasks which were at Tasco, and other matters which appear in his petition, order was given to a notary to draw up the proper instrument, the money was appropriated to be delivered to the petitioner, and it was resolved to issue the order to place at his disposal the empty flasks which were at Tasco, belonging to the Junta. The communication received from the Supreme Government forms folio 15 of the collection of documents (*espediente*). To the 10th, that these measures had no result, because, from and after the 2d of May of this same year, 1846, all payments from the offices of the public treasury were suspended. The Junta subsequently entertained a doubt whether the payments of the quicksilver fund were included in that suspension; and as, on the 23d of May, the declaration reached the Junta, in which order was given to suspend all payments of this description, then the sum which was held ready for the purpose could not be handed over to Castillero, although it had even been counted out for delivery. To the 11th, that all the documents of which I have spoken are found collected and stitched together in the collection of documents (*espediente*) to which I have made reference in the greater part of the preceding questions. Of it have been given, in the past year, two certified traced copies, upon the petition of the house of Mr. Barron, in the month of May of last year, 1858. A third was given upon the petition of the same gentleman on the 20th of April of this year; and finally, another traced copy has been given to the Ministry of Foreign Relations by order received from the Ministry of Fomento on the 30th of April last. To the 12th, that all the measures of which I have spoken, in so far as they are based upon proceedings of the Junta, were adopted by resolution of the Junta, and those resolutions are of record in the appropriate minutes, stitched manuscript pamphlets of which containing the rough draughts and books in which they are fairly copied exist in the archives of this office. The material part, both of the one and the other, which the parties in interest requested, was also given to them in certified traced copy in the month of April last past. To the 13th, that I have said that the minutes of the Junta were copied in a book, and that I gave to the parties in interest a certified traced copy of the material portion; in it I expressed that the acts follow one another in a series; that it was sealed by the office which, according to our law, ought so to do; and I consider it to be authentic, because it has been made in conformity with the provisions of the rules of the office; and true, because I have seen it written under my orders, and by officers of the same office. To the 14th, that in the year 1846, Señor D. José Maria Bassoco, Señor D. Juan Maria Flores and myself, were members of the Mining Junta; and the substitutes were Señores D. José Joaquin de Rosas and D. Atilano Sanchez. The resolutions of the Junta were signed by such of them as were present at the sessions, and I myself saw them sign several times. To the 15th, that on the 5th of November, 1846, as appears of record in the book of the minutes of the proceedings of the Junta, report was made of a dispatch from the Ministry of Relations of the 3d of the same month asking exact returns of the doings of the Junta since 1845, with observations it might deem proper; that by virtue of this communication, the Junta ordered to be drawn up from the record the report formed by the Secretary Castera, adding to it the subsequent memoranda which I did myself, dictating the conclusion, which comprises from page 142 to 147, which is the end; that I signed that document as President of the Junta, on the 17th of the same month and year, and it was inserted in the appendix of the Report of the Minister of Relations of the said year, 1846, under No. 52; and on leaf 136 of the official edition of the report of Señor Lafragua, reference is made to all that occurred with Castillero; that in the month of April of the present year, I saw the original report of the board in the possession of Señor Bassoco, and it is the same which is printed and circulated. To the 16th, that I know D. Manuel Couto, since his infancy, by reason of my intimate relations of friendship with his father. In 1846, he was writer in the Junta for the Encouragement and Administration of Mining, and so continued until 1848, when he rose to be second oficial of the office of the Junta for the Encouragement of Mining, which office he filled till 1852; on the 28th of June of the same year, a decree was issued organizing anew the office, and he was appointed Secretary of the Administration of the Fund, and charged with the archives of the same, which is the office that he fills up to this time. To the 17th, that I knew D. Isidro Gondra, many years before he became an employé in the office of the Junta for the Encouragement of Mining; in 1846, he was first oficial of the Junta for the Encouragement and Administration of Mining, and charged with that department by the absence on leave of its then Secretary, D. José Maria Castera. To the 18th, that I know D. Andres Castillero since the year 1846, and saw him in Mexico in the month referred to in the question, in the same office where he several times presented himself to press on his business then pending. To the 19th, that I believe that, according to Mexican laws, in thoseplaces where there is no mining deputation within the district embraced in its jurisdiction, the first political authority of the place, or of the precinct nearest to it, exercises the power of the mining deputation,—that is, receives denouncements, and lawfully grants mining possessions, as has been, and still is the custom in such cases; and I further believe that the government of General Paredes being invested as it was, in 1846, with extraordinary powers, there was included within them that of approving the pertenencias and possession of the quicksilver mine discovered by Señor Castillero, in the terms in which they were given by the Judge of San José, and as recommended to the Government by the Junta for the Encouragement and Administration of Mining, as shown by the dispatch transmitted to the Supreme Government under date of 14th of May, which appears in the collection of documents (*espediente*) at leaf 14, and thus, in my judgment, the grant made to D. Andres Castillero by the Supreme Government confers upon him a lawful title to possess the mine and "pertenencias" which the Junta resolved should be granted to him as a reward of his discovery. That deponent has many times repeated what is above stated to the parties in interest, who urged him pressingly to go and testify to it before the tribunals of California, which he could not do by reason of his advanced age and infirmities.

VICENTE SEGURA.
[Rubric.]

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In answer to the courteous communication of your honor of the 8th inst., I have the honor to transmit to you on a separate sheet the answers to the interrogatory presented by Mr. Eustace Barron, according to the records which appear in this office, in the matter relating to the mine of quicksilver which D. Andres Castillero discovered at the Mission of Santa Clara of Upper California, in the year 1846.

God and liberty. July 9th, 1859.

VICENTE SEGURA.
[Rubric.[

To the Sōr. 1st Civil Judge,
Licentiate D. ANTONIO MADRID.

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Mexico, 15th July, 1859.

Let the despatch sent by Sōr. Don Luis G. Cuevas be added to the record of proceedings. So decreed by the Sōr. Judge. I give faith.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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The despatch of Sōr. Cuevas is added to this record in compliance with the foregoing decree. I give faith.

VILLELA.
[Rubric.]

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Mexico, 26th July, 1859.

Let it be added to the despatch and proceedings of which report is made. So decreed by the Sōr. Judge. I give faith.

MADRID. [Rubric.] PABLO SANCHEZ. [Rubric.]

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The despatch referred to in the foregoing decree is added, and it is that which was sent by the Sōr. Don José Maria Duran. For proof thereof I make this entry.

VILLELA.
[Rubric.]

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Mexico, 5th September, 1859.

Let the despatch which has been received from Sōr. Flores be added to the "*espediente.*" So decreed and signed by the Sōr. First Civil Judge *ad interim*, Licentiate Don Ignacio Solares. I give faith.

SOLARES. [Rubric.] PABLO SANCHEZ. [Rubric.]

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In compliance with the foregoing decree the despatch referred to is so added. I give faith.

VILLELA.
[Rubric.]

On the sixth of the same month Don Eustace W. Barron appeared and said: that the letters which he exhibited being now translated, he asks the Court to be pleased to order that they be returned to him, note of them being kept in this "*espediente*;" and he signed. I give faith.

EUSTACE W. BARRON. [Rubric.] JOSÉ VILLELA. [Rubric.]

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Mexico, September 6th, 1859.

Granted as asked. So decreed by the Sor. Judge. I give faith.

SOLARES. [Rubric.] PABLO SANCHEZ. [Rubric.]

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On the same day there were returned to Don Eustace W. Barron the three letters which he exhibited on the twelfth day of last July, and they are the same which were translated by the Licentiate Don Francisco Bonilla, and they are added to this "*cuaderno*," (unbound book); and as an acknowledgment of the receipt thereof he signs the present. I give faith.

EUSTACE W. BARRON. JOSÉ VILLELA. [Rubric.]

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INTERROGATORY, to the tenor of which shall be examined the Señores Licentiates D. Bernardo Couto, D. Luis G. Cuevas, and D. Miguel Atristain.—1st. Please to declare your name, age, residence, and the other generalities of law.—2d. Please to say if you were commissioned by the Supreme Government in 1847, to draw up the treaty of peace which was signed on the 2d of February, 1848, with Mr. Trist, commissioner of the United States of America.—3d. Please to state what reasons there were to fix in the 10th article of the treaty of Guadalupe, the 12th day of May, 1846, as the latest date of grants of lands made by the Supreme Government in the Department of Upper California, detailing all the facts upon this point which it is possible for you to recollect. Mexico, July 7th, 1859.

L. EMILIO PARDO. [Rubric. EUSTACE W. BARRON.

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The Sōr. Dr. D. Bernardo Couto has received a communication from the Ministry of Relations, to the effect that we, the plenipotentiaries, who signed the treaty of Guadalupe, shall report upon the matter referred to in the interrogatory presented in your Tribunal by Mr. Eustace W. Barron, which your honor has been pleased to forward to me with your despatch of the 8th instant, which reached me yesterday; and thus, owing to this circumstance, as well as because it would not be proper for me to say anything in relation to that negotiation, without the previous permission or order of the Supreme Government, I cannot give the deposition which said Mr. Barron desires. I have the honor to say this to your honor in due reply, with the assurance of my respect and consideration.

God and liberty. Mexico, July 15th, 1859.

LUIS G. CUEVAS.
[Rubric.]

To the Sōr. First Civil Judge, D. Antonio Madrid.

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INTERROGATORY, to the tenor of which shall be examined D. José Maria Duran.—1st. Please to declare your name, age, place of residence, and other formal generalities.—2d. Declare what offices you have filled under the Mexican Government, since when, and what office you now hold.—3d. Declare if you had knowledge of the discovery by D. Andres Castillero of a quicksilver mine in Upper California; since when, and how.—4th. Declare if you know that from that date there have existed some written document or documents upon this matter, where you saw them for the first time, and where they now are.—5th. Say whether you have recently seen those documents, whether you have examined them with attention, in whose handwriting they are written, and whether you believe them to be authentic and true.—6. Declare whether you know that in 1846 there existed in the Ministry of Justice any memorandum of the transactions of the said Ministry; how it was made up; whether you know that it is now in existence, where you have seen it, and whether you believe it authentic and true.—7th. Declare if you knew the illustrious Sōr. D. José Luciano Becerra; when and where; what public office he held in May, 1846; whether you know that he is dead; since when, and where.—8th. Declare whether you know that every year there was presented to the Houses of Congress, by the respective Ministries, a report of the affairs of their branch; whether you know that the latter part of 1846, the Sōr. Minister of Relations, D. José Maria Lafragua, presented a document of this character; if that report is the same which is presented to you in print, and if you believe it authentic and true.—9th. After having had read to you the documents relating to Castillero's quicksilver mine, declare whether that part which states the facts touching the Ministry of Justice is exact, and whether you know it to be true.—10th. Say whether the grant which the Supreme Government made to Castillero in 1846 was, in your judgment, within the powers with which the Executive was then invested, and whether mining affairs at that date were in the charge of the Ministry of Justice.—11th. Declare whether you know Señores D. Teodoro Sotomayor, D. Mariano Rodriguez, D. José Maria Yrisarri, D. Mariano Miranda, and D. Joaquin Romanos; since when; and if in May, 1846, they filled any office, declare what it was.

L. EMILIO PARDO. [Rubric.]　　EUSTACE W. BARRON.

Answer to the interrogatory which the first civil judge, Sor. D. Antonio Madrid, transmits to me, with the despatch of the 8th of this month, relating to the New Almaden business, in Upper California.

To the 1st question I say, that my name is José Maria Duran; that I am a widower—over seventy-five years of age—a citizen of this city, the capital of the Mexican Republic. To the 2d, that after having filled several offices in the time of the Spanish government from the year 1811, I continued my services under the independent Mexican Government at the first establishment of the departments of State—entering into that entitled of "Justice and ecclesiastical affairs," with the appointment of keeper of the records; and that, in it, I was successively promoted until I filled the office of first chief clerk on the 19th of May, 1847; but that, while I was yet second chief clerk, the Supreme Government, from the 1st of August, 1840, clothed me with the exercise of decrees, in which character I filled the office of Minister upon fifteen occasions, acting in place of the Ministers by reason of their absence, illness, or resignation; that I served as chief clerk to the 7th of January, 1854, when, by reason of my age, infirm health, and long services, there was granted to me my pensioned discharge, or retirement, with the honors, privileges, prerogatives, and exemptions of Secretaries of State, in virtue of which I now fill no office of obligatory duty, except of councillor of the National Academy of Noble Arts of San Carlos, and that of enumerated associate of the Mexican Society of Geography and Statistics. To the 3d, that since the month of May, 1846, I had knowledge of the discovery made by D. Andres Castillero of a quicksilver mine at the mission of Santa Clara, of Upper California, because I saw the official communication which, under date of the 5th of the same month, the President of the

Junta for the Encouragement and Administration of Mining, addressed to the Ministry of Justice, (which, at that time, had also in its charge the branches of public instruction,) bringing to the knowledge of the Supreme Government the said discovery. To the 4th, that, from that date, other writings in relation to this business began to come into the said Ministry, which I there saw for the first time, and with them all commencement was made of the collection of documents (*espediente*) which now exists in the Ministry of Foreign Relations, where I have recently seen them with the purpose which I will hereafter state. To the 5th, that little more than one year ago, by reason of the fact that parties in interest did not find the place of deposit of these documents, I, at their request, went in person to have them searched for at a bureau in the place where I thought they must be, and in fact they were found (*en una mesa*) at a bureau of the Ministry of Foreign Relations, and I knew them, recollecting the subject, and seeing in them the writing of my hand and pen as it is in a resolution of the 9th of May, placed on the margin of the first communication, and minutes or first draughts, in the handwriting of D. Mariano Rodriguez, as also the resolution of the 20th of the same May, in the second communication, in the handwriting of D. Joaquin Romanos, now deceased; all which things I can truly testify, by reason of having carefully examined them, and I believe those documents to be authentic and true, inasmuch as, excepting the minister, I was the immediate chief of the department in which the business began. To the 6th, that in pursuance of the first regulation of the departments of State, there was in that of Justice a Bureau, with an "oficial" charged with the duty of recording in a book of regularly numbered pages, abstracts of the matter of the affairs which came into the ministry, and of the resolutions which were adopted in relation thereto; that there exists in the archives there, and I have seen it within a few days, a book, which commenced with the year 1841, and concluded with the year 1846, inclusive, the authenticity of which I cannot doubt. To the 7th, that I knew the illustrious Sōr. D. José Luciano Becerra many years ago, and had much intercourse with him at the time when he was Minister of Justice, Ecclesiastical affairs, and Public Instruction, which office he filled from the first days of January to about the middle of June, 1846; that it is well known that said gentleman died in the city of Puebla, being the bishop of that diocese, in the year 1854. To the 8th, that it is so true that there was every year presented to the Houses of the General Congress a Report of the affairs of each Ministry by its respective Chief, that no one of those who were present in the galleries, or who read the newspapers in which were published the acts of the sessions, can doubt it; and, besides, those reports were circulated in print to all the authorities and public functionaries; that Sōr. D. José Maria Lafragua presented his Report in December, 1846, and it is the same which is now presented to me in a printed copy, and certified by the chief "oficial" of the Ministry of Relations, D. Miguel Arroyo, and that I cannot doubt its authenticity and truth because I have seen it in circulation, and having myself received copies from the hand of the said Señor Minister Lafragua, in the city of Queretaro, where I was with the Supreme Government in the year 1847. To the 9th, that having seen and read the documents relating to Castillero's mine, I see that the part which relates to the Ministry of Justice is exact, and I cannot doubt its authenticity. To the 10th, that in 1846, from the 7th January to the 6th of August, all mining affairs passed through the Ministry of Justice, because it was also entitled "of Public Instruction," and for that reason had under charge the college and the Junta for the Encouragement and Administration of that branch. To the 11th, that I well know Señores D. Teodoro Sotomayor, D. Mariano Rodriguez, D. José Maria Yrisarri, D. Mariano Miranda; and I also know D. Joaquin Romanos, now deceased. The first since the year 1828; the second, since the establishment of the Ministries in 1821; the third, since the year 1834; the fourth, since the year 1840; the fifth since the establishment of the Ministries. In the year 1846 Romanos filled the office of second first "oficial" of the Ministry of Justice; Rodriguez that of fifth; Yrisarri that of eighth; and Sotomayor and Miranda, that of writers. What I have related is all I can declare in truth, adding that, by reason of my advanced age and infirmities, I did not consent to proceed in person to California to give this testimony before those tribunals when twice earnestly invited so to do.

Mexico, July 26th, 1859. JOSÉ M. DURAN.

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I return to you the interrogatory which you were pleased to transmit to me with your attentive despatch of the 8th of the present month, in relation to the New Almaden business, inclosing with it in separate sheets the corresponding answers, following the order in which the interrogatory is drawn up. With this motive I have the honor to renew to you the assurances of my appreciation and respect.

God and Liberty. Mexico, July 26th, 1859.

JOSÉ M. DURAN.

To the Sōr. First Civil Judge, Lic. D. Antonio Madrid.

Mexico, June 17th, 1859.—Esteemed Sir.—I am sorry to inform you that under the present circumstances it is impossible for me to take the depositions which you request.

I remain, with the greatest respect, your obedient servant,

JOHN BLACK.

Sōr. Lic. Don Emilio Pardo.—No. 9, Calle del Esclavo.

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Consulate of the United States of America.—Mexico, 21st June, 1859.—Sir: In answer to your letter dated to-day, I have to inform you, that under present circumstances I cannot issue the certificate which you solicit; for I have received a communication from the Hon. Robert M. McLane, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Constitutional Government, in which he states to me (relative to certain business pending between the United States, Don Andres Castillero, John Parrott, and others), what I copy: "I am instructed to inform you that the Government does not authorize such a proceeding."—Therefore, I consider myself bound to suspend the issuance of said certificate until I can consult with the said Minister about the matter, and receive from him new instructions in relation to it, as the former may not perhaps cover your case. But as to this I cannot (for want of the necessary information) consider myself competent to decide, and I shall therefore wait for new instructions to enable me to act in a more positive manner. I remain, with the greatest respect, your obedient servant.

JOHN BLACK.

Mr. Eustace W. Barron.—Mexico.

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Consulate of the United States of America.—Mexico, 25th June, 1859.—Sir:—I received last night your letter of the 22d inst., and in reply, I have to inform you, that you have no reason to be surprised at the contents of my letter of the 21st inst., as it seems that you were well informed about the matter, and knew before that what had happened, and you now appear to be highly indignant because your own "efforts and those of the distinguished gentleman who have undertaken the defense of your rights, (as you say,) to obtain from the Government of the United States some assistance to relieve the case from doubt, and ascertain on which side the truth is and can be proven to be, you regret to say have been wholly unavailing;" and that "not content with scorning your propositions at Washington, the Government also persecutes you here, in the name of a great people and through official channels to suspend a law of the United States passed and sanctioned by the Congress of the Union." You further say that "fortunately for yourself and those interested with you in the litigation pending before the tribunals of the United States, it is not the Executive Department of the Government of that country that has to decide upon the justice of the case." You should have considered this and refrained, and not ask for intervention in business pending before the judicial tribunals.

It appears now that you and your distinguished gentlemen, instead of submitting to what has been, or may be decided by the Courts which take cognizance of your affairs, have gone beyond the limits of the law, asking for the Executive interference of the United States to obstruct and alter the regular course of proceedings in your case, and because it refuses to trample on the law for your accommodation, you accuse it of suspending a law of the United States. You also complain of it for persisting in its refusal to authenticate proceedings which you claim the right to take, independently of the only tribunals lawfully invested with jurisdiction in the case, and the mere act of announcing to me such non-authentication is declared by you to be a persecution of you here, in the name of a great people, and through official channels to suspend a law of the United States, passed and sanctioned by the Congress of the Union.

There is nothing in the instructions about suspending any law or prohibiting the issuance of certified copies; it is simply a notice showing, that in order to proceed according to law, it is not necessary that there should be any authentication or interference by the Executive power, and that its prior sanction is not necessary for the continuance of proceedings, legally conducted, which emanate from the judiciary itself; and finally, that none of them can, nor will be authenticated.

I remain sir, with most profound respect,

Your ob't. serv't,

JOHN BLACK.

Mr. Eustace W. Barron, Mexico.

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Mexico, July 9th, 1859.

Sir:—I had the honor last evening to receive an official communication under date of the 7th instant, addressed to me by his Honor, Judge of the First Civil Court, D. Antonio Madrid, advising me that D. Eustaquio W. Barron had presented himself in his Court for the Company of New Almaden in Upper California, manifesting the necessity of taking testimony to prove some facts before the tribunals of Upper California, and at the same time stating that I had refused my intervention, stating that I had orders from the American Minister in Vera Cruz not to authorize any proceedings in relation to the affair mentioned. I must here state that said Minister has given me no such orders in the case, as the correspondence on the subject between myself and D. Eustaquio W. Barron will show, the subject in reference to the case being fully explained in my letter of the 25th ultimo in answer to that of Mr. Barron of the 22d of the same; all which correspondence I presume he has attached to and included in his escrito, as it should be, in order that the case may be fairly stated and understood.

His Honor, the Judge, also knows that I am not considered by the authorities established in this city as in the exercise of consular functions.

I have the honor to be,
Your obedient servant,
JOHN BLACK.

To His Honor Antonio Madrid,
First Judge of the Civil Court, Mexico.

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INTERROGATORY, to the tenor of which shall be examined D. Juan Maria Flores.—1st. Declare your name, age, residence, and other generalities of law.—2d. Please to state what offices you have filled under the Mexican Government; at what periods; what was that which you filled in 1846, and what is that which you now fill.—3d. Declare whether in the months of April and May of that year, 1846, as member (*vocal*), as you were, of the Junta for the Encouragement and Administration of Mining, you had knowledge that a quicksilver mine had been discovered in Upper California by D. Andres Castillero.—5th. Declare whether it be true, as it is, that the specimens of the metal transmitted by Castillero to D. Tomas Ramon del Moral, were assayed in the National College of Mining by resolution of the Junta; and that the result of this operation was reported to the Supreme Government.—5th. Declare whether you know Don Andres Castillero; and whether you remember that, in the aforesaid months of the said year 1846, you saw him in Mexico, and where.—6th. Declare if it is true that Castillero presented a petition soliciting that the Junta should advance to him certain funds for the carrying on of the enterprise, and asked from it its recommendation in order that the Supreme Government should accede to his petition according to his terms.—7th. Declare whether you know that the government acceded to Castillero's request, and whether, in consequence, the Junta came to a resolution to hand over the necessary sum.—8th. Declare whether you know that this arrangement was frustrated by an order of the Supreme Government issued in May, 1846, ordaining the suspension of payments of every description. 9th. Declare whether you know that, in relation to this matter of Castillero, there have existed any documents in writing, when and where you saw them for the first time; whether you know that they are now in existence, and where they are. 10th. Declare whether you know who was President of the Junta for the Encouragement and Administration of Mining in 1846, and who were members (*vocales*) and substitutes (*suplentes*) of that corporation. 11th. Declare what was the form in which the resolutions of the Junta were given; whether there remains any written document of them, where, when you saw it, where, and whether you know if it now exists. 12th. Declare whether you know that the Departments of State of the Republic were under obligation to present every year to the Sovereign Congress a report of the affairs of their branch; whether you know that in 1846 the Department of Relations complied with this obligation, and whether the report now presented to you is the official edition of that which was read in the said year 1846. 13th. Declare whether in the said year any report was requested by the Ministry of Relations from the Junta for the Encouragement and Administration of Mining, and whether this is the same which appears printed in the appendix of the report of Señor Lafragua under number 52. 14th. Declare, after informing yourself of pages 136 and 146 of the report herewith presented to you, whether the extract which it contains of the proceedings of the Mining Junta in the business of Castillero, is exact, and whether its certainty is known to you. 15th. Declare in what form the resolutions of the Junta for the Encouragement and Administration of Mining were adopted; whether they were anywhere preserved of record; whether they exist now, and where. Whether it is true that, in behalf of Señor William E. Barron, you were requested to proceed to California to testify to the truth of the facts mentioned in this interrogatory; and whether it is also true that you declined doing so, for the reasons which you are requested to make known.

Mexico, 17 July 1359.

EUSTACE W. BARRON.

L. EMILIO PARDO.
[Rubric.]

Your dispatch of the 8th of last July is at hand, which I have not answered until now, by reason of having been sick and absent from the capital. With it you are pleased to inclose to me the interrogatory presented by the attorney of Mr. Eustace Barron, and in due answer you may state to him: To the first question, that my name is Juan Maria Flores Gutierrez de Teran; a native of this capital; sixty-eight years of age; my residence was in Europe till the year 1832, when I returned to the Republic, living after that time in Mexico, and now at a *hacienda* named San José in the jurisdiction of the town of Mixcoac, two leagues from the same city, and that the general disqualifications of the law do not apply to me. To the second, that during the years 1834 and 1835, I was first Alcalde of the Ayuntamiento of the city of Mexico; in the years 1845 and 1846, Deputy to the General Congress; in the year 1847, second Alcalde of the Ayuntamiento of Mexico; and in the year 1848 Governor of the Federal District; and now, Counselor of Government. To the third, that it is true. To the fourth, that it is also true. To the fifth, that it is certain that in the said months of the year 1846, I saw D. Andres Castillero in Mexico, and conversed with him in the place where the Junta for the Encouragement and Administration of Mining held its sessions, where the said Castillero went for the purpose expressed in the sixth question, which is likewise true. To the seventh, that it is true. To the eighth, true. To the ninth, that the Junta having agreed with Castillero as to the terms on which it should advance to him the stipulated sum for the working of the quicksilver mine, the appropriate writing was drawn up, which did not come to be signed, because the Junta had received from the Supreme Government the order spoken of in the eighth question. That that writing I saw in the above named room, in which the Mining Junta held its sessions, I having participated in all that business as member of said Junta. To the tenth, that in the year 1846, D. Vicente Segura, as Commissioner of the Government, was President of the Junta; and the members (*vocales*) were for the creditors D. José Maria Bassoco, and for the miners this deponent; and the substitutes were, for the creditors D. Joaquin Rozas, and for the miners D. Atilano Sanchez. To the eleventh, that the resolutions of the Junta were adopted by a majority of votes, and were recorded in the book of the minutes of the Junta, in which this deponent has seen them, and believes that they exist in the Secretary's office of the same. To the twelfth, that it is true, and that the report presented to me, and which I herewith return, is the official edition of that which was read in the Congress. To the thirteenth, that its contents are true, and that the report of the Junta is the same which appears printed in the appendix of the report aforesaid of Sōr. Lafragua, the Minister of Relations. To the fourteenth, that all that is asked in it is true, and I know it, because I participated, as I have already said, in all that business as member (*vocal*) which I was, of the Mining Junta. To the fifteenth, I believe that this question is answered in the answer which I gave to the eleventh. To the sixteenth, that it is true that I was solicited to proceed to California to testify to the truth of the facts stated in this interrogatory, and that, with great regret, I was unable to render this service to Mr. Barron, because neither my age nor my broken health permitted me to make so long a journey.

San José, September 5th, 1859.

JUAN MARIA FLORES.

To the Sōr. FIRST CIVIL JUDGE.

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I, Mariano Dominguez, Judge of the Supreme Court of Justice of the Nation, and at present, Supervising Judge of Records of its First Hall, do certify, that the Licentiate Don Antonio Madrid is First Civil Judge of this Capital; that by sickness of the latter, the business of the Court is conducted by the substitute Licentiate Don Ygnacio Solares, and that the signatures of those persons appearing in the foregoing document are the same which they use in all public documents authenticated by them.

I certify in like manner, that Don José Villela and Don Pablo Sanchez, are National Notaries Public, and their signatures to the foregoing proceedings are likewise genuine.

Mexico, 25th August, 1860.

[SEAL.] MARIANO DOMINGUEZ.
[Rubric.]

L. JOSE M. RODRIGUEZ VILLANUEVA,
[Rubric]. Secretary.

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No. 132. José Miguel Arroyo, Honorary Intendent of the
[SEAL.] Army and First Chief Clerk of the Ministry of Exterior Relations:

Do certify, that Don Mariano Rodriguez is Judge of the Supreme Court of Justice, and the foregoing signature is his, which he uses in documents authenticated by him.

Due $4 00. J. MIGUEL ARROYO.
[Rubric].

# EXHIBIT
# LAND COMMISSION PROCEEDINGS, J.W.M.

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## PETITION.

*To the Honorable Commissioners to settle Private Land Claims in California.*

The petitioner, Andres Castillero, respectfully shows:

That in the year 1845, the petitioner, Andres Castillero, discovered a mine of cinnabar in the jurisdiction of San José and in the now county of Santa Clara in this State.

That having formed a company for working said mine, he, on the 22d day of November, and on the 3d day of December, A. D. 1845, received from the magistrate of that jurisdiction, in due form, the juridical possession of said mine and lands, to the extent of three thousand varas in all directions, all of which is shown by the duly authenticated papers issued from the office of said magistrate, copies of which are submitted herewith, marked "A" with translation marked "B."

That said record of testimony of his mining possession was soon after submitted to the "Junta de Fomento y Administracion de Mineria," the highest mining tribunal in the Republic of Mexico, which tribunal, after mature deliberation and an examination of the laws relating thereto, on the 14th day of May, A. D. 1846, declared said juridical possession, although embracing an unusually large extent of land, to be in accordance to law, and fully justified by the peculiar circumstances of the case, and they therefore recommended to the executive power of the Republic, through the Minister of Justice, not only that the mining possession of three thousand varas in all directions from the mouth of the mine be confirmed, but that the executive should also grant in fee to the said Castillero, for the benefit of his mine, two square leagues of land on the surface of his mining property.

That on the 20th day of May, A. D. 1846, the Minister of Justice replied to the President of the "Junta de Mineria" that the President of the Republic had acceded to the recommendations of the Junta and the petition of Castillero, and granted the land so asked for and so recommended.

That on the same day the Minister of Justice officially notified the Minister of Exterior Relations, Government and Police of the aforesaid grant of the President of the Republic, in order that the corresponding decree or orders might be issued; all of which is fully shown by the duly attested documents issued from corresponding offices in Mexico, copies of which, and also copies of the duly authenticated certificates o' the Minister of Interior and Exterior Relations and of the Secretary of the Mining Tribunal, that the aforesaid grant of land to the petitioner, Castillero, was legal and approved by the Supreme Government, are submitted herewith, marked "C" with translations marked "D."

That on the 23d day of May, A. D. 1846, the Minister of Exterior Relations, Government and Police issued his order to the Governor of California, notifying him of the aforesaid grant to Castillero, and directing the said Governor to put Castillero in possession of the two square leagues so granted, a copy of which order or patent of title is submitted herewith, marked "E" with a translation marked "F."

That the said Castillero, immediately on receiving the aforesaid grant from the Government of Mexico, started for California, for the purpose of measuring off and taking the juridical possession of the land so granted, but was prevented from doing so and interrupted in his journey by the operations of the war which was then commencing between the United States of America and the Republic of Mexico; he however still continued by his agents and servants in the occupation of the land of his mining possession, and in the latter part of the year 1847, or the beginning of the year 1848, and as soon as the operations of the war between the two nations would permit, he procured a survey of the land so granted and marked out its boundaries; a copy of which notes of survey, dated March 7th, 1848, and a plat of the land, made and executed by Chester S. Lyman, a duly appointed and authorized Surveyor of the Middle Department of California; copies of which notes of survey and plat are submitted herewith, marked "G."

And the petitioner further shows: that the said survey was made with as much formality as was possible, and by the most skillful and competent officer to be procured in the then peculiar state of the country, and under the organized *de facto* government of California: that in order to avoid all questions of boundary with the claimants of the neighboring lands, the agents of the said Castillero, and those holding under him, in making the said survey and marking the boundaries of his grant as aforesaid, so located it on their then mining possession which had been given to Castillero in 1845, and duly approved as aforesaid, as to leave the mouth of the said quicksilver mine, now called "New Almaden," in the centre, or nearly so, of said grant so located, and to include little or no land on the side next the claimants of neighboring lands, but on the contrary to leave out a considerable portion of land included in the said juridical possession on the side next such claimants, this being done to avoid all dispute respecting boundaries; all of which is shown by the plat submitted herewith, marked "H."

That the said tract of land has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed and its boundaries marked in the year 1848 as aforesaid, that these boundaries are well known, and that the land within them has been in the possession of, and occupied by the said Castillero, his agents, and those holding under him, since the year 1845, by juridical authority, and since the month of May, 1846, by virtue of a title in fee.

That the right acquired under said denouncement and juridical possession have continued uninterrupted until the present time, and now are vested solely and wholly in the petitioner, Castillero, and those holding under him; that by the working of the mine from its denouncement as aforesaid, he acquired by the laws of Mexico a perfect title to the minerals of said mine, and a perfect right to use the said land for mining purposes, even if he had no title in fee to the land itself; but he avers and has shown that such title in fee absolute was conveyed to him by the grant aforesaid, on the 20th day of May, 1846.

That since the petitioner took possession of said mine and tract of land in the year 1845, and more particularly since he received the said grant in fee in the month of May, 1846, he and his associates holding under him, have expended immense sums of money in working said mine, and in improving said land, in constructing roads, opening quarries, erecting lime-kilns, furnaces, smelting-works, machinery, store-houses, fences, bridges, and other costly works of permanent utility, viz., from December, 1845, to the 1st day of May, A. D. 1852, the sum of $978,114.11.

And the petitioner relies for confirmation of title upon the original documents, copies of which are transmitted herewith, and upon such other and further proofs as they may be advised are necessary.

Wherefore the said Castillero prays this Honorable Board of Commissioners to confirm to him the aforesaid tract of two square leagues of land, as embraced in his mining possession and grant as aforesaid, and described in the accompanying survey and maps.

By his Attorneys,

HALLECK, PEACHY & BILLINGS.

[Endorsed.]

No. 366, Land Commissioners, New Almaden.—Petition of Andres Castillero—By the President of Mexico, 1846.—Santa Clara County.

Filed in office Sept. 30, 1852,

Geo. Fisher, Secretary.

Recorded in Record of Petitions, Vol. 1, pages 280, 281, 282 and 283.

Geo. Fisher, Secretary.

## EXHIBIT B.

*Señor Alcalde of 1st Nomination:*

Andres Castillero, Captain of permanent Cavalry, and at present resident in this Department, before your notorious justification makes representation that having discovered a vein of silver with a ley of gold, on the rancho pertaining to José Reyes Berreyesa, retired sergeant of the presidial company of San Francisco, and wishing to work it in company, I request that in conformity with ordinance on mining, you will be pleased to fix up notices in public places of the jurisdiction, in order to make sure of my right when the time of the juridical possession may arrive, according to the laws on the matter. I pray you to provide in conformity, in which I will receive favor and justice; admitting this on common paper there being none of the corresponding stamp. Pueblo of San José, Guadalupe, November twenty-second, eighteen hundred and forty-five.

(Signed) ANDRES CASTILLERO.

This is a copy of the original to which I refer, signing it with two assisting witnesses, in the Pueblo of San José Guadalupe, on the 13th of January, 1846.

(Signed) PEDRO CHABOLLA.

*Assisting Witnesses:*

(Signed) P. Sansevain,

(Signed) José Sunol.

*Señor Alcalde of 1st Nomination:*

I, Andres Castillero, permanent Captain of Cavalry, before your well known justification, appear and say that on opening the mine which I previously denounced in this court, I have taken out besides silver with a ley of gold, liquid quicksilver, in the presence of several bystanders whom I may summon on the proper occasion. And considering it necessary for the security of my right so to do, I have to request of you that, uniting this representation to the denouncement, it may be placed on file, it not going on stamped paper because there is none. I pray you to take measures to this effect, in which I will receive favor and grace. Santa Clara, December 3rd, 1845.

(Signed) ANDRES CASTILLERO.

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This is a copy of the original to which I refer, signing it with the witnesses of my assistance in the pueblo of San José Guadalupe, on the 13th day of January, 1846.

(Signed) PEDRO CHABOLLA.

*Assisting Witnesses:*

(Signed) P. SANSEVAIN.
(Signed) JOSE SUÑOL.

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There being no deputation on mining in the Department of California, and this being the only time since the settlement of Upper California that a mine has been worked in conformity with the laws; and there being no Juez de Letras (professional judge) in the 2nd district, I, the Alcalde of first nomination, citizen Antonio Maria Pico, accompanied by two assisting witnesses, have resolved to act in virtue of my office for want of a notary public, there being none, for the purpose of giving juridical possession of the mine known by the name of Santa Clara, in this jurisdiction, situated on the rancho of the retired sergeant José Reyes Berreyesa; for the time having expired which is designated in the ordinance of mining, for citizen Don Andres Castillero to show his right, and also for others to allege a better right, between the time of denouncement and this date, and the mine being found with abundance of metals discovered, the shaft made according to the rules of art, and the working of the mine producing a large quantity of liquid quicksilver, as shown by the specimens which this court has, and as the laws now in force so strongly recommend the protection of an article so necessary for the amalgamation of gold and silver in the Republic, I have granted three thousand varas of land in all directions, subject to what the general ordinance of mines may direct, it being worked in company, to which I certify, the witnesses signing with me; this act of possession being attached to the rest of the espediente, deposited in the archives under my charge; this not going on stamped paper, because there is none as prescribed by law.

Juzgado of San José Guadalupe, December 30, 1845.

(Signed) ANTONIO MARIA PICO.

*Assisting Witnesses:*

(Signed) ANTONIO SUÑOL.
(Signed) JOSE NORIEGA.

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I have received of Don Andres Castillero the sum of twenty-five dollars on account of the fees for the possession of the quicksilver mine, which is in this jurisdiction under my charge, named Santa Clara. Court-House of San José Guadalupe, December 30th, 1845.

(Signed) ANTONIO MARIA PICO.

[25.00.]

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Writing of partnership executed by Don Andres Castillero, Captain of permanent Cavalry, with the Commanding General Don José Castro, and the Señores Secundino Robles and Teodoro Robles, and a voluntary grant which the partners make perpetually to the Rev. Father Friar José Maria del Refugio Suarez del Real, of a mine of silver, gold and quicksilver in the rancho of Don José Berreyesa, in the jurisdiction of the pueblo of San José Guadalupe.

ART. 1. Don Andres Castillero, conforming in all respects to the ordinance of mining, forms a regular perpetual partnership with the said persons in this form. The half of the mine, which is that of which he can dispose, will be divided in three parts in this manner: four shares to Don José Castro, four shares to Señores Secundino and Teodoro Robles, and the other four shares to the Rev. Father José Ma. R. S. del Real as a perpetual donation.

ART. 2. Neither of the partners can sell or alienate any of his shares, so that he who may do so shall lose his right, which shall revert to the other partners.

**Art. 3.** The expenses shall be borne in proportion to the shares, a formal account being kept by an accountant who will be paid from the common fund.

**Art. 4.** That prescribed by the ordinance of mining being complied with in everything, whatever difference may arise will be decided by the partners themselves.

**Art. 5.** Don Andres Castillero will direct the labors, expenses and works, and in his absence the Rev. Father Friar José Maria R. S. del Real.

**Art. 6.** Of the products no larger quantities will be taken out than are necessary for the arrangements of the negotiation, until the works may be regulated, and whatever the quantity may be, it must be with the consent of all the partners, until the negotiation may be arranged.

**Art. 7.** These argreements will be authenticated by the Prefect of the Second District, Don Manuel Castro, the original document being deposited in the archives of the District (partido), a copy certified by his Honor being left with the persons interested.

Mission of Santa Clara, November 2d, one thousand eight hundred and forty-five.

(Signed) ANDRES CASTILLERO.

For the Commanding General Don José Castro.

(Signed) ANDRES CASTILLERO.
(Signed) FR. JOSE MARIA DEL R. S. DEL REAL.

For the Señores Secundino Robles and Teodoro Robles.

(Signed) FRANCISCO ARCE.

—

It is a copy of the original, to which I refer.
Santa Clara, Dec. 8th, 1845.

(Signed) MANUEL CASTRO.
(Signed) ANTONIO MA. PICO.

—

COURT OF THE JUSTICE OF THE PEACE,
San José Guadalupe, Upper California.

I certify in due form, that the foregoing is a faithful copy made to the letter from its original, the expediente of the mine of Santa Clara or New Almaden, which exists in the archives under my charge, to which I refer; and in testimony thereof, I have signed it this 20th day of January, one thousand eight hundred and forty-eight.

(Signed) JAMES W. WEEKES,
Alcalde.

—

BRITISH VICE CONSULATE FOR CALIFORNIA,
San Francisco.

I hereby certify that the signature to the above certificate, is the true and proper handwriting of the person it represents, and that it is worthy of all faith and credit.

In witness whereof, I have hereunto placed my hand and official seal, this twenty-first day of January, one thousand eight hundred and forty-eight.

(Signed) JAMES ALEX. FORBES,
[SEAL.] Vice Consul.

—

I certify and assure that the last preceding signature of the Señor Vice Consul, Don James Alejandro Forbes, is his own, which said Señor is accustomed to use, I having become acquainted with it when I knew him during his stay in this City on the way to Upper California, by various acts which he executed in the house of Messrs. Barron, Forbes and Company.

And at the request of the same persons I affixed my Notarial mark and signature to this testimony in Tepic, on the fifteenth of March, one thousand eight hundred and fifty.

(Signed) JESUS † VEJAR.
[Rubric.]

—

We, the Constitutional First Alcalde and Notary Public, who sign, certify and assure that the preceding mark and signature are those which the Notary, Jesus Vejar, is accustomed to use in all the acts which pass before him,—We thus prove it in Tepic, on the fifteenth of March, one thousand eight hundred and fifty.

(Signed) EUSEBIO † FERNANDEZ.
[Rubric.]

CONSULATE OF THE UNITED STATES.

I, George W. P. Bissell, Consul of the United States of North America for this District, hereby certify, that the signatures attached to the foregoing document are in the true handwriting of the subscribers who legally hold the situations therein represented and are worthy of all faith and credit.

[SEAL.] In testimony whereof, I hereunto set my hand and seal of office this first day of December, in the year one thousand eight hundred and fifty, in the City of Tepic.

(Signed) G. W. P. BISSELL,
U. S. Consul.

[Endorsed.]

No. 366.—B.—New Almaden.—Translation of Denouncement, Mining Possession and Partnership.—Andres Castillero.

Filed in office, Sept. 30th, 1852.

GEO. FISHER, Secretary.

Recorded in Record of Evidence, Vol. 19, page 569.

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## EXHIBIT C.

SELLO PRIMERO. { Sello para los años de 1850 y 1851. } OCHO PESOS.

Junta de Fomento y Administracion de Mineria.—Número 573.—Exmō. Señor: Habiendo presentado á esta Junta, el Señor Profesor Don Tomas Ramon del Moral unas muestras de cinabrio de la Mision de Santa Clara en la baja California que le remite Don Andres Castillero, asi como las adjuntas copias con el objeto de escitar al Supremo Gobierno para que se sirva auxiliar tan importante empresa, inmediatamente remitió dichas muestras al E. S. Director del Colegio, para que se hiciesen los debidos ensayes, S. E. con oficio de veinte y nueve del pasado recibido ayer, lo dice lo que sigue.—"El Señor Don Tomas Ramon del Moral, Presidente de la Junta Facultativa del Colegio nacional de Mineria, en oficio de veinte y cuatro del pasado, me dice lo que sigue.—Exmo. Señor: Haviendose enterado la Junta Facultativa de los documentos que V. E. le pasó el veinte y uno del presente mes, relativo á un criadero de cinabrio descubierto en California por el Señor Dod Andres Castillero, y á otro de Carbon de Piedra de la Bahia en

San Francisco, tiene el honor de informar á V. E. que las muestras remitidas por dicho Señor Castillero estaban yá depositadas en el Gabinete de Mineralogia, unas, y otras ensayadas por el profesor de Quimica Don Manuel Herrera. El ensayo dió una ley de veinte y cinco y medio por ciento, tomando para hacerlo uua meseta de las diferentes muestras porque hay algunas tan ricas que son de cinabrio puro. La Junta cree que el Señor Castillero se ha hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Mineria y está persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distinguir y premiar á los ciudadanos que contribuyen à la prosperidad de la Patria. Reproduzco á V. E. con este motivo las consideraciones de mi estimacion y respeto. Y tengo el honor de trasladarlo á V. S. S. como resultado de su oficio relativo."=La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle que ha preguntado yá al Señor Castillero la clase de auxilios ó de proteccion de que necesita para fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento, que si en encuentra en un principio toda la proteccion que se merece puede cambiar completamente el aspecta de nuestra mineria libertandola de la necesidad, en que ha estado hasta ahora del azogue estrangera. La Junta con este motivo aprovecha la oportunidad para participar á V. E. que como el veintecuatro del presente mes, termina la gracia que concedió la ley, de cinco pesos de premio á cada quintal de azogue estraido de las minas nacionales, han acreditado hasta la fecha, los mineros de Guadalcazar haber esplotado mil quinientos setenta y cinco quintales de Diciembre de ochocientos cuarenta y cuatro, á fin de Marzo procsimo pasado, cuyo resultado excede del calculo que hasta ahora se habia hecho de que la produccion de este mineral, era de cien quintales mensuales. La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.=Dios y Libertad.=Mexico, Mayo cinco de mil ochocientos cuaranta y seis.=Vicente Segura, Presidente. =Por ocupacion del Secretario, Ysidro R. Gondra, Oficial Primero.=E. S. Ministro de Justicia.

Es copia: Mexico Abril veinte tres de mil ochocientos cincuenta.=O. Monasterio.

Secretaria de la Junta de fomento de Mineria.=El Señor Don Andres Castillero, comisionado por el Supremo Gobierno, el año procsimo pasado para pasar á Californias á desempeñar objecto del servicio publico me dice en cartas escritas de la Mision de Santa Clara, la diez y nueve y veinte y dos de Febrero del presente año lo que sigue.=" A distancia de cinco leguas de esta Mision al oeste, hé descubierto y denunciado una mina abundantisima de azogue, q. á confirmar me verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta; tambien va un poco de azogue del que sacamos con la mayor facilidad. El Señor Director del Colegio de Mineria, Don Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden. Segun lo ancho de la veta y abundancia de saca de metales dentro de un año, mediante la proteccion del Gobierno Supremo no necesitará la República azogue de afuera.=Remito á V. algunas frioleras hechos por los Indios del Norueste y producidas de aqui, el carbon de piedra es abundantisimo y se encuentra en las costas de la Bahia de San Francisco de modo que los buques de vapor hechando sus embarcaciones menores, pueden cargar todo lo que necesiten; este descubrimiento lo hizo el Señor Coronel Don Juan Bautista Alvarado, el cristal de voca es un cerro muy grande."=Es copia, Mexico Abril trece de mil ochocientos cuarenta y seis.=J. J. de Herrera.=Señor Derector del Colegio de Mineria, Don Ramon del Moral.=Mision de Santa Clara.=Febrero diez y nueve de mil ochocientos cuarenta y seis.=Mi estimado amigo y Señor aprecio.=Vd. sabe lo aficionado que soy al ramo de Mineria y empeñado en encontrar una mina buena de Azogue, he dado aqui con un criadero abundantisimo; al Exmo. Señor Presidente, remito junto con esta unas piedras de cinabrio y un poco de azogue; estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta tapado el oido con barro, y metido la boca en agua, asi nos ha dado el treinta por ciento. =Yo estimaria á Vd. que se tomase el trabaja en obsequio del bien publico que se ensayase este metal por depender de su trabajo esta operacion.=Que V. y toda la familia se conserven buenos y que mande cuando guste á su afectisimo S. S. Q. B. S. M.=Andres Castillero.=Son copias, Mexico, Mayo cinco de mil ochocientos cuarenta y seis.=Ysidro R. Gondra, Oficial primero.

Es copia: Mexico Abril veinte y tres de mil ochocientos cincuenta.=O. Monasterio.

Exmo. Señor.=Por la nota de V. E. de cinco del actual y copias, que se sirvió acompañar, queda enterado con satisfaccion el E. S. Presidente interino de la Republica de que en la Mision de Santa Clara en la Baja California ha descubierto el Señor Don Andres Castillero un criadero de azogue de excelente calidad, segun los ensayos practicados en ese Colegio y de que se ha preguntado ya por esa Junta al repetido Señor Castillero, la clase de auxilios que necesita para fomento de su brillante empresa. Asi mismo se ha impuesto S. E. de lo que participa esa Junta con respecto de la cantidad de Azogue extraida de las minas de Guadalcazar, cuyo resultado ha excedido al calculo que se habia formado. Lo que tengo el honor de decir á V. E. en contestacion, reiterandole con este motivo las protestas de mi consideracion y aprecio.=Dios y Libertad, Mexico, Mayor nueve de mil ochocientos cuarenta y seis.=Becerra.= E. S. Don Vicente Segura, Presidente de la Junta de fomento de mineria.

Es copia: Mexico, Abril veinte y tres de mil ochocientos cincuenta.=O. Monasterio.

Junta de Fomento y Administracion de Mineria.=Exmo. Señor.=Como tuvo el honor esta Junta de anunciar a V. E. en cinco del corriente bajo el número quinientos setenta y tres, el Señor Don Andres Castillero le ha derigido la solicitud, que original tiene el gusto de acompañar á V. E. sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la Mision de Santa Clara del Departamento de Californias. La Junta no duda recomendar á V. E. dicha solicitud porque persuadida de la grande importancia de la empresa, la considera acreedora, á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel Departamento, y el justo empeño que ha manifestado el Exmo. Señor Presidente por conservar la integridad del territorio nacional, lo hacen digno de la mayor consideracion. Por consiguiente la Junta es de parecer que se le facilite inmediatemente al Señor Castillero la cantidad de cinco mil pesos en los términos que propone; que la antorice para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion para dicha mina.=Aunque la ley que autoriza á la Junta para hacer préstamos en fomento de los criaderos de azogue, exige el premio de un cinco por ciento anual al capital que se preste es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue, puestos en Mazatlan á disposicion de la Junta, á razon de cinco pesos cada uno, y en el término de seis meses puesta sin duda mayores ventajas al fondo que el indicado interes.=La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel Departamento y lo que á ella pueda contribuir en las circunstancias presentes para la conservacion del territorio nacional, es en concepto de la Junta, mas que suficiente motivo para dejar á época mas oportunia la formacion de un contrato de compañia ó de avio p$^a$ el fomento de dicha mina.=Resta pues manifestar á V. E. que aunque la posesion dada al Señor Castillero por las autoridades locales de California no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estencion de tres mil varas que equivalen á quince pertenencias conforme al articulo segundo del titulo octavo es preciso considerar que reune en su favor la calidad de descubridor de un *cerro absolutamente nuevo en que no habia ninguna mina abierta*, á quienes se conceden en el articulo primero del titula sesto *tres pertenencias continuas ó interrumpidas y si hubiesen descubierto mas vetas, una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compañia a las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean el que puedan denunciar cuatro pertenencias nuevas aun cuando esten contiguas y por un mismo rumbo; pero lo mas digno de consideracion es que siendo Californias un Departamento fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos de America, y por los nuevos colonos del Oregon, parece conveniente conceder á la primera mina descubierta en un Departamento tan basto, mayo número de pertenencias lo que corrobora la razon que se encuentra al fue del ártículo que dice; "considerando que los limites establecidos en las minas de estos Reynos á que se han arreglado hasta ahora los de Nueva España, son muy estrechos á proporcion de la multitud, abundancia y felicidad de las venas metalicas que la misma bondad del criador ha querido conceder á aquellas regiones, ordeno y mando que las minas que en adelante se descubriesen en veta nueva é sin vecinos se observan estas medidas.—2°. Por el hilo, direccion ó rumbo de la veta sea de oro, de plata, ó de cualquiera otro metal, concedo á todo minero sin distincion de los descubridores (que yá tienen asignado su premio) dos cientas varas castillanas que llaman de medir, tiradas á nivel."—Por ultimo en el ãrticulo primero, titulo once se espresa en estos terminos. "Y porque no siendo suficiente el caudal de uno solo para grandes empresas, puede serlo de todas los compañeros, quiero y mando se procuren, promuevan y protejan semejantes compañias por todos los terminos convenientes, concediendo mi virey todas las gracias, auxilios, exenciones que fueren de conceder á juicio y discrecion del Real Tribunal de Mineria, y sin detrimento del interes del publico y de mi real erario."—En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera, con el objeto de proporcionarse la leña necesaria para el beneficio, la Junta no teniendo los conocimientos necesarios en la materia, en que abunda el Supremo Gobierno, siempre resolverá el Señor Exmo. Presidente lo que creyere mas conveniente.—En tal concepto al elevar á V. E. esta Junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital de la empresa y su increible trasendencia en el bien general y la prosperidad de la Republica. La Junta tiene el honor con tal motivo de reiterar á V. E. las protestas de su distinguido aprecio y consideracion.—Dios y Libertad.—Mexico, catorce de Mayo de mil ochocientos cuarenta y seis.—Vicente Segura, Presidente.—Exmo. Señor Ministro de Justicia é Instrnccion publica.

Es copia: Mexico, Abril veinte nueve de mil ochocientos cincuenta.—O. Monasterio.

Sello tercero.—Cuatro reales.—Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.—Andrés Castillero vecino y minero en el Departamento de la Alta California ante V. E. y V. S.S. como mejor proceda dijo: que habiendo descubierto en la mision de Santa Clara, una mina de Azogue de leyes tan altas como seguramente no se han visto no solo en la Republica, sino acaso en el mundo entero, como lo acreditan los ensayes hechos de órden de la Junta facultativa del Colegio de Minería que reuniendo de todas las muestras que traje desde la mejor hasta la infima han dado por resultado un treinta y cinco y medio por ciento mientras que ha habido nuestra de las superiores que deben producir leyes mucho mayores, me veo en el caso para satisfacer mis deseos en favor del progreso de mi Patriá de aprovechar esclusivamente en favor de los Méxicanos las lisonjeras y muy fundadas esperanzas que proporciona semejante descubrimiento. En tal virtud he denunciado y tomado posesion, no solo de dicha mina denominada Santa Clara, sino de una estencion de hasta tres mil varas en todas direcciones de dicho punto; he formado una compañia para su laboreo, he construido el tiro y cumplido todas las condiciones que previene la ordenanza quedando la mina en frutos, con la notable circunstancia, de que las muestras que traje y que se han ensayado, han sido estraidas de la boca.—Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estrangeras de Californias: pero la empresa no necesita de semejantes auxilios que resultarian en ventajá estraña, cuando todo puede ser nacional, y no he dudado por lo mismo ocurrir ante V. E. y V. S. S. para conseguir los únicos y pequeños recursos de que necesito; ellos se reducen á una corta anticipacion de cinco mil pesos en dinero, atendida la escesiva escases de numerario que hay en aquel Departamento, y la pronta remision á él de retortas, cilindros, y otros aparatos pequeños de destilacion, asi como frascos de fierro para el envase de azogue.—Yo habria propuesto un contrato de compañia á la Junta un avio ó cualquier otro convenio si tuviese tiempo para proporcionar los datos y circunstancias que se requieren para dichos contratas; pero comprometido por el Supremo Gobierno á marchar de esta capital dentro de algunos dias, me veo en al caso de limitarme a lo que parece no presentar dificultad y abre el campo á nuevos convenios posteriores. Estoy bien persuadida de que le Junta accederá á mi solicitud en todo aquello que está en sus facultaded, y que elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este—Mis proposiciones pues son las siguientes—Primera. La Junta en el acto de aprobar el convenio me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.—Segunda. Por mi parte me comprometo á situar en dicho puerto, en los seis en ese de haber salido de él, cincuenta quintales de azogue, á razon de cien pesos cada uno, que remitiré de las primeras extracciones con absoluta peferencia á todo otro compromiso.—Tercera. La Junta mandará poner á mi disposicion, antes de mi salida de la capital, las ocho retortas de fierro que tiene en su oficina y todas los frascos para azogue, que se hallan en la negociacion de Tasco en estado de uso y por ultimo entregarà al Señor Don Tomas Ramon del Moral mi apoderado, las cantidades que importen las retortas, cilindros, y otra clase de aparatos pequeños que se mande hacer para la negociacion hasta la cantidad de mil pesos.—Cuarta. Las retortas de la Junta las recibiré por el precio de su costo; y los frascos que escoja á dos pesos cada uno conforme á su avaluo.—Quinta. El importe liquido de dichas retortas y frascos, y el de las cantidades que se hayan entregado al Señor Moral lo devolveré en el término de un año de este convenio, asi como el premio de la libranza contra Mazatlan, en azogue puesto en dicho puerto al precio de cien pesos quintal; pero si la Junta quisiere tomar una ó mas acciones en la mina, quedara en parte de la cantidad correspondiente á una ó mas barras.—Sexta. Entretanto que se arregla la compañia, durante un año contado desde el dia, en que se apruebe este convénio, y satisfechos yá los cinco mil pesos de que habla la proposicion primera, preferiré á la Junta en la venta del azogue puesto en Mazatlan á razon de cien pesos quintal.—Setimo. La Junta representará al Supremo Gobierno la necesidad de que apruebe la posesion, que se me ha dado de la mina por las autoridades locales de Californias en los mismos términos en que hoy la tengo.—Octava.—Ygualmente le representará las ventajas, de que como colono, se me concida dos sitios de ganado mayor sobre el terreno de mi posesion minera, con el objeto de poderme aprovechar las maderas para mis quemas.—Novena. Al cumplimiento de este contrato hipoteco la misma mina, y todas sus pertenencias. El que subscribe sugeta á la deliberacion de la Junta esta solicitud la que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.—Dios y Libertad. México doce de Mayo de mil ochocientos cuarenta y seis.—Andrés Castillero.

Es copia. Mexico Abril veinte y tres de mil ochocientos cincuenta.—O. Monasterio.

Exmo Señor.—Habiendo dado cuenta al Exmo. Senor Presidente interino de la Republica con la nota de V. E. del catorce del presente, á que se sirvio acompañar con recomendacion la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue, que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral y con esta fecha se hace la comunicacion que corresponde al Ministerio de relaciones exteriores y gobernacion para que libre las ordenes oportunas por lo respectivo á lo que tiene la octava proposicion á la concesion de tenemos en aquel Departamento —Reitero á V. E. las protestas &a. Dios y Libertad. México Mayo veinte de mil ochocientos cuarenta y seis.—Becerra.—Exmo. Señor Don Vicente Segura, Presidente de la Junta de fomento de Mineria.—La anterior se comunicó á este Ministerio de Relaciones diciendo "Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero, á que ha tenido á bien acceder el Exmo. Señor Presidente interino sobre que como colono: se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera se sirva V. E. librar las ordenes de que se trata.—Reitero á V. E. &a. Fecha ut Supra—Becerra.—Exmo. Señor Ministro de Relaciones exteriores y gobernacion.

Es copia. México Abril veinte y tres de mil ochocientos cincuenta.—O. Monasterio.

El Infrascrito Ministro de Relaciones interiores y exteriores. —Certifico: que aunque en la comunicacion, que la Junta de fomento y administrativa de Mineria dirigio en cinco de Mayo, en mil ochocientos cuarenta y seis al Exmo. Señor Ministro de Justicia relativa á la mina de cinabrio descubierta en California por Don Andrés Castillero se escribió, que ella está situada, en la Mision de Santa Clara en la *Baja* California; y lo mismo se dice en la contestacion del Ministerio fecha nuevo del citado mes, de cuyos documentos se dieron copias en veinte y tres de Abril último al Señor Eustaquio Barron; este es un equivoco, pues dicha mina y los terrenos que se adjudicaron á Castillero, estan en territorio de la *Alta* California, cuya concesion declaró legítima y aprobô el Supremo Gobierno despues. Y doy el presente certificado para los fines que convengan, á pedimento del espresado Señor Barron en México á treinta de Julio de mil ochocientos cincuenta.=Lacunza.

Escrito. Eustaquio Barron de esta vecindad, ante V. como mejor de derecho proceda y salvas las protestas legales digo: que á mi derecho conviene tener un testimonio autorizado del contenido que se espresa en los documentos que con la solemnidad debida acompaño en once fojas útiles; y al efecto, A. V. suplico se sirva mandar que por el actuario se compulse el referido testimonio, sin necesidad de citacion por no haber á quien competa; y fecho se me entregue con los originales que presento pues todo se conforme á justicia que imploro, jurando con lo necesario, et cetera.=Eustaquio Barron.

Auto. México, Agosto diez y nueve de de mil ochocientos cincuenta.=Por presentado con los documentos que es acompañan: como lo pide, y obre los efectos que haya lugar Lo proveyó y firmo el Señor Don Antonio Madrid, Juez de Letras del ramo civil en el Distrito federal, doy fé.=M=Madrid=Ramon de la Cueva.

Concuerdan los documentos insertos, con sus originales que devolvé al interesado á que me remite; de donde se sacó el presente traslado á la letra fielmente consertado y corregido en confirmidad de lo mandado se el auto inserto; á pedimento del Señor Don Eustaquio Barron en la Ciudad de México á veinte y uno de Agosto de mil ochocientos cincuenta, y va en nueve fojas la primera del sello primero, y las demas del cuarto, bienio corriente; siendo testigos á su saca y correccion D. Juan Zavala, D. Felipe Moctezuma y D. Manuel Rojo de esta vecindad; doy fé. (Firmado) Ramon de la Cueva. E. N. and P.

Los que subscrivemos:—Certificamos y damos fé; que Don Ramon de la Cueva p$^{r}$. quien está autorizado el anterior testimonio, es Escribano Nacional Publico del número como se titula fiel y de confianza por lo que á cuantos instrumentos legaliza se les ha dado y dá entera fé y crédito su juicio y fuera de él. Y para constancia ponemos la presente sellada con el de nuestro Nacional Colegio en México á veinte y uno de Agosto de mil ochocientos cincuenta.

(Firmado) YGNACIO PEÑA,
FERMIN VILLA,
MAR. CABEZA DE VACA.

{ Sello del Colegio Nacional de Escribanos su Mexico. }

No. 932. CONSULATE OF THE U. S. OF AMERICA,
Mexico, January 8th, 1851.

I, the undersigned, Consul of the United States of America, for the City of Mexico, hereby certify that the signatures of Ignacio Peña, Mar. Cabesa de Vaca, and Fermin Villa, subscribed to the preceding certificate, are in the proper handwriting of said persons respectively, the same as used by them in all their official acts, who are well known to me, and were at the time of subscribing their several names duly authorized Notaries Public for the city of Mexico, and that all their official acts are entitled to full faith and credit as such respectively.

Register F folio 52.
Fees $4.
[SEAL.]

In testimony whereof I have hereunto set my hand and affixed the Consular seal, the day and year above written.

(Signed) JOHN BLACK, Consul.

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El infrascrito, oficial mayor 1°. del Ministerio de Relaciones, interiores y esteriores :—

Certifico : que el testimonio precedente de los documentos ó certificados dados por mi de los titulos de la mina del Nuevo Almaden está igual y conforme en todo con el tenor literal de ellos segun resulta de su confrontacion que he hecho, y que la firma de Don Ramon de la Cueva, que la cubre y la de los otros Escribanos que la comprueban son las mismas que estos usan, como tales escribanos. México 10 de Enero de 1851.

(Firmado) JOSÉ MARIA ORTIZ
MONASTERIO.

No. 970. CONSULATE OF THE U. S. OF AMERICA.
Mexico, Jan. 11th, 1851.

I, the undersigned, Consul of the United States of America, for the city of Mexico, hereby certify that the signature of José Maria Ortiz Monasterio subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same first Clerk of the Department of Interior and Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register F, fol. 58.
Fees $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular seal the day and year above written.

(Signed) JOHN BLACK, Consul.

Ysidro Rafael Gondra, Secretario de la Junta Directiva y Administrativa de Mineria.

Certifico que del espediente que obra en la Secretaría de Minería, relativo al denuncio, posesion y adjudicacion á D. Andres Castillero, de la mina de cinabrio, que existe en la Alta California, llamada el Nuevo Almaden, consta: que por informe de la Junta Directiva, el Supremo Gobierno de la República en virtud de lo pedido por el Señor Castillero fué espedido á este el titulo legal ó testimonio respectivo á su adquisicion, conforme á las ordenanzas del ramo, y que esa concesion al mencionado Castillero fué de una pertenencia de tres mil varas sobre el plano de dicha mina de azogue para trabajarla en esa estension, y de dos sitios de ganado mayor contiguos á la referida pertenencia, para sacar de ellos la leña, y demas aprovechamientos indispensables y útiles, para los trabajos de la mina; cuyas concesiones particulares y escepcionales creyó conveniente hacer el Supremo Gobierno por el favor que las leyes disponer que se imparta á los descubridores de minas de Azogue procediendo en ellas de conformidad con la informado por la Junta Directiva.

Yá pedimento de los propietarios de Nuevo Almaden, doy la presente certificacion, refiriendome al espediente mencionado de que todo consta coma va referido, y la firmo en México á 23 de Enero de 1851.

(Firmado) YSIDRO R. GONDRA, Srio.

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El infrascrito oficial mayor del Ministerio de Relaciones interiores y exteriores.

Certifica que la firma que antecede del Sr. D. Ysidro Rafael Gondra, Secretario de la Junta Directiva y Administrativa de minería es legítima y la misma que acostumbra en sus actos oficiales. México Febrero 26 1851.

(Firmado) JOSÉ MARIA ORTIZ
MONASTERIO.

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I hereby certify that the above is the signature of Don José Maria Ortiz Monasterio, under Secretary of State for Foreign Affairs of the Mexican Republic.

(Signed) PERCY W. DOYLE,
Her Britannic Majesty's Chargé d'Affaires in the Republic of Mexico.

Mexico, February 26, 1851.

No. 1075. CONSULATE OF THE U. S. OF AMERICA,
Mexico, February 26th, 1851.

I, the undersigned, Consul of the United States of America, for the City of Mexico, hereby certify that the signatures of José Maria Ortiz Monasterio, and of Percy W. Doyle subscribed to the foregoing certificates are in the proper handwriting of said persons respectively, the same as used by them in their several official acts, who are both well known to me, and were at the time, subscribing their respective names as follows, to wit, the first—First Clerk of the Department of the Interior and Foreign Relations of the Mexican Government, and the second her Britannic Majesty's Chargé d'Affaires near the aforesaid Government, and that all their several acts are entitled to full faith and credit as such respectively.

Register F folio 75.
Fees $4.

In testimony whereof I have hereunto set my hand and affixed the Consular seal the day and year above written.

(Signed) JOHN BLACK, Consul.

[Endorsed.]

4.—No. 366.—C.—New Almaden—Copy of Approval of Mining Possession and Record of Grant.—Andres Castillero.

Filed in office Sept 30th, 1852.

GEO. FISHER, Secretary.

A., P. L., annexed to deposition of José M$^a$. Lafragua, June 29, 1855.

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## EXHIBIT D.

STAMP FIRST { Seal for the years 1850 and 1851. } EIGHT DOLLARS.

Junta for the Encouragement and Administration of Mining, No. 573.

Most Excellent Sir:—Professor Don Tomas Ramon del Moral having presented to this Junta some specimens of cinnabar from the Mission of Santa Clara, in Lower California, which Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government that it may be pleased to aid so important an enterprise, said specimens were immediately sent to his Excellency the

Director of the College, that the proper assays might be made, his Excellency in an official communication of the twenty-ninth of last month, received yesterday, says that which follows:

"Señor Don Ramon del Moral, President of the Junta Facultativa of the National College of Mining in an official communication of the 24th ult., says to me as follows:—'Most Excellent Sir: The Junta Facultativa having examined the documents which your Excellency referred to it the twenty-first of the present month, relative to a deposit of cinnabar discovered in California by Don Andres Castillero, and another of coal on the Bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Señor Castillero, were deposited in the mineralogical cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera; the assay gives a ley of twenty-five and a half per cent, a mean of the different specimens having been taken to make it (the assay), for there are some so rich that they are pure cinnabar. The Junta believes that Señor Castillero has by such an important discovery made himself deserving of the efficacious protection of the Supreme Government and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the end that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country; with this motive I repeat to your Excellency the considerations of my esteem and respect: And I have the honor to transmit it to your Excellency as the result of my dispatch on the matter.'"

The Junta on enclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero the kind of aid or protection which he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery which, if it meets from the beginning with the protection which it deserves, may change completely the aspect of our mining, freeing it from the necessity in which it has been until now of foreign quicksilver. With this motive the Junta takes advantage of the opportunity to inform your Excellency that, as on the twenty-fourth of this month the favor terminates which the law granted of five dollars premium on each hundred-weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved that they have taken out one thousand five hundred and seventy-five quintals from December, eighteen hundred and forty-four, to the end of March last, which result exceeds the calculation which until now has been made, that the product of this mineral was a hundred quintals per month. The Junta on this occasion reiterates to your Excellency the assurances of the distinguished consideration and esteem.

God and Liberty. Mexico, May 5th, 1846.

(Signed) VICENTE SEGURA.
President.

The Secretary being occupied.

(Signed) YSIDRO R. GONDRA, First Clerk.

His Excellency the Minister of Justice.

It is a copy. Mexico, April 23d, 1850.
(Signed) O. MONASTERIO.

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OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me in letters written from the Mission of Santa Clara on the nineteenth and twenty-second of February of this year, that which follows:

"At the distance of five leagues from this Mission to the west, I have discovered and denounced a very abundant mine of quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein and the abundance of the metals taken out within one year, with the protection of the Supreme Governments the Republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the north-west, and products of this country. Coal is very abundant, and is found on the coasts of the Bay of San Francisco, so that the steamers sending out their small boats may load all that they require. This discovery was made by Colonel Don Juan Bautista Alvarado. The rock-crystal is a very large hill."

Copy. Mexico, April 13, 1846.

(Signed) J. J. DE HERRERA.

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA,
February 19, 1846.

My esteemed friend and appreciated Sir:—You know how devoted I am to the branch of mining; and intent upon finding a mine of quicksilver, I have discovered a most abundant deposit.

With this I send to His Excellency the President some ores of cinnabar and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket-barrel, the touch-hole stopped with clay, and the muzzle put in water. In this manner it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this metal to be assayed, as this operation depends upon your work. May you and all the family retain your health, and as much as you please, command your obedient servant, &c., &c.

(Signed) ANDRES CASTILLERO.

The above are copies. Mexico, May 4, 1845.
(Signed) YSIDRO R. GONDRA, First Clerk.

The above is a copy. Mexico, April 23, 1850.
(Signed) O. MONASTERIO.

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Most Excellent Sir: By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, His Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the Mission of Santa Clara of Lower California, Señor Don Andres Castillero has discovered a deposit of quicksilver of excellent quality, according to the assays made in that College, and that said Señor Castillero has been asked by that Junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the Junta reports relative to the quantity of quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculation which was made; this is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurances of my consideration and esteem.

God and Liberty, Mexico, May 9th, 1846.

(Signed) BECERRA.

His Excellency Don Vicente Segura, President of the Junta for the Encouragement of Mining.

Copy. Mexico, April 25th, 1850.
(Signed) O. MONASTERIO.

JUNTA FOR THE ENCOURAGEMENT AND }
ADMINISTRATION OF MINING. }

Most Excellent Sir: As this Junta had the honor to inform your Excellency on the 5th inst. in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith, upon the assistance which he needs for the new discovery of the Quicksilver mine in the Mission of Santa Clara, in the Department of Californias.

The Junta has no hesitation in recommending said petition to Your Excellency, for being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that Department, and the just desire which his Excellency the President has shown to preserve the integrity of the National territory, render it worthy of the greatest consideration. The Junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars, which can be employed in the construction of retorts, cylinders, and other small apparatus of distillation for said mine. Although the law authorizing the Junta to make laws for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it cannot be doubted that the offer of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the Junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The haste shown by Señor Castillero to put in execution his journey to that Department, and that which his so doing may contribute, under present circumstances, towards the preservation of the National territory, is, in the opinion of the Junta, a sufficient motive to leave until a more opportune occasion the formation of a contract of partnership or of "avio" (for) the encouragement of said mine. It remains then to show to your Excellency, that although the possession given to Señor Castillero by the local authorities of California has not been in conformity with the ordinance, inasmuch as there have been granted him "pertenencias" to the extent of three thousand varas, which are equivalent to fifteen "pertenencias," agreeable to the second article of the eighth title;—yet it is necessary to consider that he has in his favor the qualifications of discoverer of an *an absolutely new hill in which there was no mine open*, and to such there is granted, in the first article of the sixth title, *three "pertenencias"* either *continuous or interrupted, and if he shall have discovered other veins, one* ("pertenencias") *in each of them.* He has also in his favor the circumstance that he works it in company with others, to whom there is granted that, without prejudice to the right which they may have by the title of discoverers, when they are such, they may denounce four new "pertenencias," even though they are contiguous and in the same direction; but that which is most worthy of consideration is that Californias being a frontier department, and frequently threatened by the emigrants from the United States of America, and by the new colonists of Oregon, it seems proper to grant to the first mine in a department so extensive, a greater number of "pertenencias," which view is corroborated by the reason found at the end of the eighth Tit., article 1st, which says: "Considering that the limits established "in the mines of these kingdoms, to which those of New "Spain have until now been made to conform, are very con- "tracted in proportion to the multitude, abundance and rich- "ness of the metallic veins which the goodness of the Creator "has pleased to grant to those regions, I order and command "that in mines which may hereafter be discovered in a new "vein, or without neighbor, these measurements be observed. "2d, Along the thread, direction, or course of the vein, be it "of gold, silver, or any other metal, I grant to every miner, "without distinction of the discoverers (who have their reward "already assigned to them) two hundred Castillian varas, "called "varas de medir," measured on a "level." Lastly, in "the first article, eleventh title, there are expressed these "terms: And because the capital of a single individual may "not be sufficient for great undertakings, while that of all the "partners may be, I will and command that such companies "be encouraged, promoted and protected by all convenient "measures, my Viceroy granting to those who may form such, "every favor, aid, and exemption which can be granted them, "according to the judgment and discretion of the Royal Tri- "bunal of Mines, and without detriment to the public or to my "Royal Treasury." In reference to the ownership of two square leagues which Señor Castillero solicits as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores (beneficio), not having the necessary information on the matter, of which the Supreme Government has abundance, His Excellency the President will decide as he may think proper. In this view the Junta, in sending up to Your Excellency the petition of Señor Castillero, has no hesitation in recommending it very efficaciously on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the Republic. The Junta has the honor, on this occasion, to repeat to Your Excellency the assurances of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14th, 1846.

(Signed) VICENTE SEGURA,
President.

His Excellency the Minister of Justice and Public Instruction.

Copy: Mexico, April 23d, 1850.

(Signed) O. MONASTERIO.

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Stamp Third, four reals, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven.

I, Andres Castillero, resident and miner in the Department of Upper California, before Your Excellency and your Honors, as I best may proceed, say: that having discovered in the Mission of Santa Clara a mine of quicksilver of leys richer certainly than were ever seen before, not only in the Republic, but perhaps in all the world, as shown by the assays made by the order of the *Junta Facultativa* of the College of Mining, which, some of all the specimens I brought being mixed from the best to the worst, have given a result of thirty-five and a half per cent., while there have been specimens of the best kind which must produce much greater leys, I see myself in a condition to satisfy my desires in favor of my country, of benefiting exclusively Mexicans, by the flattering and well-founded hopes which such a discovery offers. In virtue of this I have denounced and taken possession not only of said mine named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it; I have constructed the pit and complied with all the conditions prescribed by the ordinance; the mine yielding ore, with the notable circumstance that the specimens which I brought and which have been assayed have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation, by accepting the repeated and advantageous offers which have been made me by several foreign houses in Californias, but as the undertaking does not require that kind of assistance which would result in advantage to foreigners, when it may be entirely national, I have not, for that reason, hesitated to apply to Your Excellency and Your Honors to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that Department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks for bottling up the quicksilver. I would have proposed a contract of partnership to the Junta, an "avio," or some other agreement, if there had been time to be able to furnish the proof and details which would be required for said contracts; but being compromised by the Supreme Government to leave this capital within a few days, I found it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to our future agreements. I am well persuaded that the Junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation, that which may require the decision of the latter; my propositions, then, are the following:

*First.* The Junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

*Second.* On my part I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

*Third.* The Junta will order that there be placed at my disposition before leaving the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the negotiation of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the negotiation, to the amount of one thousand dollars.

*Fourth.* I will receive the retorts of the Junta at cost price, and the flasks which I may select at two dollars apiece, agreeably with their valuation.

*Fifth.* The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver placed in said port at the price of one hundred dollars the quintal; but if the Junta should wish to take one or more "acciones" in the mine, it shall be left as part payment of the sum corresponding to one or more "barras."

*Sixth.* While the company is being formed during the period of one year counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the Junta in the sale of quicksilver placed in Mazatlan at the rate of one hundred dollars the quintal.

*Seventh.* The Junta shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms as those in which I now hold it.

*Eighth.* It shall also represent the advantage of there being granted to me as a colonist two square leagues upon the land of my mining possession, with the object of being able to use the wood for my business.

*Ninth.* For the compliance of this contract, I pledge the mine and all its appurtenances.

The subscriber subjects this request to the deliberation of the Junta, which if accepted, may be made into a formal contract, and made legal in the most proper manner.

God and Liberty. Mexico, May 12th, 1846.

(Signed) ANDRES CASTILLERO.

Copy: Mexico, April 23d, 1850.

(Signed) O. MONASTERIO.

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Most Excellent Sir:—Having reported to His Excellency the President, *ad interim*, of the Republic, Your Excellency's note of the 14th inst., with which you were pleased to transmit with a recommendation the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the Mission of Santa Clara in Upper California, His Excellency has been pleased to approve in all its parts the agreement made with that individual, in order to commence the extraction of said mineral, and on this day the corresponding communication has been made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the eighth proposition for the grant of lands in that Department. I repeat to your Excellency the assurances, &c.

God and Liberty. Mexico, May 20th, 1846.

(Signed) BECERRA.

To His Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining.

The foregoing was communicated to this Ministry of Relations, saying: "And I have the honor to enclose it to Your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President, *ad interim*, has thought proper to accede that there be granted him as a colonist two square leagues upon the lands of his mining possession, Your Excellency may be pleased to issue the orders corresponding. I repeat to your Excellency, &c. Date as above.

(Signed) BECERRA.

To His Excellency, the Minister of Exterior Relations and Government.

Copy. Mexico, April 23d, 1850.

(Signed) O. MONASTERIO.

I, the undersigned, Minister of Internal and External Relations, certify: that although in the communication which the Junta for the Encouragement and Administration of Mining, directed on the 5th of May, 1846, to His Excellency, the Minister of Justice, relative to the mine of cinnabar discovered in California by Don Andres Castillero, it was written that it is situated in *Lower* California, and the same is said in the answer from the Ministry dated the 9th of the said month, of which documents copies were given on the twenty-third of April last to Señor Eustaquio Barron. This is a mistake, for said mine, and the lands granted to Castillero, are in the territory of *Upper* California, which grant the Supreme Government afterwards approved and declared legitimate. And I give this certificate for the purposes which it may serve, at the request of said Señor Barron, in Mexico, on the 30th day of June, 1850.

(Signed) LACUNZA.

Petition. I, Eustaquio Barron, of this neighborhood, before you, as I best may proceed in law, and with all legal reservation, say: That it is requsite for the security of my right to have an authenticated copy of the enclosed, which is expressed in the documents which, with due solemnity, I transmit on eleven written leaves; and for that purpose I pray you to have the goodness to order that the said copy be made by the notary, without having occasion to issue a summons, there being no person to be summoned; and being finished, that it be given to me with the originals which I present: for all that I ask is in conformity with justice—swearing whatever may be necessary, &c.

(Signed) EUSTAQUIO BARRON.

Order. Mexico, August 19th, 1850.—Admitted with the accompanying documents: let it be done as he requests, and let it answer the purpose which it may serve. Señor Don Antonio Madrid, Juez de Letras, of the civil branch in the federal district thus ordered and signed. I certify.

(Signed) MADRID.

(Signed) RAMON DE LA CUEVA.

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The foregoing documents agree with their originals which I returned to the person interested, to which I refer; from which the present copy was made to the letter faithfully compared and corrected in conformity with that ordered in the act included, at the request of Señor Don Eustaquio Barron, in the City of Mexico, on the twenty-first of August, eighteen hundred and fifty, and it goes on nine leaves, the first being of the first stamp, and the others of the fourth stamp for the present two years, the witnesses to its copy and correctness being Don Juan Zavala, Don Filipe Moctezuma and Don Manuel Rojo, of this neighborhood. I certify. †

(Signed) RAMON DE LA CUEVA,
National Notary Public.

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We, who subscribe, certify and assure that Don Ramon de la Cueva, by whom is authenticated the foregoing copy, is a National Notary Public of the number, as it is called, faithful and of confidence, and to whatever instruments he makes legal there has been given and is given entire faith and credit in Court and out of it; and in testimony whereof, we give this present, sealed with the Seal of our National College in Mexico, on the twenty-first of August, eighteen hundred and fifty.

† (Sgd.) IGNACIO PEÑA † (Sgd.) FERMIN VILLA.

† (Signed) MAN^L CABEZA DE VACA.

{ Seal of the National College of Notaries, Mexico. }

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No. 932. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, January 8th, 1851.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signatures of

Ignacio Peña, Man. Cabeza de Vaca, and Fermin Villa, subscribed to the foregoing certificate, are in the proper handwriting of said persons respectively, the same as used by them in all their official acts, who are well known to me, and were at the time of subscribing their several names, duly authorized Notaries for the City of Mexico, and that all their official acts are entitled to full faith and credit as such.

Register F. folio 52.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

(Signed) JOHN BLACK, *Consul.*

—

I, the undersigned, First Chief Clerk of the Ministry of Interior and Exterior Relations, certify that the foregoing copy of the documents or certificates given by me to the titles of the mine of New Almaden is equal to and agrees with their literal tenor, as shown by the comparison which has been made, and that the signature of Don Ramon de la Cueva, which covers it, and those of the other notaries which prove it, are the same which they use as such Notaries. Mexico, Jan. 10, 1851.

(Signed) JOSE MARIA ORTIZ MONASTERIO.

Fees, $4.

—

No. 970. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, January 11th, 1851.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of Jose Maria Ortiz Monasterio subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same First Clerk of the Department of Interior and Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such.

Register F. folio 58.
Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

(Signed) JOHN BLACK, *Consul.*

[SEAL.]

**Ysidro Rafael Gondra**, Secretary of the Directive and Administrative Junta of Mining.

I certify that the expediente, which exists in the Secretary's Office of Mining, relative to the denouncement, possession and grant to Don Andres Castillero of the mine of Cinnabar which exists in Upper California, called New Almaden, shows: that in consequence of the reports of the Directive Junta, the Supreme Government, in virtue of the petition of Señor Castillero, issued to him the legal title or respective testimony of his acquisition in conformity with the ordinances on that branch, and that this grant to the said Castillero was for a "pertenencia" of three thousand varas upon the plan of said quicksilver mine in order to work it to that extent, and for two square leagues contiguous to the said "pertenencia" to take from them the firewood and other indispensable and useful benefits for the works of the mine; which grants, particular and special, the Supreme Government thought proper to make on account of the favor which the laws direct to be imparted to the discoverers of quicksilver mines, proceeding in them in conformity with that reported by the Directive Junta.

And at the request of the owners of New Almaden, I give the present certificate, referring to the said expediente by which all the foregoing is proved, and I sign it in Mexico, on the 23d of January, 1851.

(Signed) YSIDRO R. GONDRA,
Secretary.

—

The undersigned, Chief Clerk of the Ministry of Interior and Foreign Relations,

Certifies: that the foregoing signature of Señor Don Ysidro Rafael Gondra, Secretary of the Directive and Administrative Junta of Mining, is legitimate, and the same which he is accustomed to use in his official acts. Mexico, Feb. 26, 1851.

Fees, $4.

(Signed) JOSE MARIA ORTIZ MONASTERIO.

—

I hereby certify that the above is the signature of Don Jose Maria Ortiz Monasterio, Under Secretary of State for Foreign Officers of the Mexican Republic.

(Signed) PERCY W. DOYLE,
Her Britannic Majesty's Charge d'Affaires
in the Republic of Mexico.

Mexico, February 26, 1851.

No. 1075. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, February 26th, 1851.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signatures of Jose Maria Ortiz Monasterio, and of Percy W. Doyle, subscribed to the foregoing certificates, are in the proper handwriting of said persons respectively, the same as used by them in their several official acts, who are both well known to me, and were at the time of subscribing their respective names as follows, to wit: the first, First Clerk of the Department of Interior and of Foreign Relations of the Mexican Government, and the second, Her Britannic Majesty's Charge d'Affaires near the aforesaid Government, and that all their several acts are entitled to full faith and credit as such, respectively.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the Consulate Seal the day and year first above written.

(Signed) JOHN BLACK, *Consul.*

[Endorsed.]

No. 366, D.—New Almaden.—Translation of Approval of Possession and Record of Grant.—ANDRES CASTILLERO.

Filed in office, Sept. 30, 1852,
GEO. FISHER, Secretary.

Recorded in Record of Evidence, vol. 19, page 573.
GEO. FISHER, Secretary.

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## EXHIBIT E.

MINISTERIO DE RELACIONES EXTERIORES
GOBERNACION Y POLICIA.

Exmo. Sōr.: El E. Y. S. Ministro de Justicia en Oficio de 20 del corriente me dice lo que copio.

E. S.—Hoy digo al E. S. D. Vicente Segura, Presidente de la Junta de Fomento de Mineria lo siguiente.—E. S.—Habiendo dado cuenta al E. S. Presidente interino con la nota de V. E. de 14 del presente á que se servió acompañarme con recommendacion, la solicitud del S D. Andres Castillero para el fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes, el convenio celebrado, con dicho indi-

viduo, para principiar la explotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Esterioros y Gobernacion, para que libre las ordenes oportunas por lo respetivo á lo que contiene la 8ª proposicion, relativa á la concesion de terrenos en aquel Departamento. Y tengo el honor de insertarlo a V. E. á fin de que por lo respectivo á la solicitud del S. Castillero, a que ha tenido á bien acceder el E. S. Presidenté interino sobre que como colono, se le conceda dos sitios de ganado mayor sobre el terreno de su posecion minera se sirva V. E. librar las ordenes de que se trata.—Reitero a V. E. &a.

Y lo transcribo á V. E. para que con arréglo á lo que prevengan las leys y disposiciones sobre colonizacion, ponga, al S. Castillero en posecion de los dos sitios que se mencionan.

Dios y Libertad. Mexico, Mayo 23 de 1846.

(Firmado.) CASTILLO LANZAS.

E. S. Gobernador del Departamento de Californias.

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SELLO CUARTO. { Años de mil ochocientos cincuenta y mil ochocientos cincuenta y uno. } UN REAL.

Jesus Vejar, Escribano Publico:—Certifico y doy fé, que el presedente instrumento, autentico firmado por el Exmo. Señor Ministro de Relaciones Esteriores, Gobernacion y Policia, Castillo Lanzas, ha sido respetado bajo esa firma y obsequiado, por las Autoridades Mejicanas que gobernaban en la Alta California en el año de mil ochocientos cuarenta y seis segun las inserciones que aquellas mismas Autoridades hizieron de tal instrumento en actos que autorizaron sobre el asunto que versan y los cuales doy fé haber visto; y por esta razon debe tenerse por cierto y del puño y letra de E. Señor Ministro esa firma en el repetido instrumento, y como que tambien por actos que ante mi han pasado la reconoció el Señor Don Andres Castillero.

Yá pedimente de los Señores Barron, Forbes y Compañia signo y firmo el presente en Tepic á quince de Marzo de mil ochocientos cincuenta.

(Firmado.) JESUS VEJAR.

Alcalde 1° Constitucional y Escribano Publico que firmamos, certificamos y damos fé, que el signo y firma, que antecede, es el que usa y acostumbra el escribano Don Jesus Vegar en todas los actos que ante él pasan, el asi se lo comprovamos en Tepic á quince de Marzo de mil ochocientos cincuenta.

(Firmado.) LORETO CORONA.

(Firmado.) EUSEBIO FERNANDEZ.

CONSULATE OF THE UNITED STATES,
Tepic, June 8, 1850.

I, E. L. Barre, acting Consul of the United States, do hereby certify that the foregoing signatures are in the true handwriting of Loreto Corona and Eusebio Fernandez, the first Alcalde 1ª, and the second a lawfully appointed Public Notary in this city, and whose acts are worthy of all faith and credit.

In testimony whereof, I do hereby set my hand and seal of office this day above mentioned.

{ U. S. Consul's Seal. } (Signed.) E. L. BARRE,
Acting Consul.

[Endorsed.]

No. 366.—E.—New Almaden—Copy of Title.—Andres Castillero.

Filed in Office Sept 30th, 1852.
GEO. FISHER, Secretary.

Exhibit No. 3 to the Deposition of Fernando Alden, taken in No. 366, April 5th, 1853. H. I. T.
GEO. FISHER, Secretary.

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## EXHIBIT F.

MINISTRY OF EXTERIOR RELATIONS,
GOVERNMENT AND POLICE.

Most Excellent Sir:—His Excellency the Illustrious Minister of Justice, in an official communication says to me that which I copy.

"Excellent Sir—I to-day, say to His Excellency, Don Vi-
"cente Segura, President of the Junta for the Encouragement
"of Mining, that which follows:—Most Excellent Sir—Having
"reported to His Excellency the President *ad interim*, the note
"of your Excellency of this date, with which you were pleased
"to transmit with a recommendation, the petition of Don An-
"dres Castillero, for the encouragement of the Quicksilver
"Mine which he has discovered in the mission of Santa Clara
"in Upper California, His Excellency has been pleased to
"approve in all its parts, the agreement made with that person
"to commence the exploration of that mine, and on this date

"the corresponding communication is made to the Ministry of "Exterior Relations and Government, that it may issue the "proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in the Department. And I have the honor to enclose it to your Excellency, "to the end that, with respect to the petition of Señor Castillero, to which His Excellency, the President *ad interim*, has "thought proper to accede, that as a colonist there may be "granted to him two squarge leagues upon the land of his "mining possession. Your Excellency will be pleased to issue "the orders corresponding. I repeat to you &c."

Wherefore I transcribe it to your Excellency, that, in conformity with that provided by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.

God and Liberty. Mexico May 23rd, 1846.

(Signed) CASTILLO LANZAS.

To His Excellency the Governor of the Department of California.

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Stamp Fourth. { Stamp for the years 1850 and 1851. } One real.

JESUS VEJAR, Notary Public.

I certify and assure that the preceding authentic instrument, signed by His Excellency the Minister of Exterior Relations, Government and Police, Castillo Lanzas, has been respected under that signature and obeyed by the Mexican authorities who governed in Upper California, in the year one thousand eight hundred and forty-six, according to remarks which the same authorities made relative to that instrument in acts which they authenticated upon the matter treated of, and which I certify I have seen; and for this reason they ought to be considered as certain, and as the hand-writing and letter of his Excellency, the Minister, that signature in the said instrument, and also Señor Don Andres Castillero recognized it as such in acts which have passed before me.

And at the request of Messrs. Barron, Forbes, and Company, I affix my notarial mark and signature to this present in Tepic, on the fifteenth of March, one thousand eight hundred and fifty-six.

(Signed) JESUS † VEJAR.

We, the Constitutional 1st Alcalde and Notary Public, who subscribe, certify and assure that the notarial mark and signature which precede, are those which the Notary, Don Jesus Vejar, is accustomed to use in all the acts which pass before him. We thus prove them in Tepic, on the fifteenth of March, one thousand eight hundred and fifty.

(Signed) LORETO † CORONA.

(Signed) ESUEBIO † FERNANDEZ.

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CONSULATE OF THE UNITED STATES.
Tepic, June 8th, 1850.

I, E. L. Barre, Acting Consul of the United States, do hereby certify that the foregoing signatures are in the true handwriting of Loreto Corona and Eusebio Fernandez, the first "Alcalde primero," and the second a lawfully appointed Public Notary in this city, and whose acts are worthy of all faith and credit.

In testimony whereof, I do hereby set my hand and seal of office this day above mentioned.

(Signed) E. L. BARRE,
Acting Consul.

{ Seal of Consulate
U. S.—San Blas. }

[Endorsed.]

No. 366.—New Almaden.—Translation of Title.—"C. P. L. annexed to deposition of I. Mª Lafragua, Jan'y 29, 1855."—Andres Castillero.

Filed in office, Sept. 30th, 1852.

GEO. FISHER, Secretary.

Recorded in Record of Evidence, vol. 19, page 584.

## EXHIBIT G.

BOUNDARIES *of the Land pertaining to the Mine of New Almaden, Upper California.*

Commencing at a live oak blazed and marked with a cross, standing on the eastern side of the arroyo de los Alamittos, near the lower crossing of the waggon road leading from the mine to the Pueblo de San José, the line runs along the lands of the Rancho de San Vicente, by compass, south 63° 16′ east, 15 chains and 50 links to a rock surmounted by a pile of stones; thence south 7° 41′ east, 82ch. 00l. to an oak marked with a cross on the summit of a high hill eastward from the mine; thence south 1° 56′ west, 281ch. 80l. to the center of the summit of a high conical peak, the northernmost of the two elevated peaks of the Sierra Azul, situated in a southeastern direction from the mine; thence north 66° 41′ west, 364ch. 80l. to the centre of the high peak of the Sierra, situated south-westerly from the mine, and called by the Indians Umunhum; thence north 27° 0′ east, 227ch. 50l. to a live oak marked with a cross; thence north 19° 18′ east, 132ch. 83l. to another large live oak marked with a cross; thence north 61° 46′ east, 62ch. 50l. to a sycamore marked with a cross, and standing near the western bank of the Arroyo de los Alamittos; thence along the middle of said Arroyo about 48ch 00l. to the place of beginning—said tract of land containing 8883 English acres, or *two* Mexican sitios.

Pueblo de San José, March 7th, 1848.

(Signed) C. S. LYMAN,
Surveyor for the Mid. Dept., Upper California.

[Endorsed]

No. 366.—New Almaden.—Copy of Notes of Survey and plot.—Andres Castillero.

Filed in office, Sept. 30, 1852.

GEO. FISHER, Secretary.

Exhibit No. 1 to the Deposition of Fernando Alden, taken in No. 466, April 5th, 1853.

GEO. FISHER, Secretary.

Recorded in Record of Evidence, vol. 21, pages 640 and 641.

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[Here follows plat designated "Mapa del Terreno de la Mina Nueva Almaden. C. S. Lyman, Agrimensor, Marzo 7 de 1848."]

## EXHIBIT H.

Plat of land showing mining possession.

[Endorsed]

No. 366.—H.—New Almaden.—Plot of land showing Mining Possession.—Andres Castillero.

Filed in office, Sept. 30, 1852.

GEO. FISHER, Secretary.

Exhibit No. 2 to the Deposition of Fernando Alden, taken in No. 366, April 5, 1853, H. I. T.

GEO. FISHER, Secretary.

## DEPOSITION OF FERNANDO ALDEN.

(Filed April 5, 1853..................See page 8.)

### EXHIBIT NO. 1.

(See Exhibit G. to Petition,..................page 3162.)

### EXHIBIT NO. 2.

(See Exhibit H. to Petition,..................page 3163.)

## DEPOSITION OF CHESTER S. LYMAN.

(Filed February 18, 1854..................See page 11.)

## AFFIDAVIT OF WILLIAM E. BARRON.

(Filed October 23, 1854..................See page 13.)

## DEPOSITION OF J. M. LAFRAGUA

(Filed January 30, 1855..................S

e page 15.)

EXHIBIT A., P. L.

(See Exhibit C. to Petition,..................page 3133.)

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EXHIBIT B., P. L.

Copia literal del decreto que se halla puesto al márjen de la comunicacion de la Junta de Mineria, en que se insertó la solicitud de Castillero.

"MAYO, 20 de 1846.

"Se concede en los terminos que se propone; y por lo tocante al terreno, librese la órden correspondiente al Ministerio de relaciones para las providencias de su resorte, en el concepto de que el Supremo Gobierno está anuente á la solicitud."

J. M. LAFRAGUA.

[Endorsed]

No. 366.—Andres Castillero.—New Almaden.—"B. P. L." Exhibit to Deposition of José Maria Lafragua, January 29, 1855.

Filed in office, Jan. 30, 1855.

GEO. FISHER, Secretary.

Recorded in Record of Evidence, Vol. 18, p. 620.

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[TRANSLATION.]

A literal copy of the decree which is found on the margin of the communication from the "Junta de la Mineria," which was inserted the petition of Castillero.

"MAY 20th, 1846.

"It is granted upon the terms proposed, and with respect to the land let the proper order issue to the Minister of Relations for the proceedings so far as his Department is concerned, with the understanding that the Supreme Government is favorable to the petition."

(Signed) J. M. LAFRAGUA.

I hereby certify the foregoing to be a true and correct translation of a document marked "B. P. L, Exhibit to Deposition of José Maria Lafragua," in case No. 366 on the docket of the United States Land Commission, etc.

Witness my official signature this 30th day of January, A. D. 1855.

GEO. FISHER, Secretary.

[Endorsed]

No. 366.—Andres Castillero.—" New Almaden."—Translation of " B. P. L." Exhibit to Deposition of José Maria Lafragua, January 29, 1855.

(Filed in office, January 30, 1855.)

Geo. Fisher, Secretary.

Recorded in Record of Evidence, Vol. 19, page 583–4.

## Exhibit C., P. L.

(See Exhibit E to Petition,..................page 3157.)

## Exhibit D., P. L.

(See page.............................................69.)

## DEPOSITION OF FRANK LEWIS.

(Filed March 19, 1855.....................See page 27.)

## DEPOSITION OF ANTONIO SUÑOL.

(Filed March 19, 1855.....................See page 24.)

## Exhibit A., P. L.

Sōr. Alc$^{e}$. de 1$^{a}$. Nomin$^{on}$.

Andres Castillero Cap$^{n}$. de Cab$^{a}$. Perm$^{te}$., y residente hoy en este Departam$^{te}$ ante la notoría justificacion de V. hace presente: que habiendo descubierto una veta de plata con ley de oro en terreno del Rancho perteneciente al Sarg$^{to}$ retirado en la compañía Presidial de S. Francisco José Reyes Berreyesa; y queriendo trabajarla en compañía, suplico á Va que arreglado á la ordenanza de mineria, se sirva fijar rotulones en los parajes publicos de la jurisdiccion para q$^{e}$ llegado el tiempo de la posesion juridica, asegure mi derecho segun las leyes de la minería.

A. V. suplico, provea de conformidad en lo que recibíré merced y justicia, y admitiendo este en papel comun por falta del sellado correspondiente.—Mision de Santa Clara Nov$^{e}$ 22 de 1845.

ANDRES CASTILLERO.

Sōr. Alcalde de 1ª. Nominacion del pueblo de San José Guadalupe.

Andres Castillero Capitan de Caballeria Permanente ante la notoria justificacion de V. comparesco y digo: que ensallando el mineral que con anterioridad denuncie á ese juzgado, he sacado á mas de Plata con ley de oro Azogue líquido en presencia de algunas concurientes que podré citar en caso oportuno y por combenír así a mi derecho le he de merecer á Vd que unido al escrito de denuncio se archive este presentacion no llendo en papel del sello pʳ no haberlo.

A. V. suplico provea de en lo que reciviré merced y justicia. Santa Clara Diciembre 3, de 1845.

ANDRES CASTILLERO.

No encontrandose en el Departº de California Diputacion de Mineria y siendo esta la única vez, desde la poblacion de la Alta California que se trabaje con arreglo á las leyes un mineral, y careciendo ademas de Juez de Letras el segundo Distrito, yo, el Alcalde de 1ª nominacion C. Antonio Mª Pico, hé benido acompañado de dos testigos pª actuar por ecseptoria, a falta de Escribano publico que no le hay, para dar posesion juridica de la Mina conocida con el nombre de Santa Clara en esta jurisdiccion situada en el Rancho del Sargente José Reyes Berreyesa, porque habiendo fenecido el tiempo que señala la ordenanza de mineria para deducir su accion el C. Andres Castillero y que otros pudieran alegar mejor derecho desde el tiempo del denuncio á la fecha, y encontrandose dicho mineral con abundancia de metales esplotados, el poso echo con las reglas de arte, y produciendo la elabora de la mina abundancia de Azogue liquido, segun las muestras que tiene el Juzgado, y estando tan recomendado por leyes vijentes la proteccion de un articulo tan necesario para la amalgacion de oro y Plata en la Rupublica, he benido en consederle tres mil varas por todos rumbos á reserva de lo que señale la ordenanza genˡ de Mineria por su trabajada en compª de lo que doy fé; firmando conmigo los testigos y quedando agregado este acto de posesion al cumulo del espediente que queda depositado en el archivo de mi cargo, no yendo puesto en papel del sello respectivo, que no le hay en los términos de la ley.

Jusgado de Sⁿ José Guadalupe Diciembᵉ de mil ochocientos cuarenta y cinco.

ANTONIO Mᴬ PICO.

De assā. Antonio Suñol. De assª. Jose Noriega.

[Endorsed]

No. 366.—Andres Castillero.—New Almaden.—A., P. L.—Exhibit to the Deposition of Antonio Suñol.—March 19, 1855.

Filed in office March 19, 1855.

GEO. FISHER, Secretary.

Recorded in Record of Evidence, vol. 18, p. 621 and 622.

[For translation of the foregoing see page 75.]

## DEPOSITION OF JOSÉ NORIEGA.

(Filed March 19, 1855.......................See page 22.)

## DEPOSITION OF DOMINGO DANGLADA.

(Filed March 21, 1855.......................See page 28.)

## DEPOSITION OF FRANCISCO DE LEON.

(Filed March 21, 1855.......................See page 30.)

## DEPOSITION OF JOSÉ FERNANDEZ.

(Filed March 28, 1855.......................See page 32.)

## OPINION OF THE BOARD BY COMMISSIONER ALPHEUS FELCH.

(Filed January 8, 1856.....................See page 81.)

## DISSENTING OPINION BY COMMISSIONER R. AUG. THOMPSON.

(Filed January 8, 1856...................See page 105.)

## DECREE OF THE BOARD.

(Filed January 8, 1856...................See page 129.)

## CERTIFIED TRANSCRIPT FROM DISTRICT COURT OF THIRD JUDICIAL DISTRICT.

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### IN THE THIRD JUDICIAL DISTRICT COURT.

THE PEOPLE OF THE STATE OF CALIFORNIA,
*against*
JAMES A. FORBES.

IN THE DISTRICT COURT OF THE
COUNTY OF SANTA CLARA,
August Term, A. D. 1850.

James A. Forbes is accused by the Grand Jury of the County of Santa Clara, by this indictment, of the crime of perjury, committed as follows: The said James A. Forbes, on the twenty-fourth day of May, A. D. eighteen hundred and fifty, at the County of Santa Clara, before Davis Divine, a Justice of the Peace within and for the County of Santa Clara, and duly authorized to administer oaths, that on the day and year aforesaid, and at the place aforesaid, there, in a certain matter in controversy at issue and on trial before said Justice of the Peace wherein Edward S. Townsend was plaintiff, and José Suñol, Antonio Suñol, Padre Sansevaine and Mousure Malero are defendants, and on which said James A. Forbes was sworn by said Justice of the Peace, as a witness, to give evidence in said cause then on trial, touching said matter in controversy, and in his evidence so given stated that he, the said Forbes, had no interest whatever in said matter in controversy, and that he, the said Forbes, had no interest whatever in the Guadalupe Mines, the then subject matter in controversy and on trial, and in substance said James A. Forbes, in his evidence aforesaid, then and there testified that one Alcalde White gave possession to the defendants on the 26th day of May, eighteen hundred and forty-eight, and has no knowledge of any other possession, and saw in February last a party, Townsend, on premises entirely different from the Guadalupe Mines, and that Sansevaine built a house there, and has no personal knowledge of possession, but was during the whole in charge there, and were working a part of the time until the month of August or September, 1849, and worked the mines a short space of the year 1849 towards October; was not aware they worked it any part of winter 1849; could not state the precise time; has been often at the place and saw them operating, and had an interest at that time, but sold in March to a gentlemen in San Francisco; never saw but one man there in January, Lorenzo Penado or Ignacio

Soto, and which testimony was material to the issue in said cause then on trial before said Justice of the Peace. The said James A. Forbes well knowing said statement to be false and untrue. The Grand Jurors aforesaid upon their oaths do further say, that the said James A. Forbes not having the fear of God before his eyes, but instigated and moved by the suggestions of the Devil, and forgetful of his duty to himself, to his fellow-man, his country and his God, did at the time and place aforesaid, knowingly, wickedly, maliciously, and corruptly commit willful and corrupt perjury; all of which being contrary to the statute in such case made and provided, and against the peace and dignity of the people of the State of California.

J. W. REDMAN,
District Attorney.

On the back of the foregoing are the following endorsements, to wit:

"STATE OF CALIFORNIA
*vs.*
JAMES A. FORBES. } *Perjury.*

A true bill, August Term, 1850.

Found Sept. 3, 1850.

CHARLES CAMPBELL, Foreman.

Witnesses, Dr. Wiggins, Judge Divine, Mr. Tingley, Mr. Ryland.

Filed Sept. 3, 1850.

H. C. MELONE, Clerk.

We of the Jury find the defendant not guilty.

S. PEARCE BIRT,
Foreman."

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Record of the District Court, Third Judicial District, for the County of Santa Clara, September 11th, 1850.

THE PEOPLE OF THE STATE OF CALIFORNIA
*vs.*
JAMES A. FORBES. } Indictment for Perjury.

In this cause comes the People of the State of California by Fred. H. Sanford, the District Attorney, and the said defendant in his own proper person, and the indictment having been read to him, to which the said defendant plead not guilty.

Thereupon came the following Jurors, to wit: William G. Brown, Stephen Trigg, Samuel P. Blunt, Peter Quivey, E. Knapp, James Clanasley, Philip Bohart, John Alison, Robert Curl, Wm. B. McElroy, A. Richardson, and Martin Cloud, who were duly sworn and empanneled to well and truly try the issue joined in the indictment and their verdict render according to evidence; and the following witnesses examined, to wit: David Divine, for plaintiff. The cause was then submitted to the Jury, who returned the following verdict, to wit: We of the Jury find the defendant not guilty. S. Pearce Birt, Foreman.

It is therefore ordered by the Court, that the said defendant be discharged from custody and his security released, and that the said defendant recover all costs in this behalf expended, and that execution issue therefor.

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STATE OF CALIFORNIA,
COUNTY OF SANTA CLARA. }

I, John B. Hewson, County Clerk, and ex-officio Clerk of the District Court of the Third Judicial District of the State of California, in and for the County of Santa Clara, do hereby certify the foregoing pages numbered from one to five inclusive, to contain a true and perfect transcript of the original indictment filed in the said District Court against James Alexander Forbes, September 3d, 1850, and of the endorsements thereon, and also of the record of the trial of said Forbes on said indictment, before said Court, as the same appear on the records and files of said Court.

In testimony whereof I have hereunto set my hand [SEAL.] and affixed the Seal of said Court, this 31st day of August, A. D. 1858.

JNO. B. HEWSON, Clerk.

Filed, October 6, 1860.

W. H. CHEVERS,
Clerk.

# TRANSLATION OF EXHIBIT BASSOCO No. 6.

## BOOK THIRD OF MINUTES [ACTAS].

*From 2d April*, 1846, *to 30th June*, 1847.

The disbursing Cashier, keeper of the Sealed Paper, certified that to-day, at page 18 of the journal of debits, the following entry has been made:

Debit eight dollars, seven reals, which was completed by Don Manuel Rodriguez, for value of one hundred and forty-two seals, fifth class, of the biennial term of 1846 and 1847, which he pays for the same number of leaves of a book belonging to the Junta for Encouragement of Mining.—No. 108. 8. 7. 0.

Martinez del Campo.—Manuel Rodriguez.

Mexico, nineteenth June, eighteen hundred and forty-seven.

With my intervention.

JUAN N. CAMACHO.
[Rubric.]

JOSE MARTINEZ DEL CAMPO.
[Rubric.]

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## MONTH OF APRIL, 1846.

### *Session of the 2d.*

Present, the Señores Flores and Bassoco; and after the approval of the minutes of the session of the 31st of the past month, report was made of the following communications:

*First.* From the Ministry of Justice, of date 29th ult., representing that the Government had resolved on the proper reports upon the petitions to be excused from serving as members of the Juzgados.—The Junta resolved that, that which had given origin to the reply of the Suplente of the Juzgado of Pachuca should be presented.

From the Administrator of Vera Cruz, transmitting three per cent. drafts for seven hundred and seventy-one dollars and five cents. The proper separation be made, the drafts accepted, the proper entries made, and the receipt acknowledged.

*Second.* From the Juzgado Minero of Guanajuato, of date 30th ult., in which the President of the same represents, that his occupations do not permit him to make an examination of the mine of Guadalupe, wherefore it will be necessary to appoint some competent person for that purpose; but that this cannot be done until the Junta may supply the necessary means, advising that for that purpose there be used the means loaned from the funds of the Sierra.—The Junta resolved that it should be asked what should be the compensation of the person appointed for that purpose (*perito*), that in relation to the debt there had already been transmitted a draft for five hundred dollars.

*Third.* From the Juzgado of Tlalpujahua, of the 31st ult., stating the inability of the Juzgado to answer the inquiry made in relation to the mine of Socorro, because there exist Territorial Deputations in the Mining District of Oro.—Resolved, that His Excellency the Governor of the Department, be informed of the stand taken by said Deputation against the law.

*Fourth.* Another from the same, transmitting the acts of the last election of its President. Let the Bureau of Encouragement (fomento) report.

*Fifth.* From the Cólega of the Juzgado of Pachuca, Don Pedro Castelan, praying the Junta to exert its influence to induce the Supreme Government to rescind the order permitting elections to be held in the Mineral District of the Monte.—Let the Bureau of Encouragement (fomento) report.

From the Direction General of Industry, date 30th ult., acknowledging the receipt of the last bills transmitted from Vera Cruz and Tampico, and approving of the respective liquidation made by the Controller's office (Contaduria).

From the Maritime Custom House of Mazatlan, date 18th of March, transmitting the account asked of the amounts ordered for the 1 per cent. of circulation.—Referred to the Controller's office (Contaduria).

From the Collector's office in Mexico, representing that it being the duty of S. Lebrija to furnish the account for the past year, he had been directed to forward the same as soon as possible.—Referred to its expediente.

From the house of the Señores F. de la Torre Yecker & Co. of the 18th ult., stating that although they had not received the direct order of the General Treasury, the Administrator of the Custom House had offered to deliver the duties which might be received from the vessels arriving in future.—The Junta resolved that the Ministry should be informed that the order had not arrived.

Lastly, the report of the Contaduria was presented, in relation to the account of Señor Villar, which after being discussed remained pending.

The Licenciado Don Castulo Barreda moved that the shareholders of Tasco be cited, in order to take steps in relation to the denouncement of the mine of S. Juan.

[3 Rubrics.]

### *Session of the 3d of April,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of a communication from Don Cayetano Buitron, accompanying a letter of the Señor Lebrija, which was omitted to be forwarded with the official communication of the previous day, and in which it is proposed to transmit the account for the year 1845 of the mining taxes collected in this Department.

The discussion of the report of the Controller's Office (Contaduria) in relation to the accounts presented by S. Villard, of the works of Architecture which had been made on the Mining College, up to the 10th ult., is continued.—The Junta approved the action of said office in the reduction of salaries, and as to the separation of the accounts, requiring one to be formed of the expenses, the estimate of which has been approved, and of those made without said requisite.—That as to the second, the entry of six dollars, five reals, expended in the repairs of the sewer, as ordered by Señor Delmotte, be at once approved: and as to those that remain, the Junta not having ordered that they be disposed of as provided, Señor Villard will be advised that they are ordered to be examined previous to the approbation of the same; and lastly, that the Treasurer of the Junta will proceed to examine the same, giving him a copy of the account in relation to the matter, to the end that he may be able to report what may appear to him proper.

Then was read the report of the receipts for the renting of the College during the past month, which was ordered to be passed to the Controller's office.

It was resolved that Don Diego Moreno be reminded of the question asked him in relation to the sale of pearls at the Fair of San Juan, with which he was encharged.

It was resolved, lastly, that the Bureau of Administration be required to furnish a list of the matters pending in his Department as soon as possible, and that the same be done by the Bureau of Fomento, so soon as the six reports of the common dispatch, which are pending, are concluded.

[3 Rubrics.]

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### *Session of the 4th of April,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 3d, report was made of an official communication of the Ministry of Justice of the 2d inst., accompanying a note of the Governor of Zacatecas, petitioning for the setting aside of an agreement made by the

Government with the shareholders of Fresnillo, to the end that instead of the students which are required to be maintained in the College at the expense of the company, two Cáledras be endowed with twenty-five hundred dollars in the Institute of that Capital, one of Mathematics and the other of Mineralogy.—That the archives be searched for the decree in relation to the same.

Another communication was read from Don Antonio del Castillo, representing that being engaged with the present course of mineralogy, it had not been possible for him to conclude the mining paper which he offered to do within four months. The Junta resolved that the further time of two months be given him.

Another official communication from the Director General of Rentas Estancadas, representing that there was no blasting powder in its warehouses, being actively engaged in urging the manufacture with the Direction of Artillery, and in the delivery of the powder necessary for its supply. The Junta resolved that it be directed to the Supreme Government and to the Juzgado of Sultepec.

Then was read the report of the office of the Controller, of the date of yesterday, presenting the distribution of the letters lately remitted by the Custom House of Vera Cruz, by which there remains a balance to the Director General of 19⅓ cents. Resolved, that the same be approved.

The Junta resolved that the shareholders of Tasco and the Licenciado Barreda be summoned to appear on Monday, for the investigation of the suit pending in relation to the mine of Socabon of San Juan.

And lastly, that an official communication be sent to the Supreme Government, notifying the same that the Mint had not yet settled for the amount of six bars of silver of Tasco, which had been delivered for coinage since the 16th ult., representing the incalculable prejudices reported by the miners of this department and the neighboring ones.

[3 Rubrics.]

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### *Session of the 6th of April.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 4th, report was made of the following official communications:

*First.* From the Mining Juzgado of Zacualpan, dated 2d inst., acknowledging the receipt of circular No. 3, and giving notice that the elections had already been held.—To its Expediente.

*Second.* From the Juzgado of Zimapan, dated 30th ult., acknowledging the receipt of the same circular.

*Third.* From the Mining Juzgado of Temascaltepec, date 4th and 5th, acknowledging the receipt of said circular, and the order requiring absolute license to be given to the miner Anastacio Osorio.—To its Expediente.

*Fourth.* From the person in charge in Guanajuato, stating that on the receipt of the order forbidding the payment of the amounts assigned to the students of the College Córdova and Corro, their receipts of the 19th of March had already been paid; acknowledged, and that the Señor Mayordomo be advised.

*Fifth.* From Don Agustin Font, stating that he had arrived at Tasco, and desired to work the mine of S. Joaquin.—To its Expediente.

*Sixth.* From D. Jose Zamora, in Tasco, date 4th inst., transmitting memorials No. 13, and the balance sheets No. 3. Receipt acknowledged, and passed to Controller.

*Seventh.* From the same, stating that three hundred dollars are necessary for the present week; that he has given one hundred and forty dollars, á Quiñones, for judicial expenses, and that he had received nineteen for toll (maquila) from Don Leonardo Maldonado. Acknowledged, and notice ordered to be given to the Controller.

*Eighth and Ninth.* Giving notice that two drafts had been issued; the first for two hundred and fifty dollars, and the second, for one hundred and forty dollars. Let them be paid.

*Tenth.* Giving notice that the works of Trinidad had narrowed in such a manner, that the work proposed is now necessary; the expense of which will amount to $1,225. Let the Bureau report.

Report was made of the letter of Licenciado Barreda, informing the Junta that he cannot meet the same, because his wife is about to be confined.

Let him be required to designate the day when he will be able to attend to meet the shareholders.

Report was made of the decree of the Governor in relation to the revalidation of the contract made by the Zacatecano Company, for the purchase of the mines of Fresnillo; and it was resolved, that in order to furnish the report asked for by the Government in relation to the petition of the Governor of that department, Señor Rosas be asked to attend the Junta on Wednesday.

A report of the Bureau of Fomento was read in relation to the last election by the Juzgado of Tlalpujahua, in which it is advised that the same be presented for the supreme approbation, and that in the meanwhile, orders be given for the election of a Suplente. Resolved in conformity.

The same steps were taken in relation to the report of the Controller, in which he proposes the distribution to be made of the last drafts received from Vera Cruz, for the three per cent of importation, advising that those corresponding to the third part to the amount of $1720,59, be indorsed in favor of the Direction General of Industry, observing, that after the making of this payment, there would only remain to the Junta seventy-three cents and two-thirds.

Having given notice to the Treasury that payment had not been made for the six bars from Tasco, delivered to the Mint, the Junta resolved that the Señor Superintendent be directed to fix a day in which the same should be paid.

[3 Rubrics.]

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### *Session of the 7th of April*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 6th, report was made of an official communication from the Señor Superintendent of the Mint, stating that the Junta could apply to the Government for the amount of the six silver bars of silver of Tasco, delivered to the Mint for coinage, and complaining of the threat of the Junta to acquaint the Government with the conduct of said Mint.—The Junta resolved that he be replied to, that in consideration of the prejudices which would result to the Junta from a delay in the coining of its silver, it expressed itself in the terms in which it had; that the Junta had no reason for concealing the discovery which showed the Señor Superintendent, on his entering the Mint, with the amount of the bars introduced by the Junta under the guaranties of the public faith and of a Direction; and lastly, that it would allege its unquestionable rights where and when it might see proper.

An official communication was read from D. Cayetano Buitron, remitting fifteen hundred dollars on account of the mining tax for the past month, and besides thirty-nine dollars four reals belonging to D. Manuel M$^a$ Lebrija.—Receipt acknowledged, and the proper entries ordered to be made in the Controller's office.

[3 Rubrics.]

### *Session of the 8th of April,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after the reading and approval of the minutes of the 7th, report was made of the three following communications from the Ministry of Justice, date 1st inst.:

*First.* Resolving, in accordance with the opinion of the Junta, that the receipts or drafts which are required to be written upon paper of the 3d and 4th seals, may be issued upon one leaf.—Let the Controller be notified of the same.

*Second.* Giving notice of there having been communicated to the Ministry of Hacienda the official communication of the Junta, requesting that the necessary orders be given requiring the administrator of the Custom House at Tampico, in fulfillment of the law, to forward directly the 3 per cent. draft of importation.—To its Expediente.

*Third.* Declaring the election of the President of the Juzgado of Zacualpan to be null, and approving that of the Suplente, in accordance with what had been advised by the Junta.

It was resolved that the communication directed to the Government on the 28th ult., and the foregoing resolution, should be inserted in the one to the Juzgado.

Another from the same Ministry, date 2d, reporting upon the petition of the Governor of Jalisco, praying for the establishment of a Juzgado in the mining district of Lagos.—Let the Bureau of Fomento report.

[3 Rubrics.]

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### *Session of the 11th of April,* 1846.

Present, the Señores Segura and Bassoco. The minutes of the session of the 8th being read and approved, report was made of an official report of the Ministry of Justice, date the 6th, giving notice of having transcribed to the Ministry of Hacienda, the vote of this Junta in relation to the supplying of the District of Sultepec with powder.—To its Expediente.

Report was also read of an official communication from the Mining Tribunal of Guadalcazar, in which, under date of the present, it is represented that its President is not renewed in virtue of the seventh proposition of the Plan of S. Luis.—Let the Bureau of Fomento report.

An official communication from the correspondent of the House of Manning and Mackintosh, in Pachuca, was read, forwarding a draft for $1322 50, being the product of the mining duties for the month of March.—Let the receipt of the same be acknowledged, and let the draft be accepted to be paid at maturity, and let the proper entries be made.

There were read also four notes, dates 21st ult., in which the correspondent of the said House in Culiacan forwards a draft for $960 62½, as the product in Alamos for the month of February; another of twenty-two dollars sixty cents, as that of Mazatlan in January; another of one hundred and twenty-six dollars, three reals, six grains, as that of Cosalá during the same month, and the last of twelve dollars forty-six cents, as that of Mazatlan during the month of February. Resolved, that the first be accepted to be paid at maturity, and that the others be paid; and that the proper entries be made, giving the customary acknowledgment of receipt.

A certificate of the assayer at Mazatlan, showing that no bars had been presented during the month of December, 1845, was ordered to be passed to the office of the Controller.

In view of the official communication of the Señores Tomas de la Torre, Jecker & Co., date 25th ult., in which they state that the administrators of the Custom House of Mazatlan will not apply to the Junta the one-half of the duties of average (averia) assigned to it, until a determinate order is received to that effect. Resolved, that a petition be made to the Supreme Government, informing the same of what has taken place.

Lastly, there was ordered to be attached to its antecedents an official communication from the Ministry of Justice, of the 6th, in which notice is given that there had been communicated to the Ministry of Hacienda, that it might take the proper steps in relation thereto, the note of the Junta in relation to the non-payment by the Mint of the amount due for six bars of silver which had been deposited during the last month; and another from the Director of the said Mint, of the 8th, giving assurance that he will respond to the charges that may result from the failure to pay for the said bars.

[3 Rubrics.]

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### *Session of the* 13*th April*, 1846.

Present, the Señores Segura and Bassoco; the minutes of the 11th being read and approved, report was made of an official communication of the Señores Davies & Co., of the 7th, accompanied by a certificate of the amount produced by the mining tax in S. Luis Potosi during the last third of the preceding year. Receipt acknowledged, and ordered to the office of Controller for the proper ends.

It is ordered to acknowledge the receipt, make the proper entries and collection of a draft of two hundred and seventy-one dollars, five reals, one grain, remitted by the correspondent of the Señores Manning and Mackintosh, in Zimapan, with his note of the 1st inst., as the products of the mining duties during the month of March.

It was ordered to acknowledge the receipt, and pass to the Controller for the necessary ends, the memorials No. 14 of the Mine of Trinidad and San Juan and Hacienda del Chorrilla, as ordered by the Administrator in his official communication of the 11th.

Resolved, that draft No. 14 be paid, after the necessary entries, which was drawn for three hundred dollars by the Administrator of the business of the proper date.

It was also resolved to reply *de enterado* to the official communication, advising that two hundred dollars will be necessary for the tally-roll (raya) of the following week, and also that receipt be acknowledged of the document of delivery made to Don Agustin Font as a loan of his mine of San Joaquin, and that the same be attached to its espedientes.

Report was made of an official communication of the Minister of Justice, of the 6th, accepting the resignation of Don Marcial Fernandez as Counsellor of the Mining Juzgado of Pachuca, which was ordered to be transcribed to the proper Juzgado for the corresponding ends.

It was resolved that there be passed to the Bureau of Fomento, for the same to report thereon, an official communication from the Mining Juzgado of Pinos, in which, under date of the 6th, an opinion is asked: if the Suplente lately appointed is at once to act as President, or if he can only do so in cases where the President is prevented from acting; and another from the Juzgado of Catorce, in which, under the same date, an opinion is also asked whether, in case the President has not been so appointed in accordance with the sixth of the bases of the plan of S. Luis, the Suplente shall be reappointed with the President, and must he consult the first-named, inasmuch as the first Cólega is the one that now exercises the functions of the same.

[3 Rubrics.]

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## *Session of the* 16*th of April*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 13th of April, report was made of the following communications:

*First.* From the Superior Government of this Department, dated the 11th, giving information that his Excellency Don Luis Gonzaga Chavarri had taken possession of the command.

Resolved, that it be replied to, acknowledging the same with satisfaction.

*Second.* From the Mining Juzgado of Mazapil, accompanying the last decree of that excellent Assembly, regulating the manner of renewing the Suplentes of the Juzgados. Let the Bureau of Fomento report.

*Third.* From the Mining Juzgado of Guanajuato, dated the 13th inst., in answer to Circular No. 3, representing that it is not believed to be necessary to name a substitute (suplente). Let the Bureau of Encouragement (Fomento) report.

*Fourth.* Two from the Direction General of Industry, dated the 7th and 8th instant, acknowledging the receipt of the last drafts that had been forwarded, and noting a deficiency of ten and one-third cents in the liquidation. Let it be answered, that the same results from a mistake of some cents in the change.

*Fifth.* From the Señor Director of the College, replying to the question which was asked in relation to the plastering on the stairs of the College, stating that it is without mastic.—Resolved that it be inserted to S. Besozi.

*Sixth.* A statement of the Maritime Custom House of Tampico of four drafts pertaining to the 3 per cent., for the sum of three hundred and eleven dollars and four cents.—To the Treasury for collection.

*Seventh.* From the Collector of Taxes in Zacatecas, accompanying a draft for four thousand six hundred and ninety-one dollars, two reales and six grains, as the products of mining (taxes) for the past month, deducting twenty-five dollars which was delivered to the student Ayala.—Resolved that the draft be accepted, the proper entries made, and receipt thereof acknowledged.

*Eighth.* From the same, accompanying another draft of two hundred and thirty-six dollars one real, four and a half grains, as the receipts from Sombrereto, in the same month.—Let the draft be accepted and collected, the proper entries made, and receipt of the same acknowledged.

*Ninth.* From Señor Blumen, encharged with the collection of taxes in Guadalajara, asking information in regard to his responsibility.—Let the Secretary, with preference, report.

*Tenth.* From the architect in charge of the buildings, of date of yesterday, in reply to the observations which were made to him on the presentation of the last account.—Let the observations referred to be explained, since it is clear from his reply that he has not understood them.

The following reports from the Bureau of Encouragement (Fomento) of yesterday were read:

*First.* In relation to the communications of the Juzgados of Guadalcazar and the mineral district of Catorce, in which it is stated that a President has not been appointed in accordance with the 6th Base of the Plan of San Luis Potosi. The Bureau is of opinion that the same should be inserted to the Supreme Government, for the resolution thereof, setting forth the convenience resulting from a uniformity in the Juzgados, His Excellency the President having already approved the selection of all the rest.—The Junta resolved in conformity.

*Second.* In relation to the communication from the Juzgado of Pinos, setting forth the reason why its President had not been renewed.—The Bureau is of opinion that it be replied, that Circular No. 3 annuls the previous resolution, and that therefore its President is to be renewed.—The Junta resolved in conformity.

*Third.* In relation to the report asked by the Government touching the establishment of a Juzgado in Lagos. — The Bureau advises, that a new report be asked from the Governor of Jalisco; and the Junta resolved in conformity, adding, that the inconveniences should be set forth, which are apt to result from the formation of Juzgados in places where there is not a sufficient number of intelligent miners, and that in order to avoid the inconveniences resulting from great distance, the Juzgados are already authorized to appoint Commissioners in the same, who shall review denouncements and take cognizance of matters of less importance.

*Fourth.* In relation to the communication of Don José Zamora, relative to the work proposed in the mine of Trinidad; and the Junta resolved that he be asked to furnish the estimate which he has formed.

A report was read from the Bureau of Administration, in relation to the matters pending of the legajo No. 1, in relation to the accounts of agents (apoderados), and in view of the same the Junta made the following orders:

*First.* That if, during the remainder of the present month, the accounts from Chihuahua and Jesus Maria, which were asked by the Governor-General Monterde on the 12th of January of this year, should not be received for the last third of the year 1843, that they be demanded on the 1st of May.

*Second.* That Señor Pohls be reminded of the certificate in relation to the assignment made in Guanajuato for the loan of two millions and a half of dollars, which was returned to him on the 23d of September last, to be reformed.

*Third.* That demand be also made on Señor Potts for the documents which he offered to forward from Chihuahua on the 25th of November of the past year.

*Fourth.* That Señor Mackintosh, of Guadalupe and Calvo, be reminded of the inquiry that was made of him on the 13th of January, as to whether he would be able to undertake the discovery of Don Cristobal Rodriguez; and also remind the Administrator of Rentas and the First Alcalde of Parral of the report that was asked of them on the 6th of September last, in relation to the closing of the accounts and the whereabouts of the property of the said Rodriguez.

The Secretary reported the agreement made, in accordance with instructions, with the Señor Colonel Don Manuel M. Lebrija, executed in the Junta before the Señor Soraya and the acting escribano in the following articles; but subject to the previous approbation of the Junta.

*First.* That Don Manuel Ma. Lebrija will continue to receive the remaining two-thirds of his salary, having employment at $50 per month, while the debts of his creditors will be satisfied out of the remaining third; after which the Junta will commence to receive the whole in payment of what is owing to it. —To which end the necessary general orders will be issued by the Commanding General.

*Second.* In case he should not obtain employment, but exemption therefrom, he will pay to the Junta thirty dollars a month, and to his assignees in bankruptcy, of his third, twenty dollars.

*Third.* The Junta will be free from the payment of all costs resulting from the transaction, except such as have already been paid.

The Señor Bassoco observed, that nothing being indicated in the foregoing agreements in relation to the back salary of Señor Lebrija during the time of his suspension, a clause should be added to the agreement, setting forth that he should pay to the Junta the amount coming to him on account of the fifty dollars a month of the amounts which he may receive. In which terms the Junta approved the agreement, ordering in consequence thereof the necessary document to be issued.

[3 Rubrics.]

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## *Session of the* 17*th April,* 1846.

Present, the Señores Flores and Bassoco; and after the approval of the minutes of the session of the 16th, there was read an official communication from the Administrator of the Maritime Custom House of Vera Cruz, accompanying the three per cent. drafts for $1,564.04.—Resolved, that the proper distribution be made of the drafts, that those relating to the Junta be accepted, and that receipt of the same be acknowledged.

The instructions were read, which were transmitted to Don Eugenio Bermejillo, to whom is committed the collection of the accounts due on the 1 per cent. duties with which he was encharged as Administrator of Morelia, which was approved, resolving that said appointment be communicated to Señor Cortez.

The Secretary having reported verbally upon the opinion asked by the Commissioner in Guadalájara, in relation to his responsibility in the collection of the mining duties, the Junta resolved that he be answered, that in accordance with the contract of the Señores Manning and Mackintosh, those in charge (*los encargados*) are responsible for the collection of said duties, but that if the Supreme Government should not lend the necessary aid, the Junta should be advised thereof, in order that it may solicit the same.

An official communication was read from the Minister of Justice, dated the 19th, approving the act renewing the President of the Juzgado of Tlalpujahua. Resolved, that the same be inserted to said Tribunal.

[3 Rubrics.]

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### *Session of the 20th of April,* 1846.

Present, the Señores Flores and Bassoco; and after the approval of the minutes of the 17th, report was made of the following communications from the Commissioners for the collection of the mining duties:

*First.* From the Commissioner of Guanajuato, transmitting a draft for three thousand seven hundred and eight dollars, two reals, as the receipt for the month of March.

*Second.* From the Commissioner of S. Luis Potosi, ditto, ditto, for one thousand eight hundred and sixty-eight dollars and two cents.

*Third.* From the Commissioner of Durango, another of seven hundred and ninety dollars, two reals, three grains.

*Fourth.* From the Commissioner of Guadalajara, accompanying a draft for nine hundred and seventy dollars, three reals and ten grains.

*Fifth.* From the Commissioner of Chihuahua, dated the 4th instant, sending a draft for six hundred and eighty-four dollars, five reals, four grains, as the receipts for the month of February in that mineral district, and that of Jesus Maria. Resolved, that they be accepted, the proper entries made, and receipt thereof acknowledged.

The following communications were read from Don José Zamora, of the 18th instant:

*First.* Transmitting the memorials No. 19 of Tasco. Receipt acknowledged and forwarded to Contaduria.

*Second.* Advising that there will be needed for the pay roll (raya) of this week three hundred dollars. Acknowledged.

*Third.* Stating that draft No. 15 has been issued for two hundred and fifty dollars. Let the same be paid.

*Fourth.* Reporting that in the mine of Trinidad there had been encountered some new minerals, which although in narrow veins, have a very reasonable ley, since the working of twenty-five marcs gives 140 dollars for 100 quintals; there will be a profit of seventy dollars, for which reason the pay roll (raya) will be increased. Acknowledged with satisfaction.

*Fifth.* Representing that having proposed to the Junta on the 30th of August last, as a security for his calculations, that he would not receive his salary as Administrator as long as the business should not be profitable, but it resulting from the account transmitted by him on the 4th of June last, that the same had yielded a profit, the Junta would not object to his receiving the salary which he had forborne to draw.

Reports were asked from the Bureau for the proper resolution of the same.

Another official communication was read, dated the 18th, from Don Miguel Quiñones, stating that the Mining Tribunal denied a hearing to the other shareholders of the mine of San Juan, but that as to him it only denied the appeal interposed, and concluded by asking the order that Sōr. Zamora be required to pay his costs. Resolved, that it be inserted with preference to Señor Licenciado Barreda, and that he be informed that said order is already given to Sōr. Zamora.

Report was made of the distribution of the last drafts from Vera Cruz, made by the Contaduria, a balance remaining to the Direction General of Industry of 26⅜ cents. Resolved in conformity.

There was read a minute of the reply of the Bureau of Administration to Señor Don Henrique Blumet, in relation to the responsibility of the Commissioners in the collection of mining duties.

Lastly, a report was made from the Controller's office in relation to an account presented by Don Antonio Villard, representing a discrepancy in the same of $1 50, and giving it as his opinion that this being deducted from the amount claimed the balance should be paid of the estimate of the works approved by the Supreme Government; which was thus approved.

[3 Rubrics.]

## *Session of* 23*d April*, 1846.

Present, the Señores Segura, Flores and Bassoco. After the approval of the minutes of the session of the 20th inst., report was made of the following communications:

*First.* From the Ministry of Justice of date 17th instant, authorizing the Board to submit to arbitration the question of the claim for eight thousand dollars against Don Joaquin Llaguno as surety for Don Manuel Gonzales.—Let instructions be drawn up for Don Eduardo Penny.

*Second.* From the same of date 20th, replying that there has been transmitted to the Ministry of Finance copy of the communication in which it is requested that executive orders be given to the Custom Houses of Mazatlan and Guaymas, for the delivery of the half of the duties of average (averia) appropriated for the payment of the debt of the Government to the Junta—To its Espediente.

*Third.* From his Excellency the Governor of San Luis Potosi, accompanying certificates of there having been extracted from the mines of Guadalcazar five hundred and eighty-six quintals of quicksilver, for the purpose of claiming the premium of five dollars per quintal granted by law, representing that the parties interested request the prompt payment of the same, with the object of procuring an apparatus for distilling.—Let the Bureau of Encouragement (fomento) report.

*Fourth.* From the Mining Tribunal of Zimapan, complaining of the Judge (Juez de Letras) of that District.—Let the same be communicated with recommendation to the Governor of the Department.

Two from the Direction General of Industry, dated 21st and 22d inst., acknowledging the receipt of the last drafts for the three per cent. of importation duty, with the difference of one cent.—The first to its Espediente, and the second remitted to the Controller's office.

Another from the Collector of Customs at Hermosillo, representing why he has not been able to send the accounts of the one per cent. which are asked of him.—To its Espediente.

Another from the architect Don Antonio Villard, presenting a list of the works which in his opinion should be done on the college for its repair and preservation, amounting to two hundred and fifty dollars.—Let the Treasurer report in view of the works proposed.

There was read a report from the Controller's office relative to an account of the Collector in Guadalajara, advising that the Assayer and Administrator be reprimanded for certifying to the same without having examined it. The Junta resolved in conformity, and also that in addressing the principal assayer the said certificate be remitted to him, and he be requested to return it, that it may be sent back to the Collector to make out anew, and that like communication be addressed to the Direction of the Revenue, in respect to the Administrator.

Another report from the Controller's Office, making distribution of the drafts for the three per cent. lately received from Tampico, amounting to three hundred and eleven dollars, sixty-four cents.

Notice was given of an opinion of the Bureau of Fomento, relative to the Tribunal of Mazapil not having elected a President. The Bureau is of opinion that the question be asked—How can there be no miners who can read and write, when in February of the present year twenty-three voted by secret ballot by means of tickets?—The board ordered in conformity.

The Secretary said, that in the Espedientes relating to Tasco, it is shown to be true that Don José Zamora has not received the sixteen dollars per week which the Junta allowed him as administrator, ever since on the 30th ult. he offered not to claim said allowance, in the case that after a settlement of the accounts of the whole year there should have been no profit to the Junta, and also represented that the proper Bureau of the Controller's Office had reported on the 14th of March to agree that the profit of four thousand dollars which said Zamora deducted, has been deducted exactly. The Junta resolved, that said sum may be credited to him from August to the end of December of the past year.

The Professor of the College, Don T. Ramon del Moral, having sent in some specimens of cinnabar from the presidio of Santa Clara, in Californias, it was resolved, that they be transmitted to the Director, with copies of the letters of Señor Castillero, who sends them, that the proper assays of them may be made.

Report was made of a list presented by the Bureau of Administration of unfinished business, and it was resolved—

*First.* That Don Enrique Mackintosh be required to collect the installments due by the assayer Don Mariano Cataño.

*Second.* That Señor Don Diego José Perez Fernandez be reminded of the sums and answers which he promised to give since the 1st of March, and that the official letter to this effect be delivered to him in person.

And *Third.* That there be duplicated to Señor Don Miguel Moro the official letter, in which he was asked if he was disposed to pay the interest of the eight thousand dollars which he owes on his estate of San Sebastian.

[3 Rubrics.]

### *Session of the 25th of April,* 1846.

Present, the Señores Segura, Flores and Bassoco; after the reading and approval of the minutes of the 23d, a report was read from the Bureau of Encouragement (Fomento) in relation to a communication from his Excellency the Governor of San Luis, dated the 18th inst., in which he asks that there shall be paid as soon as possible the premiums awarded for quicksilver esplotado from the national mines.—The Bureau is of opinion that, the documents being in conformity with the regulations made for the payment of said premiums, there should be paid the amount of two thousand nine hundred and thirty dollars for the five hundred and eighty-six quintals esplotados up to the end of March last from the mines of San Antonio and Sta Lucia in Guadalcazar, and that the Governor be informed that the Junta, by the last English packet, had ordered from London two distilling apparatuses, as lately improved by Dr. Ure.

It also proposed that an order be issued to its Commissioner in San Luis, for the delivery of the products of the mining duty of the present month; but there having been presented two drafts for the said amount of two thousand nine hundred and thirty dollars, the Junta resolved that they be immediately paid on proving the signature, conforming in all other respects with the report of the Bureau, and that the Governor and the Señor Don Julian de los Reyes should be so informed by the mail of to-day, representing to them the earnest desire of the Junta for the encouragement of the quicksilver mines of Guadalcazar.

It was finally resolved to summon the shareholders of Tasco and the Licenciado Don Castulo Barreda, to appear on Monday next, in order to inform them of the last answers of Don Miguel Quiñones in relation to the suit pending with the Señor Madariaga in relation to the denouncement of Socabon de San Juan.

[3 Rubrics.

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### *Session of the 27th of April,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 25th, report was made of the following communications:

*First.* From the Mining Juzgado of Tacualpan, transmitting the act of the election of its substitute (suplente).—Let the Bureau of Encouragement report.

*Second.* From the Mining Juzgado of Guanajuato, dated the 24th inst., stating that the amount for the examination of the mine of Clavellinas will be about one hundred and twenty-five dollars, and that the observations have been passed to the anterior account of Señor Lascano.—Resolved, that the Señor Montes de Oca be informed in relation to the matter, in order that he may, if possible, cause an examination to be made of the mine, more exact, impartial, and cheaper.

*Third.* From the Direction-General of Industry, dated the 25th, acknowledging the receipt of the last drafts from Tampico, amounting to ninety-nine dollars and ninety-two cents, and being in accordance with the last liquidation.

*Fourth.* From the Chief Assayer, of the date of to-day, returning the account which was remitted to him from Guadalajara, and offering by the next mail to represent to the assayer the fault of which he has been guilty.—To its Expediente.

*Fifth.*—From the Commissioner in Guadalupe and Calvo, accompanying a draft for two thousand five hundred and seventeen dollars and twenty-one cents, as the receipts of mining taxes for that mineral district during the months of January, February and March of this year, and the account of the last quarter.—Let it be passed to the Controller's Office; let the draft be accepted, the proper entries made, and receipt of the same acknowledged; and let Señor Mackintosh be told that he he may solicit that some one be encharged with the collection of the debt of which he speaks, allowing him a certain portion of what may be collected.

*Sixth.* From the Administrator of Direct Contributions, claiming the payment of thirty dollars for the last third of the pension due of the three per thousand of the establishments of the College.—Resolved that the same be paid.

*Seventh.* Six communications of Don José Zamora, dated the 25th inst., transmitting with the first the memorials No. 16.—Resolved, that receipt be acknowledged, and that it be transmitted to the Controller's Office. Stating in the second that there is needed for the pay-roll (raya) of the present week, two hundred dollars.—Acknowledged. Accompanying the third with an estimate of the new work proposed in the mine of Trinidad.—The Junta resolved that said expense be authorized. Stating in the fourth, that there had been delivered to D. Miguel Quiñones about twenty-five dollars for duties collected for that Tribunal, as shown by the certificate of said gentleman.—To its expediente. And stating in the two last, that draft No. 16 had been drawn for three hundred and nine dollars four reales, and No. 17, for one hundred and twenty-five dollars.—Resolved that the same be paid.

*Eighth.* From Don Miguel Quiñones, dated the 25th, accompanying the certificate of that tribunal, asked for by Señor Licenciado Don Cástulo Barreda, and stating that Don José Zamora had received one hundred and twenty-five dollars in payment of the costs of the same.

At this moment, Don Cástulo Barreda presented himself, and stated that he had received from Don José Zamora, one hundred and twenty-five dollars for the payment of costs. After the examination of said certificate, it was resolved that the Junta duly ratify the appointment made by the old establishment, of its Secretary, as its agent, and requiring the Escribano to make the proper annotations in the protocol and copy.

The shareholders of the mine of Trinidad not appearing, in accordance with citation.

[3 Rubrics.]

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*Session April 29th*, 1846.

Present, the Señores Flores and Bassoco; and after the approval of the minutes of the 27th, a communication was read from His Excellency the Minister of Justice, dated 21st inst., in which, in conformity with the opinion of the Junta, it is provided that the Juzgados of Guadalcazar and the Mineral district of Catorce, proceed at once to the election of Presidents, it being thought that their renewal is not comprehended in Art. 6 of the plan of S. Luis Potosi.

Whereupon, there was read the report made by the Treasurer in relation to the works executed without previous estimate in the College, and resolved, that repudiating only the sum of six dollars five reals, for the repairing of the sewer at the entrance of the house of the Señor Director, the sum of forty-two dollars six reales, the amount due for said work, be paid, charging it to the amount designated for repairs, for which the Junta has authority for the present year in accordance with law.

A report was read from the Bureau of Encouragement (Fomento), in which it is proposed to submit to the Supreme Government the election of the President of the Juzgado of Zacualpan, made on the 19th inst., for its approval of the same. Resolved in conformity.

The Señores of the Junta signed the power conferred on its Secretary, to represent the rights of the Junta in the suit pending with the Señor Madariaga in relation to the denouncement of the mine of Socabon de S. Juan.

[3 Rubrics.]

### *Session of the 30th of April,* 1846.

Present: the Señores Segura, Flores and Bassoco, and after the approval of the minutes of the 29th, an official communication was read from the Ministry of Justice, dated the 28th, acknowledging the receipt of the statements of receipts and disbursements for the months of February and March, and that in future, they will be forwarded monthly. The Junta resolved, that the statements for the preceding year be required, which are the only ones wanting.

Three official communications from the Governor of the Department of San Luis Potosi, dated 25th ult., transmitting petitions from the Miners of Guadalcazar, and the certificates showing that there have been *esplotado* eighty quintals of quicksilver from the mine of S. Antonio, and one hundred quintals from the mine of Sta. Lucia.—Let the Bureau of Fomento report.

Another official communication from the Juzgado of Asientos, forwarding the act of the election of a substitute (suplente).—Let said Bureau report.

Another from the Admr. of the Maritime Custom House of Vera Cruz, dated the 25th, accompanying 3 per cent. drafts for the sum of one thousand four hundred and seventy-four dollars and one cent. Resolved, that the proper separation be made from those belonging to the Director General of Industry, and also that the proper entries be made, that those pertaining to the Junta be accepted, and that receipt be acknowledged of the whole.

Three communications from the Commissioner of Culiacan, accompanying as many drafts; the first for four hundred and thirteen dollars, seven cents and one grain, as the receipts of the mining duties for the month of February, in Cosalá; the second, for three hundred and ninety-five dollars and seven cents, being the receipts of mining duties in Mazatlan, during the month of March; and the third, for two hundred and eighty-three dollars, seven reales and seven-eights, as the receipts of mining duties in Alamos, during the month of March.—The Junta resolved that the drafts be accepted, the proper entries made, receipt be acknowledged, and that the last mentioned one be collected.

Two reports were read from the Bureau of Administration, the first in relation to the debt of Don Mariano Cataño, and the Junta resolved in conformity therewith, but that it be indicated to Sōr. Mackintosh, that the Junta is ready to pay him for said collection as much as ten per cent., and that of this premium he can pay as much as he sees proper to his agent in Parral.

In the second report, in relation to the debt of Don Cristobal Rodriguez, the Junta resolved that it be placed at the end of the last resolution on the subject.

The Señor Licenciado Don Diego José Perez Fernandez having presented himself at the conference to which he was invited, in order to take steps in relation to the two unsettled points in his debt, the Junta resolved that the Controller should report on to-morrow in relation to the antecedents of the same, citing said Fernandez to appear on Saturday for the resolution of the matter.

[3 Rubrics.]

## MONTH OF MAY, 1846.

### *Session of the 2d.*

Present, the Señores Bassoco and Flores; and after the approval of the minutes of the preceding day, a communication was read from Don Manuel Mariano Cortazar, of the 22d ult., accompanying an inventory of the stock on hand (existencia) received at the mine of Atargea. The Junta resolved, that while the Bureau reported he should be answered, that Sōr. Echeverria should be seen, and that by him, or by the mail of Thursday, money should be sent to him.

The Señor Licenciado Don Diego Perez Fernandez presented himself, and after having agreed with the observations made by the Controller, represented that, having to go to Yxtlahuaca, where he had been appointed to the office of *Juez de Letras*, he would present his propositions for the payment of what was owing, for which purpose he would come on Monday and terminate the respective liquidation.

[3 Rubrics.]

### *Session of the 4th of May,* 1846.

Present, the Señores Segura, Flores and Bassoco; the minutes of the preceding meeting being approved, report was made of the following communications:

*First.* From the Juzgado of Pachuca, dated 30th ult., representing the want of powder in that mineral district. Resolved, that the same be inserted to the Government.

*Second.* From the District of Nueves, dated 25th ult., replying to Circular No. 3. Let the Bureau of Fomento report.

*Third.* From that of Bolaños, representing the renewal of its President in conformity with the order of the Government; on which the same resolution was made.

*Fourth.* From the Administrator of Morelia, Don José Ma. Cortez, excusing himself for not having forwarded the three per cent. accounts. Let the Contaduria report.

*Fifth.* From Colonel Don Miguel Mosso, representing that although he acknowledged upon his hacienda of San Sebastian the sum of eight thousand dollars of S. Fagoaga, the individuals to whom it is to be paid have not yet been designated. Let this communication be transmitted to Sōr Fagoaga.

*Sixth.* From Don Eugenio Bermejillo, dated the 24th, in Morelia, accepting the office given him for the receiving in that city the accounts of Don José M. Cortes, who had offered to deliver them within fifteen days.

*Seventh.* From the Señor Director of the College, inserting the report of the Junta Facultativa of the same, in relation to the result of the assay made by him of the samples of cinnabar forwarded by Don Andres Castillero, of Californias. Resolved, that it be inserted to the Supreme Government, representing that this reply had not been received until yesterday, and that Señor Castillero had been answered that he should set forth the kind of protection or aid he needed for the favorable result of his enterprise, and lastly referring him to the premiums which had been paid for the national quicksilver extracted in Guadalcazar.

The Maritime Custom House of Tampico forwarded the index of 3 per cent. drafts, to the amount of four hundred and seventy-nine dollars and eighty-seven cents.—Let the drafts be collected from the Treasury.

A communication was read from Don Julian de los Reyes, dated 29th ult., stating that he is informed of the payment of his preceding draft for two thousand nine hundred and thirty dollars, and that he had drawn another for two thousand dollars, with two, amounting to two thousand five hundred, directed by Don Vicente Bustos, understanding that no others will be presented, save those corresponding to the quicksilver received during the month of April, and up to the 24th of May, at which time the privilege ceases.—Action was suspended on the same until the reception of the report of Bureau of Encouragement (Fomento).

Four communications from Don José Zamora, dated the 2d inst., the first being accompanied by memorials No. 17, and the balance sheet No. 4 for the past month.—Receipt acknowledged and passed to Controller.—In the second, it is stated that two hundred and fifty dollars will be needed for the pay-roll (raya) of the present week.

In the two last, it is stated that drafts No. 18 and 19 have been issued, which were ordered to be paid.

A report was read from the Controller, designating the drafts corresponding to the Direction General of Industry, of those lastly remitted from Vera Cruz, on which there is a balance of eleven cents.—Resolved in conformity.

Two reports from the Bureau of Encouragement (Fomento), in the first of which it is advised that the act of election of its President be presented for supreme approbation,—resolved in conformity; and the other in relation to a communication from the Governor of San Luis Potosi, forwarding certificates that the miners in Guadalcazar had *esplotado* nine hundred quintals of quicksilver.—The Bureau is of opinion that there shall be paid as a premium of five dollars the quintal, the sum of four thousand five hundred dollars, and that the two thousand dollars indorsed in favor of D. Julian de los Reyes may be paid by the draft, which it is understood has this day issued for that sum.—The Junta resolved in conformity, and ordered the payment of said draft.

[3 Rubrics.]

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## *Session of the* 6*th of May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the session of the 4th, it was resolved to send an official communication to the Minister of Justice, setting forth that, although the Junta does not consider itself as included in the circular of the 5th inst., ordering the suspension of payments, still it asks, if those payments must be suspended, which are necessary to be made in the discharge of the administration confided by law to the Junta for the encouragement of quicksilver mines.—It was also resolved to consider the proposal made by the Señor Licenciado D. Diego José Perez Fernandez, in relation to paying every month from his salary as Juez de Letras of the District of Yxtlahuaca, the sum of fifty dollars, until the completion of the payment of his debt, which liquidated amounts to one thousand four hundred dollars, commencing to make his payments from the 1st of July.

The Señor Don Andres Castillero presented himself, and made a verbal report in relation to the discovery, denouncement and actual condition of the quicksilver mine in the mineral district of Santa Clara of Alta California, inviting the Junta to take shares in the company which he had established for the working of the same, with other measures which he asked from the Supreme Government for the encouragement of the enterprise.—The Junta resolved, that Señor Castillero should present his statements in writing, in order that the

Junta might take the same under consideration, and determine what might be convenient.

Señor Bassoco was encharged with the duty of replying to Sor. Don Pedro Echeverria, in relation to placing in hacienda of Ajuechitlan the three hundred dollars per month which are to be remitted for the use of the mines of Atarjea.

[3 Rubrics.]

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## *Session of the 7th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding session, report was made of the following communications:

*First.* From the Juzgado of Asientos, replying to circular No. 3.—Let the Bureau of Encouragement (Fomento) report.

*Second.* From the agent in Guanajuato, forwarding a draft for five thousand two hundred and eighty-one dollars, four reals and three grains, as the mining products for the month of April.—Let the draft be accepted, the proper entries made, and receipt of the same acknowledged.

*Third.* From the agent in Pachuca, of the 5th inst., with a draft for nine hundred and seventy-six dollars as the products during said month.—Same resolution as above.

*Fourth.* From the agent in Guadalajara, stating that he is informed of the note, in which is set forth the responsibility of agents.—To its Expediente.

*Fifth.* From the Señores Manning and Mackintosh, stating that Don Henrique A. Mackintosh having retired from the office of Collector of mining duties in Guadalupe and Calvo, Don Tomas Mackintosh had taken his place.—Informed.

*Sixth.* From the Director of the Company of the "Mineral del Monte," asking advice in relation to the laws governing the property of foreigners in mines.—Resolved, that the same be passed to the Señores Consultores of the Junta for their report.

The Junta confirmed the understanding of its resolution that there should be paid to S. Zamora ten dollars a week only to the end of the last week in the current year.

*Finally*, The account of the rents of rooms belonging to the College, collected during the last month, was presented and ordered to be passed to the Controller's office.

[3 Rubrics.]

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## *Session of 9th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the previous day, report was made of the following Official communications:

*First.* From the Ministry of Justice, of the 7th inst., acknowledging receipt of the statement of receipts and disbursements which had been transmitted to it.

*Second.* From the same, informing that the notice of the scarcity of powder given by the tribunal of Pachuca, had been transmitted to the Ministry of Finance (Hacienda).—Let it be passed to said Tribunal.

*Third.* From the Commissioner at Guanajuato, of date 4th inst., transmitting the answer given by the Administrator of Revenue regarding a certificate which had been asked of him.—Let it be transmitted to the Comptroller's Office.

*Fourth.* From the Direction General of Industry, acknowledging receipt of the last drafts, and informing that the settlement of account is correct.

There was read a report from the Controller's Office, relative to the reply which should be made to the excuses alleged by the Administrator of the Revenue at Morelia, Don José Maria Cortes, for not forwarding his accounts, still pending, and the proceeds of the one per cent. which should be on hand in his office.—The Junta resolved in conformity, considering that recourse be had to the Inspectors of said Custom-House, and that Señor Cortes be so informed.

The Treasury reported, that having made application to the General Treasury, by order of the Minister, there had not been delivered to it the last drafts received from Vera Cruz, for four hundred and sixty-nine dollars, eighty-seven cents, nor the one for two thousand and odd dollars from San Blas, for the half of the duty of the average.—Let the notices be annexed to their respective Espedientes, and information of the first be given to the Direction of Industry.

There were read two reports from the Bureau of Fomento—the first relating to the communication from the Tribunal of Nieves, of 26th ult., in reply to the Circular No. 3 recommending to call for the decree to which it refers, and that information be given of the number of deputies (Suplentes) in said tribunal.—The Junta resolved in conformity. The second informing that, there having been a new election this year for the Tribunal of Santa Rosa, it is not necessary to have another election for any of its members.—The Junta resolved in conformity.

[3 Rubrics.]

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## *Session of* 11*th May*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 9th, report was made of two communications from His Excellency the Minister of Finance, dated 6th and 8th inst.—the first asking information relative to the moneys paid into the treasury, and the second, relative to the receipts of the same for account of the branches appropriated to the Quicksilver fund.—Resolved that information be given regarding both matters, observing to the Ministry that said communications having been received together on the 9th, at 2 o'clock, P. M., the Junta is engaged in replying in detail to the various matters contained in them.

*Third.* From His Excellency the Governor of Chihuahua, replying that he had called for the information requested of him.—To its Espediente.

*Fourth.* From the Mining Tribunal of Hidalgo, transmitting the report of the proceedings at its installation.—To the Government, if there is no illegality.

*Fifth.* From that of Temascaltepec, transmitting the Certificate of Election of a Deputy.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner of Zacatecas, dated 2d May, remitting a draft for six thousand two hundred and twenty-four dollars, four and a half reals, proceeds of the Mining fund (Mineria) for the last month, and a receipt for twenty-five dollars for the student Ayala.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* From the Commissioner at Zimapan, remitting another for one hundred and thirty-six dollars, two reals, five grains, proceeds of the month of April.—Resolved as above, and also that the draft be collected.

*Eighth.* From the Commissioner at Guadalajara, of date 5th inst., advising having placed in the house of Messrs. Manning & Mackintosh one hundred and sixty dollars, for account of partial payments made by Señor Garay.—Resolved, that the amount be collected, and that the bureau report regarding payments still pending.

*Ninth.* From Señor Demetrio Montes de Oca, communicating that he has spoken with Don Pedro Anda respecting the inspection of the mine of Clavellinas, and that he will report the result.—To its Espediente.

*Tenth.* Three from Don José Zamora, dated the 9th inst.,—the first transmitting the tally accounts No. 18 (Memorias) of the negotiation of Tasco.—Acknowledge receipt, and transcribe to the Controller's Office.—The second, informing that in the present week will be commenced the new work, and that for the tally roll (raya) he will require three hundred dollars.—Understood.—In the third, he communicates having drawn draft No. 20 for two hundred and sixty dollars.—Let the same be paid.

[Three Rubrics.]

### Session of 13th May, 1846.

Present, the Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the 11th, report was made of two Official communications from the Ministry of Justice, dated 9th inst., informing of the approval by the Supreme authority of the Certificates of Election of President of the Tribunal of Zacualpan and a Deputy for that of Asientos.—Resolved, that they be transcribed to the respective tribunals.

There was read a communication from Don M. Mariano Cortazar, of date 5th inst., transmitting the tally accounts (Memorias) Nos. 3 and 4 of the mine of Atargea, informing having extracted twenty-three loads of ore, and that he had not received the draft corresponding to the present month.—The Junta resolved, that there be procured a draft for three hundred dollars on Queretaro, drawn in favor of Señor Cortazar, on which resolution Sor. Flores reserved his vote, for the reason that the Government had been consulted as to whether payments should be made by the branch of Quicksilver, and that in the meantime no payment should be made. It was also resolved that Señor Cortazar be notified that he must specify in all his accounts the number of loads extracted every week, and that he report the assay made of the quality of the ore whenever there exists any reason to believe that it may have varied.

Lastly: notice was given of a report made by the bureau of Administration, having relation to the monthly payments made by Señor Garay to the Commissioner in Guadalajara, representing that the payments have been made in full up to the month of January of the present year, and that the sum of one hundred and sixty dollars, which Señor Blume has received, should be collected, without other discount than the current exchange, and the same be credited to Señor Garay.—The Junta resolved in conformity.

[Three Rubrics.]

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### Session of 14th May, 1846.

Present, Señores Segura, Flores, and Bassoco; and after the approval of the minutes of the previous session, report was made of the following communications:

*First.* From the Ministry of Justice, of date 9th, acknowledging receipt of the Official letter in which was communicated to it the discovery of the mine of Quicksilver in Californias.

*Second.* From his Excellency the Governor of San Luis, dated 9th inst., transmitting certificates showing that there have been extracted from the mines of Trinidad and San Andres seventy-eight quintals of Quicksilver.—Let the bureau of Fomento report.

*Third.* Another from the same, and of the same date, transmitting three certificates showing the extraction of fifty-three quintals of Quicksilver from the mine of San Antonio in Guadalcazar, and it was sent to said Bureau for report.

*Fourth.* From the Tribunal of Sombrerete, dated 5th inst., inserting the resolution of the E. Assembly of Zacatecas, that said tribunal do not obey the Supreme order communicated by the Junta relative to the Election of Substitutes (Suplentes.)—Resolved, that it be transcribed to the Ministry, informing it that only in this Department has there been any such resistance.

*Fifth.* From the Tribunal of Jesus Maria, with notice of its installation, and in reply to the Circular No. 3.—Let the bureau of Fomento report.

*Sixth.* From the Commissioner for Collections in San Luis Potosi, remitting a draft for three hundred and fifty-one dollars, fifteen cents, for proceeds of the Mining Fund (Mineria) in the month of April.—That the draft be accepted, the proper entries made, and receipt acknowledged.

*Seventh.* Three communications dated 28th April, from the Commissioner in Chihuahua, remitting a draft for seven hundred and seventy dollars, three rials, for proceeds of that city and of Jesus Maria in the month of March—an account which had been asked by the Controller's Office.—That the draft be accepted, the proper entries made, receipt acknowledged, and the amount transmitted to the proper Office.

*Eighth.* From Don Manuel Garcia del Valle, with his resignation of the post of First Copying Clerk in this Office.—Resolved, that it be transmitted to the Supreme Government, recommending that it be accepted.

*Ninth.* From Don Ignacio Rosso, soliciting the appointment to the vacant place of Second Copying Clerk of the same.—Reserved.

Notice was given of a report from the Controller's Office, respecting the communication of the Commissioner in Guanajuato, dated 4th inst., relative to the remitting of documents in the Espediente of Señor Robles. The Junta resolved in conformity with everything proposed, with exception of the last indication made in regard to applying to the Treasurer and Administrator of Guanajuato for duplicate of the certificate of payment made by Señor Robles of sixty dollars for the fourth quarter of the loan for the payment of the debt of the United States.

[Three Rubrics.]

### *Session of* 18*th May*, 1846.

Present, Señores Segura, Flores and Bassoco; and after the approval of the minutes of the session of the 16th, report was made of the following communications:

*First.* From his Excellency the Governor of Jalisco, of date 28th ulto., returning with information the tariff of fees of the Tribunal of Bolaños.—And the Junta, being in conformity with said information, resolved that the same be transmitted with approval to the Supreme Government.

*Second.* From the Governor of San Luis Potosi, accompanying a petition of Don Andres Barroeta, that there be paid to him the premium corresponding to fifteen quintals, one arroba, fifteen pounds, six ounces of quicksilver extracted from the new Almaden and pedernal (flint) in the Durazno.—Let the Bureau of Fomento report.

*Third.* From the Company for restoring (or establishing) El Oro, complaining of the scarcity of powder.—Let it be transcribed to the Supreme Government with recommendation.

*Fourth.* From the Commissioner of Zacatecas, of date 12th inst., acknowledging receipt of the documents remitted to him for the collection of the debt of Señor Llaguno.—To its Espediente.

*Fifth.* From the Commissioner at Guadalupe y Calvo, informing having forwarded the accounts asked of him.—Let the bureau of administration report.

*Sixth.* From the Second Civil Judge, requesting information regarding the amount to the credit of the minor Elguea in the dotal fund.—Let the Controller's Office report.

*Seventh.* From Don Miguel Quinones, of date 16th inst., requesting that order be given to Señor Zamora to supply him with the amount required to pay the Tribunal of Tasco the costs of the certified copy of the proceedings which the party will show.—Let such order be given.

*Eighth.* From Don José Zamora, five communications dated 16th, transmitting in the first the tally accounts (memorias) number 19.—Acknowledging receipt, and send to Controller's Office. In the second, he notifies that he requires three hundred dollars for the tally (raya).—Understood. In the third, he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece, as they are valued at two reckoned as iron.—Let this difference be represented to Señor Castillero, and to the Government when his propositions are approved—and transmitting in the two last advice of having drawn the Bill number 21 for the sum of two hundred dollars, and number 22 for one hundred and forty.—Let them be paid.

A petition of Don Tomas Ramon del Moral was read, relative to fixing the amount of compensation which he is to receive for the month during which he acted as substitute in the direction of the College, and the opinion which the Bureau of Fomento gave upon the petition pending before the Government was also read.=The Junta resolved, that this be transcribed to the Minister, with a copy of said opinion and of the articles of the law relating to substitutions of the members of the Junta and its officers.

Notice was given of the five following reports of the Bureau of Encouragement (Fomento):

*First.* Relative to the ordering to be paid three hundred and ninety-four dollars, four rials, two and a half grains, to Don Andres Barroeta, for premium on seventy-eight quintals, three arrobas, fifteen pounds, one and a half ounces of quicksilver, which he shows he has extracted from the mines of La Trinidad and San Andres de Guadalcazar.=The Junta resolved, that the settlement of this matter be suspended till the resolution of the Government.

*Second.* Relating to the payment of two hundred and sixty-five dollars for premium on fifty-three quintals of quicksilver extracted by Don Demetrio Toscano from the mine of San Antonio in Guadalcazar; and the order in this case was the same as in the former.

*Third.* Relative to asking from the Supreme Government the ratification of the election of a deputy (suplente) made by the Tribunal of Temascaltepec.—The Junta resolved in conformity.

*Fourth.* Recommending the approval of the election of President, and his substitute, made by the Tribunal of Bolaños, and that the Supreme Government give notice to the members who served the last year to continue in the office the present year.—The Junta resolved in conformity.—And expressing its opinion in the last, that the Tribunal of Jesus Maria in Chihuahua be called upon to forward the certificate of its installation, that it may elect another substitute if it only has elected two; that the fund be designated to it from which according to law it is to defray its expenses, and that there be remitted to it the documents and information which it has solicited.—The Junta resolved in conformity, with the exception of the transmission of a copy of the mining ordinances.

[Three Rubrics.]

### *Session of 22d May*, 1846.

Present, Señores Segura and Bassoco; and after the approval of the minutes of the session of the 18th, report was made of the following communications:

*First.* Five from the Ministry of Justice, dated 16th, 19th and 20th inst., informing in the first having accepted the resignation of Don Manuel G. del Valle, as first Copying Clerk of this office.—The Junta ordered it to be transcribed to the party interested. In the second, transmitting for report an official letter from His Excellency the Governor of Chihuahua, soliciting that there be sent to him the mining ordinances, and that the allowance made to the Secretary and Officers of the Tribunal of Jesus Maria be approved.—Resolved, that the Bureau of Encouragement report.

In the third, informing that the certificate of the installation of the Tribunal of Hidalgo del Parrel has been approved. In the fourth, that of the substitute of the Tribunal of Temascaltepec; and in the last, informing of having transcribed to the Ministry of Finance the petition of the Company for restoring the mining district of El Oro relative to the scarcity of powder.

*Second.* From the Tribunal of Ojo Caliente, transmitting the certificate of election of a substitute.—Let the Bureau of Encouragement report.

*Third.* From the Tribunal of Guanajuato, in reply to the report of the Controller's office relative to the acconnt of Clavellinas.—That said office report.

*Fourth.* From the President of the Tribunal of Mazapil, dated 5th inst., resigning his office.—Let the same be communicated to the Government with recommendation.

*Fifth.* From the Mercantile Junta of Encouragement of this Capital, transmitting five copies of the balance of last year.—Answer, with many thanks.

*Sixth.* From His Excellency Don Demetrio Montesdeoca, informing that Don Pedro Anda, having the necessary qualifications, and being of unimpeachable integrity, offers to inspect the mine of Clavellinas for a gratuity of two hundred dollars.—That he proceed to make the inspection, and that Señor Montesdeoca draw upon the Junta for said sum.

*Seventh.* From the Inspection General of offices in the Department of Michoacan, relative to its having demanded the accounts of the suspended Collector of the Custom House, and that it will cause them to be adjusted without delay.—To its Espediente.

*Eighth.* From the Commissioner at Guadalajara, remitting a draft for eight hundred and thirty-seven dollars, one rial, three and a half grains, proceeds of the mining dues for the month of

April.—Let the draft be accepted, the proper entries be made, the receipt be acknowledged, and order be given to collect the one hundred and sixty dollars of Señor Garay.

*Ninth.* Another of the same, date 15th, informing having received one hundred and sixty dollars from Señor Garay for account of the months from February to May.

*Tenth.* From the Commissioner at Durango, remitting a draft for the sum of one thousand and thirty-eight dollars, seven and a half grains, proceeds of the mining dues of the month of April, and the detailed account of the previous year.—Let the draft be accepted, the proper entries made, the documents transmitted to the Controller's Office, and receipt acknowledged.

*Eleventh.* From the Commissioner at Culiacan, dated 1st May, remitting a draft for six hundred and five dollars, two rials, proceeds of Cosala in March.—That the draft be accepted, the proper entries made, and receipt be acknowledged.

*Twelfth.* Another from the same, and of the same date, remitting a draft for one hundred and three dollars, seven rials and six-eighths, proceeds from the 20th to the 30th ultimo of the new Assay Office of Culiacan, and the accounts lately called for.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Thirteenth.* From Don Manuel Mariano Cortazar, dated 17th inst. at Queretaro, acknowledging receipt of the three hundred dollars which were remitted to him lately, and requesting that he be furnished with the sum necessary to take possession of the mine of Providencia.—Resolved, that on account of the late order for the suspension of payments, the Junta will hardly be able to remit the three hundred dollars monthly, according to promise, to maintain the mine, and that the Bureau report concerning the accounts transmitted.

*Lastly.* There were read two petitions for the post of Second Copying Clerk in the office, presented by Don Joaquin Urrutia and Don José Garcia de Arana.—Resolved, that they be kept in reserve.

[Three Rubrics.]

*Session of 25th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 22nd, report was made of the following communications:

*First.* From the Commissioner for Collections at Guanajuato, dated 22nd inst., with a statement of the silver assayed in the first four months of the present year, the weight of the bars, and the general account of dues.—Resolved, that they be transmitted to the Controller's Office.

*Second.* From the Commissioner at Zacatecas, dated 13th, remitting the general account for Zacatecas and Sombrerete; and the same resolution was passed.

*Third.* From the same, dated 18th, remitting a draft for one hundred and seven dollars, two rials and five-eighths, for dues collected in Sombrerete in April.—Let the draft be accepted, the proper entries be made, and receipt acknowledged.

*Fourth.* From the Collector of the Maritime Custom-House at San Blas, informing having given a draft in favor of the Junta for the sum of seventy-five dollars, eighty-six cents, for the half of the duties of the average.—Resolved, that the Treasurer apply for the same at the General Treasury.

*Fifth.* Four communications from Don José Zamora, dated 23d, informing in the first that he requires twelve stampers (almadanetas).—Let them be purchased —In the second, transmitting the tally account (memorias) No. 20.—Acknowledge receipt, and transmit to the Controller's Office.—And the other two, advising having drawn bill No. 23 for one hundred dollars, and No. 24 for two hundred dollars.—Let them be paid.

*Sixth.* An Official letter from his Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government; and informing that he had sent to the Ministry Government the petition for two square leagues of land (Sitio de ganado mayor) as a colonist, upon his mining property.—The Junta resolved, that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara; to which Señor Castillero agreed; and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Ramon del Moral all the quicksilver flasks in good condition in the storehouses there, at the rate of two dollars each.

[Two Rubrics.]

### *Session of 26th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after approving the minutes of the session of the 25th, there was read a report of the Controller's Office, informing that the instrument, the date of which Señor Macedo wishes to know, was executed before the Notary Don Fernando Tamayo, on the 20th April, 1807.—The Junta ordered that the same be communicated to the Court.

There were read other three reports from the Bureau of Administration; the first relative to the note of 28th ult., of Don Enrique Mackintosh, opining that it is necessary to wait for the account of the weights of bars which has been asked of him. *Second.* That there be duplicated to Señor Olascuaga, surety for the payment to be made by Señor Lebrija, a resolution relative to the fifty dollars of the month of September next, which he has not remitted; and finally, that Señor Don Diego Moreno be reminded to remit the proceeds of the pearls of Señor Garay which were given to him to sell, or that he return them by some person in whom he can confide.—The Junta resolved in conformity.

[Three Rubrics.]

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### *Session of 27th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the session of the 26th, there was read an Official letter of His Excellency the Governor of Michoacan, informing that he had ordered the suspended Administrator of the Revenue to present his pending accounts, and pay over amount due by him, and that he will communicate the result. —To its Espediente.

There were read three reports of the Bureau of Encouragement—the first recommending that the Supreme Government's approval of the election of a substitute of the Tribunal of Ojo Caliente be requested in conformity with the last circular on the subject; and the Junta resolved accordingly.

*Second.* Relating to the recommendation of the Government in regard to a communication from His Excellency the Governor of Chihuahua, requesting copies of the ordinances, and that the thirty dollars per month to the Secretary of the Tribunal of Jesus Maria be approved. The bureau is of opinion that the Government be informed, that as the Junta has no copies of the ordinances, they may be purchased at Zacatecas, where they are sold at twenty rials; and respecting the salary, it be stated that the decree which established said salary has been abrogated, and that fees stated in the tariff only are allowed.—The Junta resolved accordingly.

*Third.* Relative to the last communication from Don Manuel Mariano Cortazar, with the Inventory of the Mine of Atargea. The bureau is of opinion that it be transmitted to the Controller's Office for its report; and the Junta so resolved.

[Two Rubrics.]

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### *Session of* 28*th May*, 1846.

Present, Señores Segura and Rosas; and after approval of the minutes of the 27th, report was made of the four following communications:

*First.* From the Ministry of Justice, dated yesterday, transcribing the communication of the Ministry of Finance of same date, in which it represents that intimation having been received of the blockade of the ports of Vera Cruz and Tampico, it is not to be expected that the remittances of drafts from these Custom-Houses will be continued; for which reason the Government directs that the Junta reserve its existing funds for its own expenses and those of the College, suspending for the present all payments for the extraction of Quicksilver.—The Junta resolved that the bureau of Encouragement report.

*Second.* From the Commissioner at San Luis Potosi, with the account and note of the weight of the bars of silver assayed during the past month.—To the Controller's Office.

*Third.* From Don Eugenio Bermejillo, informing that he had obtained from His Excellency the Governor of Michoacan, the order that the suspended Administrator of the revenue there present his accounts within two weeks, after which time a clerk will be employed to make them out at his expense.—To its Espediente.

*Fourth.* From the Messrs. Manning and Mackintosh, dated 27th, representing that the signature of Señor Garcia Granados is only that of an attorney of Señor Stahlknecht.—To its Espediente.

[Two Rubrics.]

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### *Session of* 29*th May*, 1846.

Present, Señores Segura, Flores and Rosas; and after having approved the minutes of the 28th, report was made of a communication from His Excellency Don Francisco Fagoaga, in reply to the last official letter addressed to him, relative to the incumbrance of eight thousand dollars on the estate of San Sebastian.—The Junta resolved, that it shall be reserved, adding it to the Espediente until Señor Rosas shall have acquired some information in the matter.

There was read a report of the bureau of Encouragement upon the communication of the Government, relative to the suspension of payments from the Quicksilver fund. The bureau reports: *First.* That said communication be transcribed to His Excellency the Governor of San Louis Potosi, with reference to the payment of the premiums for quicksilver which it had resolved should be paid; two thousand dollars to Don Timoteo Toscano, two hundred and sixty-five to Don Demetrio Toscano, and four hundred and seventy-one dollars, four rials, eight and a half grains to Don Andres Barroeta, for premiums on National Quicksilver which they have extracted, at the rate of five dollars per quintal; and that if the first sum has not been paid to Don Timoteo Toscano, it was for the reason that he did not make application at the proper time, and the others for the reason that the demand of payment of them was received after the order was communicated for the suspension of payments.

*Second.* That the same order be communicated to Don Manuel Mariano Cortazar, representing to him that if he can do so, he should continue to extract quicksilver to some extent, so as to keep up the working of the mine.

*Third.* That it be transcribed also to His Excellency Don Demetrio Montesdeoca, with the object that he will please order a suspension of the sale of the mine of Clavellinas, but that if by virtue of former resolutions, he should have been at any expense, it shall be refunded to him immediately.

In consequence of the Supreme Government having accepted the resignation which Don Manuel Garcia del Valle made of the post of first copying clerk, in the Secretary's Office, the Junta has resolved, that it be represented to the proper ministry that, according to law, the second copying clerk, Don Manuel Couto, should be promoted to the office; that if the Government so accords, he may be put in possession.

It was also resolved, in conformity with the report of the Controller's Office, that twenty-five dollars be paid to the Notary Calapiz for proceedings in the instrument of agreement which had been made with Don Andres Castillero to assist his quicksilver enterprise in the mine of Santa Clara, in Upper California, embraced in the official order for the suspension of all payments for this branch.

[Two Rubrics.]

### *Session of 30th May, 1846.*

Present, Señores Segura, Flores and Rosas; and after the minutes of the 29th, report was made of a communication from the Ministry of Finance, dated 28th inst., in which information is asked relative to whether the two thousand one hundred and twenty-five dollars, ten and a half grains, belonging to the fund of the new prison at Guadalajara are disposable; and the Junta resolved that it be answered immediately, with a short review of the origin of this fund belonging to the quicksilver fund, and that it be indicated, that this business being pending in the Council, the Junta informally deposited said sum in a respectable commercial house, with the condition that it should be refunded in Guadalajara, in the same class of coin in which it was paid, one month after notice being given of its repayment, offering to amplify this information should the Ministry consider it necessary.

The Secretary's Office represented that Señor Don Tomas Ramon del Moral laid before the retiring Junta the petition which he presented, relative to the allowance of salary or gratuity for the time in which he acted as substitute in the direction of the College last year.

Señor Don Joaquin Velasquez, in the name of His Excellency the Director of the College, represented, that requiring in London the sum of one thousand dollars, and understanding that the Junta had some money in the house of Messrs. Baring Brothers, he requested to order that credit should be given to said house for the sum of seventy-two pounds seven shillings and six pence, sterling, for account of some articles ordered from those gentlemen for the College, and that it draw a bill of exchange in favor of said Señor Velasquez for the sum of one hundred and eleven pounds nine shillings and seven pence sterling, in full of one thousand dollars, at the current exchange of forty-four and one-eighth pence.—The Junta resolved that the order be given, and that said bill of exchange be drawn to account of the two bills of exchange for five hundred pounds each drawn against said house by Messrs. Manning and Mackintosh on the 30th November of the past year.

[One Rubric.]

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## MONTH OF JUNE, 1846.

### *Session of the 1st.*

Present, the Señores Segura and Rosas. After the reading and approval of the minutes of the 30th ult., report was made of four communications from the Ministry of Justice, as follows·

*First.* Dated the 29th, accepting the resignation of Señor Espino of the office of President of the Juzgado.

*Second.* Of the 28th, stating that the *arancel* of Bolaños had been approved. Let the same be inserted to the Juzgado.

*Third.* Of the same date, approving the election of Don Agustin Romo as substitute (suplente) of the Juzgado of Ojo Caliente. Let the same be inserted to the Juzgado.

*Fourth.* Of the 30th, setting forth that the Supreme Government approves of the promotion of Don Manuel Couto to the office of First Clerk in the Secretary's office. The Junta resolved that he be put in possession of the office from the time of the date of the communication.

Another official communication was read, from the Mining Juzgado of Catorce, accompanying the act of the election of its President and Adviser (Consultor). Resolved, that the Bureau of Encouragement (Fomento) report. Another, from Señor Don Cástulo Barreda, asking eighty dollars on account of his salary. Let the receipt and account of what he has asked be remitted.

Three from Don José Zamora, of the 30th ult., forwarding with the first, memorials No. 21. Let receipt thereof be acknowledged, and let the same be passed to the Controller's office.

Two stating that the leyes of the metals of Trinidad and Socabon had reached to from forty to forty-five marcs; that the amount extracted weekly will reach forty-five cargas; and that a new work has been commenced which promises well. Concluded; and stating in the last that draft No. 29 had been issued for four hundred and fifty dollars in favor of Don José Mariano Zárate. Let the same be paid.

[One Rubric.]

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### *Session of 3d June,* 1846.

Present, the Señores Segura and Rosas; and after the approval of the minutes of the 1st, a communication was read from the Minister of Hacienda, dated the 31st ult., in which, by virtue of the cession made by the Honorable Departmental Assembly of Jalisco, for the attentions of the Company, of the twenty thousand one hundred and twenty-five, ten and a half grains, which the Junta has on deposit on account of the quicksilver fund, it is ordered that a draft be drawn in favor of the Ministers of the General Treasury for said sum. The Junta resolved, that answer should be made, that it was ready to issue said draft, but that it felt it to be its duty to represent that an Expediente had been instituted by the Minister of Justice in relation to the claims made by the Governor of that Department for this amount; the Supreme Government consulted with its Council in relation to this matter, and this (Council) advised that the matter should be determined by the Legislative power, which was communicated to said Government, for which reason the Junta is at a loss to know how it can be assured that the amount mentioned belongs to it; therefore, in order to secure itself against any responsibility in the matter, it hopes it will be instructed whether it is to issue the drafts in the terms indicated, or in those that may seem most convenient to the Supreme Government.

It was also resolved that the Minister of Justice should be informed of the foregoing resolution, communicated by the Minister of Hacienda, as the report on the last petition of the Governor of Jalisco, which was referred for report in March last.

Another official communication was read from the Juzgado of Auganguco, forwarding the Act of the renewal of its President. Let the Bureau of Encouragement (Fomento) report.

Finally, the report of the same Bureau was read, advising that the Act forwarded by the Juzgado of Catorce, renewing its President and an Adviser, be presented for the supreme approbation. Resolved in conformity.

[One Rubric.]

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*Session of* 4*th June*, 1846.

Present, the Señores Segura, Flores, and Rosas; and after the approval of the Act of the 3d, report was made of a communication from the Minister of Justice, dated the 2d inst., in which is inserted a communication from the Minister of Hacienda, stating that the Direction General of Tabaco has ordered twenty-six boxes of powder to be forwarded, in order that the Subaltern Administration of Tulancingo may be provided with what it requires, which is the source from whence Pachuca must be supplied. The Junta resolved that the same be inserted to the Juzgado of Pachuca.—S. Segura.

[One Rubric.]

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*Session of* 6*th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the session of the 4th, an official communication was read from the Chief Assayer, accompanying eighty-nine dollars, two reals, nine grains, being the remainder of what he has collected in mining duties for the preceding month, including twenty-two dollars, seven reales, nine grains, pertaining to Don Manuel Lebrija.

Receipt acknowledged and passed to the Treasury.

Whereupon, report was made of the following communications:

*First.* From the Controller's office, in relation to the account forwarded by the Tribunal of Guanajuato, on the 18th ult., which the Junta resolved should be inserted to said Tribunal.

*Second.* From the same, in relation to the inventories of the stock heretofore on hand, and on hand at the present time at the quicksilver mine of Atargea, in relation to which explanations were asked, touching said differences, from the Juzgado of Guanajuato. The Junta resolved in conformity.

*Third.* From the Bureau of Encouragement (fomento), advising that the act of the election of President and a consultor for Auganguco held on the 20th of April, be presented for supreme approbation; resolved in conformity.

Finally, the account presented by the Treasury, for the rent of the rooms of the College in the month of May, was read and ordered to be passed to the office of the Controller.

[Two Rubrics.]

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### *Session of 8th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 6th, report was made of the following communications:

*First.* From the Minister of Justice, dated the 6th, inserting an official communication from the Minister of Hacienda, in which he communicates a supreme order that there shall be issued in favor of the Ministers of the General Treasury the twenty thousand one hundred and twenty-five dollars, ten and a half grains, which are on deposit in the quicksilver fund belonging to Jalisco, in the house of S. D. Ancelmo Zarutuza, with the understanding that the right of any one having a legal interest in said sum is reserved. The Junta resolved, that the draft should be issued and forwarded, the then Treasurer of the Junta receiving the proper certificate of delivery; and that Señor Adone be directed to deliver said sum, giving information of the day when it should be done for the purpose of liquidating the amount; and finally, that the Minister be informed that the supreme order had been complied with.

*Second.* From the Collector of Guanajuato, accompanying a draft for four thousand seven hundred and thirty-four dollars, two reales and seven grains, as the product of the mining duties for the month of May. Let the draft be accepted, the proper entry made, and receipt of the same acknowledged.

*Third.* From the Collector of Pachuca, forwarding a draft for one thousand and forty-six dollars, one real, four grains, as the product for the said month; on which the same resolution was made as in the foregoing.

*Fourth.* From the Collector of Hermosillo, accompanying a draft for five hundred and fifty-eight dollars and ninety-eight cents, as the product of the mining duties from the first of September to the end of December of the last year, and besides a certificate and an account of said third of the year. Let the draft be accepted, the proper entries made, the documents passed to the Controller's office, and receipt of the same acknowledged.

*Fifth.* From the Collector of Sinaloa, dated the 16th of May, accompanying draft for six hundred and seventy-nine dollars, seven reales, and six grains, as the product of said duties in Cosalá for the month of April. Let the draft be acknowledged, the proper entries made, and receipt of the same acknowledged.

*Sixth.* From the same, of the 9th of May, accompanying another draft for three hundred and fifty dollars, six reals and two-eighths, as the product of said duties during the month of April; on which the same resolution was made.

*Seventh.* From the same, and of the same date, accompanying a draft for seventy-five dollars, corresponding to the duties collected in Mazatlan during the month of April.—Resolved that the draft be accepted, the proper entries made, and receipt acknowledged.

*Eighth.* Another from Don Miguel Quiñones, dated the 6th, accompanied by a package directed to Licenciado Don Càstulo Barreda, who will report to the Junta the last proceedings in relation to the Socabon of San Juan.

And, finally, three official communications from D. T. Zamora, of the 6th inst., the first being accompanied by the memorials No. 22, the statements No. 5, and the balance sheet of the past month.—Received and passed to the Controller's office. The second stating that the work of reduction was about to be commenced, for which six quintals of quicksilver were needed; that the leyes continued to be good, and the works in a good condition, paticularly in the direction of the Socabon of San Juan, in which labors it was calculated that an outlay of fifty dollars would be required.—The Junta resolved that the Treasury should report the price of quicksilver, and that Sõr. Zamora should be informed of the same, adding that the subterranean measurements spoken of should be immediately proceeded with; and, lastly, forwarding a draft for two hundred and fifty dollars on Don George Rafard.—Let the same be paid.

[Two Rubrics.]

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*Session of* 12*th July*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 8th, report was made of the following communications:

*First.* From the Mining Juzgado of Nieves, accompanying the act of its installation.=Let the Bureau of Encouragement (Fomento) report.

*Second.* Three official communications dated May 25, from the Collector of Chihuahua, accompanying a certificate of a draft for three hundred and thirty-one dollars five reales and three grains, as the product of the mining taxes of Chihuahua and Jesus Maria, for the month of April.=Let the draft be accepted, the proper entries made, and receipt thereof acknowledged.

*Third.* From Don Diego Moreno, dated the 8th of May, at the Hacienda of Guaracha, in reply to the official communication which was directed to him on the 17th of November, stating that he had delivered the string of pearls belonging to Señor Garay, to Don Elenterio Mendez, who had the misfortune to lose the same on the road, and which reply to the communication of the 4th of April last, adds that the said Mendez will present himself to Don José Antonio Nieto, and will answer for the interested party Don José Garay.=The Junta referred the same to the Bureau of Administration to report.

Finally, a communication from Don Castulo Barreda, accompanying a letter from Don Miguel Quiñones, was read, in relation to the proceedings pending in the matter of the denouncement of the mine of the Socabon of San Juan, asking that fifty dollars be paid to Señor Zamora, for the opening of the road to the new works of the mine of Trinidad, nearer to Socabon. This point having been already resolved and communicated by the mail Thursday, the Junta only acted upon the second point, in relation to the transmission of copies of documents as proof of the possession of the mine of Trinidad received in 1807, another in 1816, and the last in 1819.

It was also resolved to accede to the petition of Don Manuel Couto, chief clerk of this office, granting him leave of absence for one month for the purpose of attending to his personal matters, with the understanding that if the business of the office should render it necessary in the meantime to employ another clerk, he shall be paid by the said Couto from his own salary, and not from the funds of the Junta.

[Two Rubrics.]

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*Session of* 13*th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 12th, the Treasurer returned the official communication of the Administrator of the Custom-House of San Blas of the 14th of May, stating that he has forwarded a draft for seventy-five dollars and six cents on account of the average duty, as ordered by the Supreme Government. =To the office of the Controller.

The Bureau of Administration presented as a report, the receipt given by Diego Moreno for the pearls belonging to S. Gonzales; resolved, that a copy of said receipt be forwarded to Señor Moreno, in order that in view of the same, he may be pleased to say when the Junta can apply for the five hundred dollars, since it has nothing to do with Sōr Mendez in relation to the matter, in consideration of the aforesaid document.

A report was read from the Bureau of Encouragement (fomento), advising that the act of renewal of the President of the Juzgado of Nieves be submitted to the supreme approbation.=Resolved in conformity.

The chief clerk presented a topographical map made by Don Miguel Arriaga, with the corresponding measurements, in the year 1822, of the works of the mine of Trinidad; resolved that the same be manifested to Sōr Licenciado Barreda, insisting that, as soon as possible, the measurements and excavations be made of the works contiguous to the mine of San Juan.

[Two Rubrics.]

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*Session of* 15*th June*, 1846.

Present, the Señores Flores and Rosas; and after the approval of the minutes of the 13th, report was made of the following communications.

*First.* From the Mining Tribunal of Guanajuato of the 9th inst., accompanying the denouncement made by Don Jaleo Arreguin of the mine of Guadalupe in Clavellinas, situated on the side of the hill of Capulin in the jurisdiction of San

Felipe, in consideration of its having been abandoned for one year. The Junta resolved, that the same be inserted to the Supreme Government, asking if in virtue of the order of suspension of payment, it will consent to loan the property of said mine, or if it will sustain its possession.

*Second.* Another official communication of the 9th inst., in Zacatecas, from the Collector, accompanying a draft for five thousand nine hundred and sixty-seven dollars, and a receipt for twenty-five dollars paid to the student Ayala, as the product of the mining duties for the month of May, and a certificate of the *barreage* of the last third of the year.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Third.* From that of Durango, accompanied by another draft for six hundred and fifty-eight dollars and eight grains, as the product of the same month.—Same resolution as foregoing.

*Fourth.* From that of Zimapan, with a draft for three hundred and forty-eight dollars, two rials, six and a half grains, as the products of the same month.—Resolved as above.

*Fifth.* Four official communications from D. José Zamora, the first being accompanied by memorial No. 23 of the negotiation of Tasco.—Received and ordered to Office of Controller.—Stating in the second, that he had placed at Chorrillo an assistant of the Azoguero, with a salary of three dollars a week, in order that he may take care of the galera in the *aumencias* of this during all the time of the reduction of silver ore; and lastly, that three hundred dollars are required for the pay-roll (raya) of the present week.—Resolved, that the outlay be approved, and that reply be made to that effect; and the two last, that draft No. 27 has been issued for two hundred dollars, and No. 28 for eighty.—Let the same be paid.

]Two Rubrics.]

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### *Session of* 16*th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 15th, report was made of an official communication from Don José Zamora, of the 8th inst., stating that by the arriero Fis, the almadanetas which has been asked, can be forwarded.—Resolved, that they be ordered, and the bill be paid.

Two reports were read from the Controller's office.—The first in relation to the non-reception of the draft sent by the Administrator of the Custom-House of S. Blas to the General Treasury, and consulting if the same action be taken, as was resolved in a similar case during the past month.—The Junta resolved in conformity, and in consequence, that the communication be attached to its Expediente, and that the non-receipt of the draft be reported to the Administrator of S. Blas.

The second opinion advises that there be collected from Sōr. Monterde five hundred dollars, five rials, eleven grains, as the remainder of the mining fund collected in Chihuahua.—The Junta resolved in conformity.

The Treasurer having, on yesterday, manifested that he had applied repeatedly to the house of the Señores Cecillon and Bernede for the collection of several drafts amounting to eight hundred and seventy-seven dollars and twenty-one cents, received from Custom Houses of Vera Cruz and Tampico, as the three per cent. duties, without being able to obtain either the acceptance or the payment of the same, under various pretexts, and knowing that the said house has made to the Mercantile Tribunal a petition in bankruptcy, the Junta will determine what it may deem proper.—Resolved, that the drafts be protested, and that they be forwarded to the Treasury, at the same time advising the Supreme Government, in order that it may collect the same as a privileged debt.

[Two Rubrics.]

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## *Session of* 19*th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 16th, report was made of the following communications:

Two official communications from the Minister of Justice of the 18th inst.—The first approving the expenditure of three hundred and forty-four dollars, the authority for which was asked, in the repairs necessary to be made in the building, which it was resolved to report to the office of the Controller; and the second approving the act of the renewal of the President of the Mining Juzgado of Nieves, which was ordered to be inserted to the respective Juzgado.

Another official communication from the Señor General Don Mariano Monterde, in reply to the observation made to him by the Contaduria; and resolved, that he be pleased to present himself at said office, in order to satisfy himself of the exactitude with which the liquidation spoken of has been made.

[Two Rubrics.]

### *Session of* 22*d June*, 1846.

Present, the Señores Segura, Flores and Rosas.—After the reading and approval of the minutes of the 19th, report was made of the following communications:

*First.* From the Minister of Justice of the 17th inst., reporting to the Junta the opinion of His Excellency the Governor of Chihuahua in relation to the *fondos* of the Mining Juzgados.—Let the Bureau of Encouragement (Fomento) report.

*Second.* From the Consultor, Don José Delmotte, remitting twenty-nine dollars, one-half rial, corresponding to the contribution from salaries during the last third of the past year.—Let receipt thereof be acknowledged.

*Third.* From the Commissioner of San Luis Potosi, accompanied by a draft for three hundred and eighty-six dollars and ninety-five cents, as the products of the mining tax during the month of May.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Fourth.* From the agent in charge of Guadalajara, accompanying another draft for seven hundred and twenty-three dollars, two rials, three grains, for the same mining duties, and for the same month; on which the same resolution was made.

*Fifth.* Another of the same date, 5th inst., representing that it has always been the custom in the Capital, for the Director of the Mint to certify only the duties on silver.—To the Contaduria to report.

*Sixth.* Three from Don José Zamora, of the 20th, the first accompanied by Memorial No. 24.—Received and forwarded to Contaduria.—Stating in the second, that a draft has been issued for two hundred and ninety-five dollars, two rials and six grains, in favor of the Señores Soberino & Brothers.—Let the same be paid; and stating in the last, that the amount of metal extracted is increasing, since during the present week seventy cargas have been extracted; that the opening and repairing of the road to the works in the direction of the Socoban have been finished; that in repairing the labadero, more than thirty pounds of quicksilver had been found, and that in order to facilitate the work of reduction six animals and six quintals of quicksilver were needed.—The Junta resolved that he should be answered, that he could send for the quicksilver whenever he desired, and that he could purchase the six animals if he should think it necessary.

[Two Rubrics.]

### *Session of* 23*d June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the reading and approval of the minutes of the 22d, three reports were read from the Contaduria.—The first in relation to claiming four rials, ten grains, still owing by Don José Cordero.—The Junta resolved in conformity.

*Second.* Claiming also from Don Fernando Pohls three dollars, six rials, eight grains, still owing by the Collector of Chihuahua up to the end of December of the past year.—The Junta also resolved in conformity; and finally, in relation to a communication from Señor Blumet of Guadalajara, that reply be made, that they are informed of the notice, that in that City the Director of the Mint exercises the functions of administrator.—Resolved also in conformity.

Finally, a report was read from the Bureau of Encouragement (Fomento) in relation to the funds for the expenses of the Juzgados, preparation of apartments for the Bureau of the same, and the delivery of the Archives of the Ancient Mining Deputations. The Bureau is of opinion, that reply should be made that the funds are the duties of Arancel alone: that the Departmental Governments may appropriate apartments for the business of the Juzgados, in the public buildings, when there are such; and that lastly, they can order the Archives of the Ancient Deputations to the Juzgados, which have succeeded them in accordance with law; to which the Junta agreed.

[Two Rubrics.]

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### *Session of* 30*th June*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 23d, report was made of the following communications:—

*First.* From the Minister of Justice of the 27th, referring for report the petition of Don Juan Sutherlan, asking that the Mining Tribunal of Tasco may give him further time for the commencement of the draining of the Mine of San Mateo del Monte. The Junta resolved, that the petition be returned advising the Supreme Government that the petition should be granted, said Sutherlan being prevented from procuring a steam engine on account of the blockade of our ports; it is clear, that the time in which he was required to do this should be extended.

*Second.* From the Direction of Industry, forwarding three protested drafts with the respective documents, in order that they be returned to the Custom-Houses from whence they issued, in order that they may be replaced. The Junta resolved that, accompanied by those that are found in the same circumstances, those from Vera Cruz be returned to that Custom-House, and those from Tampico to the General Treasury, for the same purpose, acknowledging to the Director General the receipt of the same, and advising the same that they were not forwarded by the mail of Saturday, for the want of time.

*Third.* From the Juzgado of Mazapil, of the 16th, setting forth the sad condition of the mines of that district.

Let the Bureau of Encouragement report.

*Fourth.* From the Juzgado of Temascaltepec of the 23d, complaining that the Justice of the Peace of that district, contrary to the ordinances, has prevented the miners from using the lands and pastures which, according to the ordinances, they are entitled to possess.

Let the Bureau of Encouragement report.

*Fifth.* Four communications from Don José Zamora, dated the 27th, with the first, forwarding memorial No. 29, in relation to that negotiation.—Received and referred to Controller. Advising in the second, that during the week, the three hundred and twelve quintals have been reduced, to which have been added three hundred and eighteen from Yxtajal, and that for the pay roll there is needed the sum of three hundred dollars—noted.—And stating in the last two, that draft No. 30 had been issued for three hundred and eighty-four dollars, and No. 31, for one hundred dollars. Let the same be paid.

On presentation of a list of salaries due, the Junta resolved that the same be paid without a reduction of one-fourth, the same not being included in the circular of the Minister of Hacienda, ordering said discount to be made to the offices which are paid from the public Treasury, for the reasons set forth, among which reasons, one is, that other offices in a condition similar to that of the Junta have not been subjected to said discount; and secondly, that this measure having been dictated in order to diminish the drafts upon the Treasury when its funds are so much exhausted on account of the war with the United States, which reason does not hold good with respect to the salaries of the Junta, since they are not to be paid from the Treasury, not pertaining to the "*fondo dotal,*" it being a particular fund absolutely independent of the public Treasury: neither to that (the fund) of azogue, because payment of the same having been suspended for the present on account of the political circumstances of the country, the Supreme Government has ordered that the amounts on hand be reserved for payment of the expenses of the College, and the salaries of the officers.

[Two Rubrics.]

## MONTH OF JULY, 1846.

### *Session of the 3d.*

Present, the Señores Segura, Flores and Rozas, and after the reading and approval of the minutes of the 30th ult., the following communications were read:

*First.* From the Señores Ministers of the General Treasury, acknowledging the receipt of the drafts from the Custom-House of Tampico, which had been forwarded to them protested by the houses of the Señores Cecillon and Bernede and Serment & Co., in order that the said drafts be made good, and returning Nos. 117, 122 and 132, amounting to fifty dollars and seventy-four cents, since the time for the payment of the same having expired, that aduana is not responsible for the same. The Junta resolved that they be again transmitted, since the time for the third payment being unexpired, the Custom-House is responsible for the third part of said amount; and with respect to the other two, as that office has the privileges of the exchequer, it may recover in both proceedings, which the Junta cannot do by itself alone.

*Second.* From the Mining Juzgado of Mazapil, of the 23d ult., stating that Don Rafael Espino has delivered the Juzgado to the first Cólega Don Antonio Porto.—Noted.

*Third.* From the same Tribunal, giving notice to the said Cólega to remain in charge of the Presidency.—Noted, in consideration that there are no substitutes.

A report was made from the Bureau of Encouragement, in relation to the communication from the said Juzgado, of the 16th of June, excusing the non-election of substitutes (suplentes) for the want of miners qualified to discharge the duties of such offices. The Bureau is of opinion that the election of President must first of all be proceeded with, since the resignation of S. Espino has been accepted; but in relation to the preceding communications it was of opinion that a President propietario and a suplente should at once be appointed in accordance with Circular No. 3 of this year; and it was thus resolved.

Another report was read, from the same Bureau, in relation to the complaint made by the Juzgado of Temascaltepec against the Justice of the Peace of that partido. The Bureau advises that the same be inserted to His Excellency the Governor of the Department, in order that he may require of that political authority the fulfillment of the ordinances in relation to pasture lots and water for the use of the miners. Resolved in conformity.

The Señor Flores moved, and the Junta resolved, that the Government be asked to authorize the payment from both funds, of one dollar and a half a-day, to a clerk who shall assist in the office of the Controller, until the re-establishment of the health of Don José Francisco Bonilla, since it being necessary to regulate the payment of the public debt, said office is necessarily occupied in the liquidation of all that has been loaned from its fund to the Government, or that this has received during the administration from the time of Independence to the present date.

The Controller represented the difficulties in the way ef carrying out this operation, with the promptness and exactness desirable.

The Junta agreed that inasmuch as it was difficult to make a prompt and exact liquidation of said account, extending through so many years, those entries susceptible of so easy proof, might be presented to the Government, for the purpose of obtaining its consent to receive the same in the way of payment, while the said liquidation was being arranged, asking of the Controller's office the account of the provisional Junta which succeeded to the ancient Mining Tribunal, and all the other documents necessary for the purpose.

[Two Rubrics.]

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### *Session of 6th July*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 3rd, report was made of the following communications:

*First.* From the Commissioner of the Zimapan, forwarding a draft for a hundred and fourteen dollars, three reals and two grains. Let the same be accepted and collected, the proper entries be made, and receipt of the same acknowledged.

*Second.* From the Collector in Guadalupe y Calvo, representing that having to leave that mineral district, he has left the Collectorship in charge of the Director of the Mint, to whom he has delivered the products of the months of April and May, not having yet received that belonging to Parral. Acknowledged, and surprise expressed that the money has not been sent by drafts as usual.

*Third.* From the Señor Assayer General, forwarding eight hundred and seventy-nine dollars, three reals, as the products of the mining duties during the past month, including twenty-two dollars, two reals, three grains, paid to Don Manuel Lebrija.—Received and forwarded to the office of the Controller.

*Fourth.* Six from Don José Zamora, the first being accompanied by memorial number twenty.six, statements number six, and the volita of reduction number five of the negotiation of Tasco.—Received and passed to the Controller's office. Two stating that the amount of quicksilver collected in repairing the works, was forty-one pounds, and that for the pay roll of the present week, one hundred dollars be required.—Noted.—Three proposing that the guard be removed from the mine of Cotitlan, since the ores of the same do not pay the expenses of working, and by this means an annual expense of thirty-nine dollars will be avoided.—The Junta resolved in conformity. Finally, stating in the three last that draft number thirty-two had been issued for one hundred dollars, number thirty-three for one hundred and twelve dollars, number thirty-four for one hundred and fifty dollars.—Let them be paid. The Junta resolved that Señor Zamora be asked for a statement in relation to the renting of the houses pertaining to the negotiation, and that the quicksilver being now ready, he should send the arriero for the same.

[Two Rubrics.]

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### *Session of 7th July*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the preceding day, report was made of the following communications.

*First.* From the Minister of Justice, dated 29th ultimo, stating that the Government has resolved, that the denouncement made by Don Julian Arreguin, of the mine of Guadalupe in Clavellinas. The Junta resolved that the same be inserted to the Juzgado of Guanajuato, asking that an inventory be made of the stock on hand pertaining to said mine, for the ends that may be neccessary, in accordance with Article 1, Title 6th, of the Ordinanzas.

*Second.* From the general treasury, dated the 4th instant, acknowledging the receipt of drafts from Tampico, Nos. 109, 112, and 114, amounting to one hundred and fifty dollars and forty-four cents, which had been remitted and were returned. —To its Espediente.

The sum of twenty-five dollars was ordered to be paid for the political essay, and for the travels of Baron de Humboldt, in eleven volumes, authorized by the Government last year to be purchased for this office.

It was resolved, finally, that the communication directed to Don Manuel Moreno, of Tejada, on the 4th of September of the last year, be repeated, informing him that in accordance with the orders of the Supreme Government, the payment of all expenses pertaining to the quicksilver fund is now suspended.

[Two Rubrics.]

### *Session of 9th July*, 1846.

Present, the Señores Segura, Flores and Rosas; and after the approval of the minutes of the 7th, report was made of the three following communications.

*First.* From the Minister of Justice, dated the 6th, stating that the Government had approved the expenditure of a dollar and a half a day, for a clerk as a substitute for the clerk of the Controller's office.

*Second.* From the Direction of Industry of the same date, forwarding four copies of its memorial of last year.—Let receipt be acknowledged, with thanks for the same.

*Third.* From the Commissioner in Pachuca, forwarding the certified accounts for the last third of the year.—Received and passed to the Controller's office for examination. At the petition of the Controller's office, the Junta resolved that certificates be asked of the collectors of the mining duty, and of the office of Controller of Propios.

[Two Rubrics.]

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### *Session of 11th July*, 1846.

Present, the Señores Segura and Rosas; and after the approval of the minutes of the 9th, report was made of an official communication from his Excellency the Minister of Hacienda, requiring that the products of the discount to be made of one fourth part of the salary of the employés of the Junta is to be paid monthly into the respective departmental treasuries.—The Junta resolved that this matter be reserved for Monday.

A report was read from the office of the Controller, in which some advice is asked in relation to the credits which are to be liquidated, for the purpose of negotiating their collection under the new regulation established for the public credit. —The Junta resolved that with respect to the interest of the two per cent. per month, upon the thirty thousand dollars entered into with Don Gregorio Mier and Feran in 1838, a separate account be made, in order not to complicate the collection of the remaining amounts, which do not present the difficulties found in this.—That the same be done in relation to the credit of the Concordia del Tabaco.—And finally, that there be excluded from the list the credits de cobre, forced loans, subsidy of war, and all others, the payment of which may be already provided for by law, since all these must be collected under a separate account, in accordance with the different regulations which have been made or may be made.

[Two Rubrics.]

## *Session of 13th July,* 1846.

Present, Señores Segura, Flores and Rozas; and after the approval of the minutes of the 11th, a report was made of the following communications:

*First.* From His Excellency the Governor of this Department, stating that a report had been asked of the Juzgado of Temascaltepec, and for the present the lands or ejidos which are claimed by that Mining Juzgado should not be disposed of.—Let the same be inserted as the result of his communication.

*Second.* From the Juzgado of Guanajuato, inserting a proposal made by Dr. Leopold Videl, in relation to leasing the mine of Guadalupe in Clavellinas.—Let the Bureau of Encouragement report.

*Third.* From the Juzgado of Jesus Maria, forwarding the act of his installation, and a draft for fifteen dollars for the purchase of six copies of the Ordenanzas.—The Junta resolved that the act be presented to the Supreme Government, the draft be collected, and that the circular asked be forwarded.

*Fourth.* From the Collector in Zacatecas, dated the 7th inst., forwarding a draft for six thousand three hundred and seventy-nine dollars, one real and ten grains, as the products during the last month in that capital, after the deduction of salaries and twenty-five dollars paid to the student Ayala, and another for nineteen dollars; besides two hundred dollars, seven rials, six grains, as the products of Sombrerete.—Let the same be accepted, the proper entries made, and receipt be acknowledged, collecting at once the one from Sombrerete.

*Fifth.* From the Collector in Chihuahua, forwarding another for seven hundred and forty-eight dollars, six reals, nine grains, the two hundred and ninety dollars, six reals, two grains belonging to Jesus Maria, and the remainder to that capital as the products of the month of May.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Sixth.* Eight communications from Don José Zamora in Tasco, dated the 11th inst., forwarding with the first the memorials No. 27.—Received and passed to Controller.—Stating in the second, that during the week there had been worked the three hundred and eighteen quintals of Yxtajal, and that other three hundred and eighteen had been incorporated with four hundred pounds of quicksilver; that one of the works *barrenò en limpio*, and the other narrowed, wherefore the amount of metal extracted was diminished, reducing the labor alone to the metal *de pinta;* the four succeeding ones being accompanied by four drafts numbered from 35 to 38.—Let the same be paid; and stating in the last, that the draft issued in favor of Don José Maria Rodriguez having miscarried, it should only be paid to that gentleman.

[Two Rubrics.]

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*Session of* 16*th July*, 1846.

Present, the Señores Segura, Flores and Rozas; and after the approval of the minutes of the 13th, report was made of the following communications:

*First.* From the Minister of Justice, dated the 15th, stating that the approbation of the Supreme Government had been obtained of the act installing the Juzgado of Jesus Maria. Let the same be inserted to said Tribunal.

*Second.* From the Controller of Propios, of the same date, replying to the communication which had been directed to him, asking certificates for the purpose of proving the debt of the Government, stating that some of them did not exist in that office, and that the others, as vouchers of the accounts, could not be separated from the same without permission of the Government; but that in order to comply with the wishes of the Junta, he forwarded a certificate to the effect that there existed in that Contaduria three certificates of twelve hundred and forty dollars, entered in the ancient *Coninaria* of S. Luis Potosi, without stating the year, and finally, that which exists in the accounts of Guadalajara corresponding to the year 1834. Another certificate of four hundred dollars delivered to the said Supreme Government. The Junta resolved, that not being able to use the certificate of the Señor Controller de Propios for the collection of the debts corresponding to the different years, and only stating in one of them the time to which they pertain, the Señor Contador be asked, approving at the same time the disposition manifested by him to comply with the request of the Junta, for copies to be made of both certificates, accompanying the same with certificates that they are copies of the originals remaining on file in that office, since in this way the debt will remain accredited, and in case the Government should deem it necessary to examine the original certificate, it can apply to the said Controller's office. That search shall be made by the Controller of the Junta for the other certificates which was asked of the Controller of Propios, in order to transmit them in the original or in copy to the Supreme Government.

*Third.* Two from the agent in Guanajuato, dated the 13th inst., the first being accompanied by a draft for four thousand seven hundred and four dollars, one real, six grains, the amount of the mining duties of that department for the month of June. Let the draft be accepted, the respective entries, made, and receipt acknowledged. The second, acknowledging the receipt of the note in which it was communicated, that some miners had been paid for the silver taken by General Santa Anna in Guanajuato, for which reason they had not satisfied the amount of the mining duties for the month of November, 1844.

A report was read from the office of the Controller, setting forth the account presented by the agent of the Junta, and that he has been for four years Secretary of the same. Resolution of the same suspended.

[Two Rubrics.]

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### *Session of 20th July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 16th, the following communications were read:

*First.* From the Sōr Director of the Mining College, replying to the recommendation in favor of the son of Señor Zamora, that he be placed in the first vacancy that may occur. Let the same be inserted to Señor Zamora.

*Second.* From the Commissioner in Durango, accompanying a draft for seven hundred and ninety-five dollars, four reals, the remainder of the products of the mining taxes for the month of June. Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Third.* From the Assayer of Parral, replying to the demand made of him of the payments which, at the rate of ten dollars per month, should already have been made, and stating that he has already satisfied, of his debt, more than four hundred dollars. Let the Controller report in relation to this point.

*Fourth.* Six communications from Don José Zamora; the first, dated the 13th inst., sending by the arriero for the quicksilver.—Let it be delivered. The second, being accompanied by the memorials Nos. 28, and the boleta No. 6.—Received and passed to the Controller's office. The third, being accompanied by the account of the house of Srā. Yndaburo. For the office of the Controller, that it may be noted, and to Sōr. Zamora, that he may make a fuller report in relation to the other houses. Noticing in the fourth, that three hundred dollars are required for the pay roll—noted; and stating in the two last, that draft No. 39 had been issued for two hundred dollars, and No. 46, for fifty-two dollars.—Let them be paid.

The Controller of the Junta having manifested that the official communication of the Controller of Propios, accompanying the copies of certificates asked of him, should be returned to him, on account of a mistake which had occurred. The Junta ordered the same to be returned.

[Three Rubrics.]

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*Session of* 21*st July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 20th, report was made of the following communications:

*First.* From the Office of the Controller of Propios, dated the 15th inst., stating that not being able to forward the original certificate asked of him, he transmitted a certificate, expressing that it was not to be understood as setting forth any right against the public treasury, or that it effect a payment in the offices of the National Hacienda.—The Junta resolved, that the object of asking such certificate, being that of collecting from the Government the amounts which they accredit, it is necessary to apply to the same, representing what has taken place, and that in attention to said certificates, in order that they may serve as notes of proof of said account, which have not been noted up to the present date, the said office of Controller will be required to deliver the said certificates to the Junta, a certified copy of the same remaining for the purpose of noting the same.

*Second.* From Don Manuel Mariano Cortazar, dated the 14th inst., forwarding the memorials of the mine of Atargea, from No. 5 to 15, corresponding to the work ending on the 11th of the present month. From his reply, it is inferred that the last communication in relation to the suspension of payments from the quicksilver fund has not been received, since he asks that the two last drafts for two hundred dollars be remitted; and finally that he be informed as to the time of the commencement of his salary.—The Junta resolved that the memorials be passed to the office of the Controller, and that the communication be repeated in relation to the suspension of all payments on account of quicksilver by order of the Government, and that the Junta cannot remit to him the drafts he asks for.

*Third.* From the house of Baring Brothers, London, acknowledging the receipt of draft for one thousand pounds sterling, drawn against them in favor of the Junta, and forwarding correspondence of Dr. Ure in relation to distilling apparatus which they propose to place in Liverpool at an early date at the price of two hundred pounds each—For this purpose it was resolved to notify the Señor Mayordomo of the College to pay the thousand dollars which were loaned to the College during the last month on account of stock on hand in the house of the Messrs. Baring.

Finally, a report was read from the Controller's office in relation to asking that an account be made out of the amounts owing by the Supreme Government; some documents to Don Lorenzo Carrera, and to the agents in Hermosillo, Guadalajara, Parral, Chihuahua and Guanajuato; and the Junta resolved in conformity.

[Three Rubries.]

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*Session of 22d July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 21st, a report was read from the Bureau of Administration in relation to the debt of Señor Cerraton, and as in said report it is expressed that Senor Bassoco had said that Licenciado Yrayo was a magistrate of Morelia, and that said gentleman had been encharged with the duty of selecting a person how should be encharged with the collection of said debt, the Junta, in view of the Act of the 23d of March of the present year, which is referred to, resolved that it appears in the respective expediente that the Señor Bassoco did not say that Señor Yrayo should be a magistrate of Morelia, but of Queretaro, and that he had not encharged him with seeking a person in Morelia to be commissioned to make said collection, and that lastly, in consideration of the same, the members of the Junta should cause a report to be made as to who might be a suitable person for said business.

In another report from the same Bureau, it is proposed that the Supreme Government be reminded of the petition made to it on the 30th of March, to resolve as to the conduct to be observed by the Junta for the purpose of making effective the recovery of the thirty-four thousand dollars taken by General Santa Anna from the Mint of Guanajuato, and another for the repetition of the official communication of the 7th of February to the Administrator of Rents in Durango, in relation to the payment of the two thousand one hundred and fifty-nine dollars, five reals, which remains as the amount of two endorsed drafts, and the Junta resolved in conformity, adding that having remitted the drafts to the Commissioner through the house of Messrs. Manning & Mackintosh, this gentleman shall be directed to forward the same to the agent for collection.

Finally, an official communicationwas read from the Minister of Hacienda, dated the 7th inst., in which he communicates the order of the President in relation to the products of the discount of the one-fourth part of the salary of the employés of the Junta; that the same shall be paid monthly into the respective Departmental Treasury. The Junta resolved that payment be made of the amount of one hundred and seventy-eight dollars, one real, the fourth part of the sum of the salaries of the office, which are paid from the quicksilver fund, discounted during the present month, *pro rata*, to all the employés, which *pro rata* has been adopted with unanimity in relation to all the employés upon principles of equity; it is not to be understood, however, that the payment shall prejudice the rights which every one is considered to have; and, in relation to the College, that the order mentioned by the Señor Director be inserted, advising the Government, the one and the other, through the Minister of Hacienda, and inserting the official communication of the Minister of Justice.

[Three Rubrics.]

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### *Session of 23d July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, report was made of a communication from the Sub Prefectura of Colotlan in the Department of Jalisco, informing the Junta that Don Juan Francisco Cantabrana, President of the Juzgado of Bolaños, having made a pronunciamento for this reason, and for other crimes of which he is accused, he cannot continue to exercise the functions of President. The Junta resolved that the same be inserted to the Supreme Government.

*Second.* From the Tribunal of Bolaños, in which the substitute of the President, Don Manuel Velasquez, states that he has taken charge of the Juzgado, the Señor Cantabrana having fled without delivering over the archives or the Expedientes. The Junta resolved that he be answered that his communication had been received, and let the same be inserted to the Supreme Government as the result of the motion of the Sub Prefect of Colotlan.

*Third.* From the Commissioner in Pachuca, remitting a draft for fourteen hundred and ninety-three dollars, two reals, four grains, the product of the mining tax for the past month. Let the draft be accepted, the respective entries made, and receipt acknowledged.

*Fourth.* From the agent in San Luis Potosi, accompanied by another draft for thirteen hundred and forty-five dollars and three cents, as the products of the mining duties for the month of June. Same resolution as last.

[Three Rubrics.]

## *Session of 24th July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, the following reports were made:

*First.* From the office of the Controller, in relation to the last communication from Don Mariano Cataño, in relation to his debt as surety of Doña Ana Sierra, stating, in conclusion, that there may be paid to Cataño two hundred and ninety dollars, and not four hundred and odd dollars, as stated. The Junta resolved that this report be inserted to said Señor Assayer, and that in the meantime that reply be made to him, that he will not only make the payment of ten dollars per month, but as much more as he can on account of the payments which have not been made.

*Second.* From the Bureau of Administration, in relation to a debt of S. Fagoaga, proposing that the office of Controller proceed to its liquidation. The Junta resolved in conformity.

A communication was read from the Señor Director of the College, accompanied by an official communication from the Governor of Vera Cruz, stating that he has appointed the twelve students for the Mining College, pertaining to the marine corps, in conformity with the decree of the 4th of April of the present year, adverting to the fact that in the college there is no dormitory for their reception. The Junta resolved, that this being the first notice it had received in relation to the said decree, and being ignorant if any of said students have been received, what amount is to be paid to the College, or when the payment is to be made; finally, where the new dormitory is to be made, and that the amount of the expenditure incident thereto be communicated to the President of the Junta, in order that the Señor Director, after having examined the matter may report to the Junta, that it in view of the matter may be able to resolve what may be necessary.

**[Three Rubrics.]**

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## *Session of 27th July*, 1846.

Present, the Señores Segura and Bassoco; and after the approval of the minutes of the 24th, report was made of the following communications:

*First.* Two from the Minister of Justice, dated the 25th inst., acknowledging the receipt of the official communication, in which it is stated that the President of the Juzgado of Bolaños has been replaced by the substitute provided by law; and in the other communication is transcribed the reply of the Minister of Hacienda, in relation to the exhibition of the fourth part of the salary of the employés of the Junta. To their Expedientes.

*Second.* Two from the Señor Director of the Mining College, of the 25th inst.; there being inserted in the first an exposition of the Professor D. Joaquin Velasquez, Don Sebastian Camacho, Don Antonio Castillo, Don José Salazar and Don Blas Balcarcel, in relation to its being declared that they are not comprehended in the decree deducting one-fourth part of the salary of the employés, adding that in his opinion, the petition is founded in justice, since it would be unjust to reduce the salary of some of the professors and not of the others. The Junta resolved that the same be inserted to the Supreme Government through the Minister of Justice, and that the Señor Director be informed of the fact, representing to him the difference between the professors who are paid from the fund dotal, and those that are paid from the quicksilver fund, which are those that are considered as comprehended in the said decree. In the second, it is proposed, in consideration of its being necessary to pay during the coming week a considerable sum for books and apparatus brought by Don Clemente Bourges, for the use of the College and for the Museum, together with the freights amounting to the sum of one thousand five hundred dollars, as appears by the accompanying account of the Señor Mayordomo, there will be paid the one thousand dollars, placed to his credit in London, deducting five hundred every month from the amount paid to said Mayordomo. The Junta resolved, that reply be made in conformity, making the first payment of the two thousand dollars, from the quicksilver fund, to be anticipated in the coming month.

*Third.* From the Commissioner of Guanajuato of the 14th inst., remitting receipt for seventy dollars, paid by Señor Robles, in 1846, for the fourth quarter of the forced loan; forwarding also an official communication from the Departmental Treasurer, not being able to duplicate the certificate, as asked, of the two thousand seven hundred and twenty-two dollars, seven reals and nine grains, which Señor Hoffay is sure was remitted with the accounts of March, 1845. And finally, adding, that Señor Robles claims of him the *boletas de Mineria* which remained pending during the time that he was Collector. The Junta resolved that the matter be referred to the Controller to report.

*Fourth.* Four official communications from Señor Zamora, dated the 25th inst., the first accompanied by the Memorials Nos. 29 of the negotiation of Tasco. Let receipt of the same be acknowledged, and let them be passed to the office of the Controller. Stating in the second, that draft No. 41 for the sum of two hundred dollars had been issued in favor of S. Rafael Solarez. Let the same be paid. Stating in the third, that for the pay-roll of the present week there will be needed two hundred and fifty dollars. Noted. And in the last, giving thanks for the recommendation made by the Junta in favor of his son.—To the Archives.

The Secretary represented, that Don Agustin Font, who had leased the mine of S. Joaquin de Tasco, had written to him on the 21st inst. from Orizaba, to know if the Junta would desire to habilitate the same, since a very good vein (labor) had been encountered, valuable not so much on account of its *ley* as on account of the abundance of the mineral.—The Junta resolved, that not having funds for this class of habilitations, he should be answered to that effect, but reminding him at the same time that until the mine should be supplied he should continue in possession of the same to avoid denouncement.

[Three Rubrics.]

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## *Session of 28th July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, a communication was read from the Mining Tribunal of Temascáltepec, announcing, that it being understood that in the report of the Señor Prefect it was proposed to set forth the facts in support of his complaint, offering to forward the proofs.—The Junta resolved, that he be replied to, that his communication has been received, and that the Junta awaits the offered proofs.

A report was read from the office of the Controller, containing the liquidation of the debt of Señor Fagoaga, which remains reduced to two thousand eight hundred and ten dollars, six reals and ten grains. The Junta commissioned Señor Segura to examine the accounts presented by Señor Fagoaga, and, in view of the same, to report what will be proper in the premises.

[Three Rubrics.]

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## *Session of 30th July*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 28th, a communication was read from the Collector of Pachuca, representing that not having received the receipt of the accounts which were forwarded on the 7th inst., he asked to be informed if they had miscarried. Let the Secretary report.

The two following reports were read from the Controller's office: *First.* In relation to the mistake adverted to in the power of attorney given by the heirs of Don José Amares, in which the name "*Berroete*" is written instead of "*Berroecos.*" The Junta resolved, that in consideration of the honorable character of Señor Berroecos, he should continue to be recognized as the attorney of said heirs; but that he should be officially notified that within six months he should explain the mistake of the word *Berroete* in place of *Berroecos.* *Second.* In relation to the last reply of the agent in Guanajuato with respect to the account of Señor Robles. The Junta resolved in conformity.

[Three Rubrics.]

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## MONTH OF AUGUST, 1846.

### *Session of the 3d.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 30th, report was made of the following communications:

*First.* From the Mining Juzgado of Augangueco, asking the advice of the Junta as to what is to be done in consideration of the rejection of the President, and to which rejection the President refuses to submit. The Junta resolved that application should be made to the Judge of the Partida, consulting with the same in accordance with the laws establishing the Juzgados, and applying to the Departmental Government, if it should be necessary, for the enforcement of its acts.

*Second.* From Diego José Perez Fernandez, dated the 2d instant, stating that, when he received his salary, he would make the payment for the present month.

*Third.* From the Commissioner in Culiacan, forwarding two drafts, one for one hundred and twenty-eight dollars, two reals, as the mining products of Cosalá during the month of May, and another for thirty-seven dollars seventy-nine cents for those of Mazatlan during the same month.

*Fourth.* From the agent in Guanajuato, offering in place of the certificate which was asked, to send a testimonio of the protest made by Señor Hoffay at that time.—To the office of the Controller.

*Fifth.* Seven communications from Don José Zamora, the first of the 27th ultimo, stating that the Arriero had not brought more than four and a half quintals of quicksilver, one and a half quintals remaining in the house where it was purchased, which should be remitted. With the second, forwarding the memorials number thirty, and the statement and balance-sheet number seven of the negotiation. Received and passed to the office of the Controller. In the third it is asked that there shall be sent six varas of cloth, if it should be one-third of a vara in width, and three varas if it should be double that in width, which are required for the water-wheel, and stating that the mine promises well, and that for the pay-roll of the coming week there is needed three hundred dollars. Noted, and reply made that the cloth will be procured. In the fourth, it is stated that the invaders of Yguala had been repulsed and tranquillity established. Noted. In the fifth, forwarding an enlarged report in relation to the houses forming that negotiation. Let the Bureau of Encouragement report; and forwarding, with the last two, drafts numbers forty-two and forty-three, for the sums of one hundred and fifty dollars and two hundred dollars. Finally, there was read a petition from Doña Maria Ygnacia Barron, asking that there may be returned to her the discounts made from Monte Pio to her deceased husband, Don Fernando Tamayo. Let the Bureau of Encouragement report.

[Three Rubrics.]

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## *Session of 7th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 3d the following communications were read:

*First.* From the Minister of Justice, of the 5th instant, authorizing the Junta to do what it should think best in relation to the denouncement and proposed leasing of the mine of Clavellinas. The Junta resolved that the same be inserted to the Juzgado of Guanajuato.

*Second.* From the Collector of the Mining Taxes in Mexico, forwarding a thousand and five dollars and three reals, being the sum collected during last month, including twenty-five dollars, three reals, nine grains, for pay to Don Manuel Lebrija. Received and passed to the Controller's office.

*Third.* From Don Eduardo Schleiden, accompanying a copy of a petition directed to His Excellency the Governor of the Department of Michoacan, against the President of the Juzgado of Augangueo, who having been rejected, not only refused to admit the rejection, but has proceeded in the business by citing the parties, and by calling the Cōlegas associated with the two Suplentes.—The Junta resolved, that His Excellency the Governor of Michoacan be asked, that having caused the necessary investigation to be made in the matter, he may require that tribunal to administer prompt and exact justice in all matters pertaining to its jurisdiction.

*Fourth.* A report was read from the Controller, giving it as his opinion, that the certificate mentioned by Don Fernando Pohls in his official communication of the 31st ultimo, might be asked of the Mint in Guanajuato, under the supposition that the Señor Administrator of Rents in that place could not forward it. The Junta resolved in conformity.

[Three Rubrics.]

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### *Session of* 10*th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 7th, report was made of the following communications:

*First.* From the Collector in Zimapan, forwarding a draft for two hundred and thirty-seven dollars, one grain, as the product of the mining taxes for the month of July. Let the draft be accepted and collected, the proper entries made, and receipt thereof acknowledged.

*Second.* Four communications from Don José Zamora, of the 8th instant; the first accompanied by Memorial number 31, and the boleta of beneficio No. 7.—Received and passed to the office of Controller; stating, in the second, that the last ores reduced have given a ley of almost 70 marcos to the 100 quintals; he represents the necessity that there shall be sent six more quintals of quicksilver, and that in the present week there will be reduced a lot of 300 quintals. The Junta resolved, that reply be made that on the 21st the Arriero may come for the quicksilver. In the 3d and 4th, he states that draft No. 44, has been issued for two hundred and seventy-eight dollars, and No. 45, for fifty dollars.—Let them be paid.

The chief official having read a decree of the Departmental Assembly of Chihuahua, of the 10th ultimo, appropriating for the military services of that department the product of the mining taxes, the Junta resolved, that his Excellency the Governor of that Department be notified in relation to the mistake into which that Assembly has fallen in supposing that this fund pertains to the public revenues, and forwarding him a copy of the exposition made to the Government on the 10th of January of the year last past, in relation to similar action by the Assembly of Guanajuato, and the order made in consequence by the Supreme Government, with the consent of the Council, in relation to the annulling of said order.

It was also resolved, that an official communication be sent to Don Antonio Castillo, urging the conclusion of the mining map which was to have been delivered some time since, and that in the mean time, he should return the one that had been loaned to him by Señor Segura.

[Three Rubrics.]

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### *Session of* 13*th August*, 1846.

Present, the Señores Flores, Segura and Bassoco; and after the approval of the minutes of the 10th, report was made of the following communications:

*First.* Fom the Juzgado of Guanajuato, stating that he had transferred to Señor Arreguin, all the communications of the Junta, and inserting a copy of the reply of said gentleman. The Tribunal, not knowing what to do, has passed the matter to the Assessor. The Junta resolved, that the Bureau of Encouragement report, and that Doctor Vidal be informed that the Junta is ready to cede in his favor all the rights that it has in the mine of Clavellinas, provided, that he pay the expenses that may be necessary in the suit mentioned by Señor Arreguin, with the understanding that the amount of the same shall be deducted from the third part of profits made.

*Second.* From the General Direction of Industry of the 10th, acknowledging the receipt of a draft for one hundred and twenty-nine dollars, ninety-four cents, returned by the Custom-House of Vera Cruz. To its Espediente.

*Third.* From the agent in Durango, forwarding five hundred and fifty dollars, three reals and one grain, the product of the mining taxes during the month of July.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Fourth.* From the agent in Culiacan, forwarding two drafts, one for seven hundred and thirty dollars, five-eighths of a real, as the products of the mining taxes in Alamos, in the month of May, and another for four hundred and fifty-four dollars, three and a half reals, as the product of the mining tax during the month of June.—Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

*Fifth.* Three other communications from the same, accompanied by three drafts, one for two hundred and twenty-two dollars, five-eighths of a real, as the product of the mining taxes in Culiacan, during the month of June; another, for one hundred and fifty-two dollars, ninety cents, as the product of the mining taxes in Mazatlan, during the month of June; and the last for forty-six dollars, five reals, as the product of the mining taxes in Cosalá, during the same month.—Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

*Sixth.* There was read the account of the receipts during the month of July for the rents of the rooms of the College.—To the Office of the Controller.

*Finally.* There was read a petition from Don José Maria Artega, asking to be appointed to the clerkship, the duties of which had been discharged by Don Manuel Garcia Romero.—The Junta resolved that the matter be reserved for consideration.

An official communication was read from the sub-Junta of San Juan de la Chica, representing that the Junta of San Juan de la Chica had resolved to ask the shareholders to make the second dividend on the twenty-second.

[Three Rubrics.]

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## *Session of* 17*th August*, 1846.

Present, the Señores Flores, Segura and Bassoco. After the approval of the minutes of the 13th, report was made of the following communications:

*First.* A communication dated the 14th instant, in Pachuca, forwarding a draft for fourteen hundred and seventy-five dollars, six rials.—The Junta resolved that the draft be accepted, the proper entries made, and the receipt acknowledged.

*Second.* From the Collector in Zacatecas, of the 10th instant, forwarding two drafts, one for six thousand three hundred and twenty-three dollars, one and a half grains, as the products of that district during the month of July; another for one hundred and fifty-three dollars, four rials, as the products of Sombrerete during the month of July.—Let the draft for six thousand three hundred and twenty-three dollars, one and a half grains, be accepted, and let the draft for one hundred and fifty-three dollars, four rials, be accepted and collected, and receipt of the same acknowledged.

*Third.* From the Commissioner in Guanajuato of the 14th, accompanying a draft for six thousand one hundred and thirty-nine dollars, five rials, one grain.—Let the draft be accepted, the proper entries made, and the receipt acknowledged; reporting to the office of the Controller in relation to the introduction of silver, upon which no duties have been paid.

*Fourth.* From the Commissioner of Chihuahua of the 18th July, forwarding a draft for three hundred and forty-five dollars, one rial, as the products of the mining tax during the month of July, in Chihuahua and Jesus Maria.—Let the draft be accepted, the proper entries made, and the receipt acknowledged.

Four communications from Don José Zamora, dated the 15th, the first being accompanied by the Memorials number 32.—Received and passed to the Controller.—Acknowledging in the second the receipt of the remaining six quintals of quicksilver, which had been sent him, and stating that he had drawn drafts No. 46 and 47, each for one hundred and fifty dollars.

[Three Rubrics.]

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### *Session of* 19*th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; and the Señores Licenciados, Don Arcadio Villaloa and Don Francisco Gomez, as representatives of the partners of the Junta in the mine of Trinidad de Tasco, and the Licenciado Cástulo Barreda, as the representative of Don José Maria Madariaga, in the matter of the denouncement of the mine called "El Socabon de San Juan."

This last gentleman represented that he had moved the Junta to summon the partners, in order that they might take measures for the defense of their just rights against the spoliation attempted to be made upon their property, which recourse will be beneficial in proportion as the proof is full and complete. The Señor President represented that the Junta was ready to continue defraying the expenses of this appeal, charging the same to the account against the partners for supplies.

Señor Gomez said that in this view of the case, he saw no difficulty in sustaining the rights to the Socabon of San Juan.

The Señor Villaloa indicated that the appeal under consideration did not appear to him to be proper, because on his part at least, he had no new proofs to add to those which had been expressed by Señor Barreda, in the defense of the rights of the Junta, in which they had agreed, and that he did not think it necessary to take this step, with no other object than to delay the matter.

Señor Barreda insisted, that for the same reason, in order to amplify and corroborate the proof, it would be necessary to take this course, that it should be resolved at once that they should avail themselves of it in the manner indicated, which was agreed to unanimously; finally, Señor Barreda asking, and the Junta agreeing, that a copy should be made of this act, for such purposes as might be convenient.

Furthermore, report was made upon a communication from

Messrs. Manning and Mackintosh, dated the 18th inst., accompanied by indorsed bills of exchange Nos. 95 and 100 of the 20th of November, 1844, and the 4th of January, 1845, against the Administrator of Rents in Durango; the first being for the sum of five hundred and seven dollars, two reals, and three grains; and the second for one thousand and twenty dollars, seven reals; which were passed to the Controller for his report.

The account of Don Celso Muñoz was presented for his services in making examination, and drawing a plan of the mine of Trinidad. The Junta resolved that they be passed to Don José Zamora, for his report.

[Three Rubrics.]

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### *Session of* 19*th August*, 1846.

Present, the Señores Segura, Flores and Bassoco, and the Señores Licenciados, Don Arcadio Villaloa and Don Francisco Gomez, as representatives of the partners of the Junta, in the mine of Trinidad de Tasco, and the Licenciado Cástulo Barreda, as the representative of Don José Maria Madariaga, in the matter of the denouncement of the mine called "El Socabon de San Juan."

This last gentleman represented that he had moved the Junta to summon the partners, in order that they might take measures for the defense of their just rights against the spoliation attempted to be made upon their property, which recourse will be beneficial in proportion as the proof is full and complete. The Señor President represented that the Junta was ready to continue defraying the expenses of this appeal, charging the same to the account against the partners for supplies.

The Licenciado Barreda made a review of all the steps and proceedings from the time of the denouncement in July, 1842, up to the time when the matter was found in condition to be restored for forty days to the conclusion of the proof; he explained the reasons upon which the opposition to the denouncement was founded, which are the same as appears in the writings which were found in the acts; the design of the articles is to obtain an extension of time for proof; he spoke also of the condition of the appeal interposed, in which the partners were excluded from a hearing.

The Señor Gomez said that there was no difficulty in consideration of the merits made use of in the business, in sustaining on his part the rights of the Socabon de San Juan. The Señor Villaloa explained, that it did not appear to him necessary to have recourse to arbitration, since on his part, at least, he would have nothing to allege in relation to what had been set forth by the patron of the Junta; nor had he any other proofs save those which had been set forth by him in defense of the common rights in the Socabon de San Juan.

Señor Gomez having adhered to the opinion expressed by Señor Villaloa, the Licenciado Barreda asked that a certificate should be given him, that the partners had approved, as they had indicated, the administrative conduct of the Junta, and the measures taken in relation to the defense of the Socabon of S. Juan, to the end, that by this certificate the point under consideration may be concluded, which is not judged necessary.—It was resolved by the gentlemen present in conformity.

The Licenciado Barreda further explained, if in order to enlarge or corroborate the proofs, it was considered necessary to have an arbitration, that it should be resolved to interpose the same as soon as that necessity was manifested by the gentlemen interested and the Junta.—They also agreed unanimously upon this point.

It was also resolved, on the motion of the Licenciado Barreda, that as soon as the proof should be concluded, he should give his definitive opinion in relation to the matter, and his views in relation to the final writing for the objects which may be interesting to all.

It was finally resolved, that a copy of this Act be given to the Licenciado Barreda, whereupon the Junta was concluded.

[Three Rubrics.]

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### *Session of 20th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 19th, report was made of the following communications:

*First.* Two of the 17th, the first from the Excellent Señor Louis Chavarri, stating that he had delivered up the Government of the Department; and the second, from the Excellent Señor Don José Gomez de Cortina, stating that he had taken charge of the same.—Let reply be made that they have been received with satisfaction.

*Second.* From the Direction General of Industry of the 19th inst., returning endorsed draft No. 884, for one hundred and twenty-two dollars, twenty-five cents, and the account of the expenses of protest, in order that they may be returned to Maritime Custom-House of Vera Cruz. The Junta resolved that they be inserted to the administrator.

*Fourth.* From the Señores Manning and Mackintosh, dated the 18th inst., accompanied by a decree of the Assembly of Chihuahua, applying the products of the mining duties to military purposes. The Junta resolved that reply be made to the Assembly, that already it had applied to the Superior Government of that Department, and that the same should be said to the agent in Chihuahua.—The Junta resolved, that the proper entries should be made in the protocol in relation to the death of Señor Garcia Romero by Don Ramon de la Cueva, National and Public Notary.

[Three Rubrics.]

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*Session of 21st August,* 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 20th, report was made of an official communication from his Excellency, the Governor of Michoacan, dated the 17th, replying to the Junta, that he had already made the necessary orders in relation to the matter of Señor Schleiden.—Let the same be inserted to the interested party.

*Second.* From the agent in S. Luis Potosi, accompanied by a draft for two thousand nine hundred and ninety-seven dollars, seven reals, six grains, as the mining products during the last month.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Third.* From the Commissioner in Culiacan, accompanied by a draft for one hundred and eighty dollars and one real, as the products during the month of May. Let the draft be accepted and collected, the proper entries made, and receipt of the same acknowledged.

A proposal of Don Manuel Mariano Cortazar was read, in relation to the purchase of the metals and tools on hand in Atargea, for the sum of eleven hundred dollars.—The Junta resolved, that the proposition could not be received, and that a person should be appointed to take charge of said stock. —In accordance with the report of the Controller, ordered that the sum of two hundred and ninety-two dollars be paid to said gentleman, the amount unsettled for the eighteen weeks of amparo (protection) in Atargea, there only remaining unsettled the account of the last week, to be remitted, together with the amount due for taking care of the mine at the rate of six dollars a week from the date when the working of the same was discontinued.

[Three Rubrics.]

### *Session of* 24*th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 21st, report was made of the following communications:

*First.* From the Mining Juzgado of Augangueo, representing, that in view of the opinion of the Assessor, it was hoped that the honor of the Tribunal, which had lately suffered, would be re-established.—Let reply be made that the communication has been received with satisfaction.

*Second.* From the Administration of Revenues of Zacatecas, dated the 18th inst., informing the Junta that it has, subject to the orders of the same, the sum of twelve dollars, seven rials, paid by the Administrator of Villanueva, as the amount owing by him on account of the one per cent. for the exportation of coin.—Let the said amount be delivered to the Commissioner in that city who will remit the same in a separate draft, so that the funds be not mixed.

*Third.* From the Commissioner in Guanajuato, forwarding the certificate which had been asked from the mint in that place.—To the office of the Controller.

*Fourth.* From Señor Don Mariano Monterde, accompanied by a document in reply to the observations made on his account.—To the Office of the Controller.

The contract entered into with Don Manuel Mariano Cortazar, for the purchase of the stock and minerals on hand at the mine of Guadalupe in Atargea, was read and signed.—Resolved, that Sōr. Don Diego Moreno be reminded of the matter of the pearls.

[Three Rubrics.]

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### *Session of* 25*th August*, 1846.

Present, the Señores Segura, Flores and Bassoco; the minutes of the preceding day were read and approved.

An official communication was read from the agent in Tasco, Don Miguel Quiñones, dated the 21st inst., in relation to the payment of four hundred and fifty dollars, the costs in the case of San Juan due to the mining Tribunal; resolved, that the original account, or a copy thereof, be forwarded, reporting what may be necessary in relation to the same.

Drafts Nos. 48 and 49, for one hundred and for three hundred dollars, drawn by the agent in Tasco, dated the 22d inst., were ordered to be paid, and also that the proper entry be made.

It was ordered to acknowledge the receipt of the *memoria* of the mine and of the Hacienda, numbered 33, and of the boleta No. 8, and that they be forwarded to the Office of the Controller for the necessary ends.

It was also resolved, to reply to the note in which the agent advises that there have been washed during the week a lot of three hundred quintals, and that there remain incorporated with six hundred pounds of quicksilver, other two of three hundred each, and that for the pay-roll of the coming week, there will be needed three hundred dollars.

[Three Rubrics.]

## MONTH OF SEPTEMBER, 1846.

### *Session of the 3d.*

Present, the Señores Segura, Flores and Bassoco. An official communication was read from Don José Mariano Cataño, dated the 17th ultimo, asking that there be paid the two hundred and forty-five dollars, five and a half grains, which he gave to Don Juan Arguelles, and the one hundred and thirty-three which were delivered to the Señores Lujan and Mackintosh, as shown by the accompanying vouchers.—Resolved, that the Controller report.—Ordered, that after the proper entries are made, there be paid the account of three hundred and twenty-two dollars, presented by Don Celso Muñoz, and remitted by Don Zamora of Tasco, with his official communication of the 28th ult. for services rendered in making examinations, measurements, and drawing plan of the mines of Trinidad and Socabon de S. Juan, for which purpose he was appointed by Don Miguel Quiñones.

Report was made of three official communications from the agent in Culiacan, Don Tomas Mackintosh, dated the 15th of August ultimo, with which are remitted three drafts numbered from 99 to 101, for the sum of one thousand two hundred and thirty-four dollars, twenty-seven cents and three quarters, as the product of the mining duties during the month of July last, in Cosalá, Mazatlan and Alamos.—Let the drafts be accepted, the proper entries made, numbers 100 and 101 collected, and receipt thereof acknowledged.

The account presented by the Treasury, showing the amount collected for the rent of rooms in the college for the month of August last, was ordered to be passed to the Controller.

It was also ordered that there be transcribed with a recommendation to the Direction of the Tabaco and other *rentas estancadas*, an official communication of the President of the Mining Juzgado of Auganguco, dated the 28th of August last, in which he states that there is no powder in that mineral district, and representing the serious prejudicies resulting from the want of this article.

[Three Rubrics.]

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## *Session of 7th September*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 3d, report was made of the following communications:

*First.* From the Governor of Chihuahua, again asking for nine copies of Ordinances for those Juzgados. The Junta resolved, that the resolution of this matter be suspended until it should be known whether or not said tribunal still existed in said State.

*Second.* From His Excellency the Señor Director of the College, dated the 6th, accompanied by the two first thirds of the present year.—To the office of the Controller.

*Third.* From Don Eugeneio Bermejillo in Morelia, of the second of September, accompanied by an inventory of the accounts of the administrator, Don Joaquin Caballero.—Let the Controller report.

*Fourth.* From the Commissioner in Zimapan, of the 1st inst., remitting a draft for one hundred and fifty-five dollars five reals, as the products of the mining duties during the month of August.—Let the draft be accepted and collected, the proper entries made, and receipt thereof acknowledged.

*Fifth.* From Don José Joaquin de Guergue, in Oajaca, dated the 24th ult., accompanied by a copy of the document presented to that tribunal by the miner Don José Contreras, as to whether or not gold and silver are subject to confiscation in certain cases designated by the "*panta.*"—Let the Bureau of Encouragement report.

*Sixth.* Six communications from Don José Zamora, dated the 5th inst., the first accompanied by *memorias* No. 35, and the statements and balance sheet No. 8, of the negotiation of Tasco.—Received and passed to Controller. Stating in the second, that he had remitted with the arriero Luna, six barras of silver, weighing 814 marcs 4 ounces, which will be in Mexico on Thursday or Friday; that there is nothing new in relation to the works, the ores recently extracted being equal to those which have yielded a ley of 70 marcs; and finally, for the pay roll of the present week, there are nearly three hundred dollars wanted.—Entered. The three following ones accompanied by drafts, Nos. 52, 53 and 54, the first and last for one hundred dollars each, and the second for two hundred.—Let them be paid.

And representing lastly, in a private letter to Señor Segura the injustice with which Señor Madariaga had calumniated him, proving that he had complied with the ordinance, with the rayador, captain of barros and other dependants, and lastly, that in title 9, might be found the defense of Trinidad.—The Junta resolved, that reply should be made to him, that it was satisfied in relation to his honor, and that his references should be remembered in case a denouncement should be made.

It was resolved to send an official communication to the Supreme Government, representing that notwithstanding the order providing for the suspension of all payments, comprehended the payment of the dividends corresponding to the share that it had in the quicksilver mine of San Juan de la Chica, it was under the necessity of asking that said order be annulled on this point, since by means of a writing, the Junta would be judicially obliged to make good its promises, and if its payments were not opportunely made, it would be compelled to lose the whole amount invested in the enterprise, up to the present date, wherefore the Junta proposed that the unsettled dividend should be satisfied from the amount of the revenue yielded by the twenty thousand dollars belonging to the Department of Jalisco, for the encouragement of quicksilver mining, and which was taken as a loan by the previous administration.

[Three Rubrics.]

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## *Session of* 10*th September*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 7th, the Secretary represented that not knowing whether or not Don Joaquin Lebrija had obtained any employment, that he had not commenced to make any payments on his debt; and that besides to the demands made upon Señor Olascoaga, for the fifty dollars, which as the security of Lebrija he should have paid, the said gentleman has not replied. The Junta resolved, that an investigation be made to see if Señor Lebrija has obtained employment, and that Señor Olascoaga be again reminded in relation to the matter, delivering the communication to Señor Bassoco.

It was also resolved, that Señor José Diego Perez y Fernandez be advised, that in view of the letter of the 2d ultimo, the Junta expects that he will immediately remit the amount due the past month, together with that due this month.

It was also resolved, that the Supreme Government be officially advised in relation to what had been set forth in the Espediente, touching the indorsements on drafts from the

Administrator de Rentas of Durango, in order that the Supreme Government may determine what is necessary.

A petition was read from Don José Antonio Nieto, asking that there be sold to him at cost, one of the apparatuses of Dr. Ure, which the Junta had purchased, to be placed in Guadalcazar; the Junta acceded to the petition, directing inquiry to be made of Señor Nieto, if it would be convenient for him to receive the apparatus in Havana. The Junta resolved, that an official communication be sent to the Supreme Government, giving thanks to the same for the decree declaring free the manufacture of gunpowder.

[Three Rubrics.]

## *Session of* 17*th September*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 10th, with a few corrections, report was made of the following communications:

*First.* From his Excellency the Governor of Chihuahua, dated the 1st instant, acknowledging the receipt of a letter directed to his predecessor, stating that the mining fund not being a departmental revenue, the Junta could not consent that it should be used by the department.

The said Governor stated, that having referred the matter to said corporation (Departmental Assembly) he would inform the Junta as soon as the matter was determined by the same. To its Espediente.

*Second.* From his Excellency the Governor of the State of Mexico, giving notice that he had removed his residence to the City of Toluca.

*Third.* From the Commissioner of San Luis Potosi, dated the 12th instant, accompanied by a draft for two hundred and fifty-two dollars and fifty-seven cents, as the product of the mining duties during the month of August. Let the draft be accepted and collected, the proper entries made, and the receipt thereof acknowledged.

*Fourth.* Two communications from Don José Zamora of the 12th instant, stating in the first, that the amount of mineral extracted in Trinidad in the preceding week, reached 54 cargas; stating that the same mine had been denounced by Don José Maria Madariaga, and that there had been washed during the preceding week, 300 quintals of mineral, 350 remaining in *salmuerados*, and that lastly, three hundred and fifty dollars were needed for the pay-roll.

With the second, accompanying the memorias No. 36, and the boleta No. 10, of that negotiotion.=Received and passed to the Controller. In a private letter he insists that the visit he has asked may be made.

The Junta resolved, that not considering said visit necessary, the expenses necessary for the same will not be incurred, thanking him for the notices that he has given, and desiring him to continue his communications.

*Fifth.* From Don Miguel Quiñones, forwarding the account of expenses presented by the Secretary of the Tribunal of Tasco, asking that the same be paid, as also that of Don Celso Muñoz.=The Junta resolved that the last be paid to Señor Zamora, returning the first to Señor Quiñones, for the reason that he himself says there are some reductions to be made from the same, and that said document cannot serve as a voucher in the office of the Chief Controller, reminding him that it cannot be paid until it is made out exactly, and that the other entries be made in another account.

[Three Rubrics.]

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## *Session of* 18*th September*, 1846.

Present, the Señores Flores, Segura and Bassoco; and after the approval of the minutes of the 17th, two reports were read from the Controller in relation to the debt of Señor Cataño.= On the first the Junta resolved in conformity, ordering the documents to be returned to him, which do not sufficiently prove the delivery of the sums set forth; that those that pertain to the amounts that are believed to be payable by the Controller remain in his office, and that the decision be inserted to Señor Cataño. On the second it was resolved that an official communication be sent to the agent in Parral, inserting to him the report, and instructing him in such a manner as that he may at once be able to make the collection.

Another decision was read of the same Controller, in relation to the last reply of Senor Monterde, late agent in Chihuahua. The Junta resolved that said gentleman be asked to visit this office, when he will be informed of the said decision, and all other matters that may be necessary for the termination of the matter.

Report was made of the following communications:

*First.* From the Mining Juzgado of Anganguco, of the 11th inst., praying that the Government may be asked to declare official correspondence free. The Junta resolved, that reply be made, that the freedom of the correspondence of the Juzgado has been already solicited, and the Supreme Government has not thought proper to grant it.

*Second.* From Don José Antonio Nieto, accompanied by a letter from Señor Barreta, giving information of the prosperous condition of the works of Guadalcazar, and also of the want of durability of the iron retorts furnished by Señor Tobin, to the end that the necessary precautions may be taken in relation to the apparatus of Dr. Ure. The Junta represented to Sōr. Nieto, that in all probability said apparatus was already on its way, and consequently, it is indispensable that he should determine at once, whether or not he will take said apparatus, and requested that he would reply by return of mail.

[Three Rubrics.]

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### *Session of* 21*st September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the session of the 18th, report was made of the following communications:

*First.* From the Ministry of Relations, dated 19th, transcribing the Official letter of the Ministry of Finance, in which, according to the indications of the Junta, it informs that the Supreme Government has ordered that the assets on hand belonging to the quicksilver fund continue to be used as had been ordered in the advancement of the College, and asking as a loan from the dotal fund the sum of twenty-five thousand dollars.

Señores Bassoco and Flores were of opinion that it ought to be represented to the Government, that while the Junta acknowledges the urgent necessity that all should contribute to the national defense as far as possible, nevertheless, considering the origin and actual condition of the dotal fund, the Junta does not consider itself invested with sufficient authority from its constituents to employ it in any other object than those which are designated by law; and after an attentive discussion it was so resolved, notwithstanding the remarks made by Señor Segura, who reserved his vote, and gave in a protest which he desired should appear in the minutes, and which he said he should transmit to the Ministry, together with the reply which it was resolved should be sent.

The Junta resolved, in regard to the first, that said protest be inserted in the minutes; and with respect to the second, that Señor Segura, as a member of the Junta, might transmit the communications which he thought proper, but that the Junta could not authorize he might make protests against the resolutions of the majority. Consequently, the protest treated of is the following:—The undersigned, though with regret, is under the necessity of protesting that his opinion differs from that of his worthy colleagues. His opinion is, that in the present penury and afflicting condition of the public treasury, the Supreme Government ought to be furnished with the loan of twenty-five thousand dollars, solicited for the dotal fund, the property of the miners; that there being not this amount on hand, there be remitted to the Treasury what there is, and the balance to complete said loan from the first moneys the Junta can dispose of; that he considers it unnecessary, before obeying the order of the Supreme Government, to make to it those very proper observations which operate in favor of the same fund, and of the interests of the Government itself, because, in the wisdom of the Government, the reasons have been weighed, and the balance inclined towards the public weal, when, by the most unjust war, is endangered the most precious of our possessions —the National Independence—have caused it to dictate an order which should be promptly obeyed, with the reservation of manifesting, after having obeyed it, what may be proper. This is his vote, which he desires may be registered in the minutes of the day, and also that the distribution, which is being made, be suspended, so that the money may be dedicated to the loan solicited; and that should such distribution be carried out, it will be understood that he also reserves his vote in said resolution.

Report was then made of an Official communication from the Tribunal of Guanajuato, in which is inserted the petition of Don Ignacio Porter, as one of the persons interested in the sale of the mine of Toro, praying that he be paid three hundred and fifty dollars balance due to him.—The Junta resolved that the Bureau of Encouragement report.

Another from Don Fernando Pohls, dated 18th, with a draft for four thousand nine hundred and fifty dollars, seven rials, one grain, for proceeds of mining dues in the month of August. —Let the drafts be accepted, the proper entries made, and the receipt acknowledged.

From the Commissioner of Pachuca, dated 19th, remitting draft for one thousand five hundred and fifty-nine dollars, one rial, for nett proceeds of mining dues in the past month.— Same resolution as the foregoing.

Finally, another of date 16th inst. from the Commissioner at San Luis, transmitting the account and statement of the weight of bars for the last quarter.—Resolved, to pass it to the Controller's Office.

It was resolved, that there should be recorded in the minutes, as the opinion of Señores Flores and Bassoco, the Official letter which was directed to the Supreme Government, which is as follows:

This Junta received yesterday, Sunday the 20th, the official communication which your Excellency is pleased to address to it of date 19th inst., transcribing that of His Excellency the Minister of Finance of the same date, in which the Junta is informed that His Excellency the General-in-Chief, in exercise of the Supreme Executive power, had thought proper to decree, in view of the Official note of date the 12th, that there be given to the fund established for the Encouragement of Quicksilver Mines the destination to which it is directed in favor of public instruction, but that the great penury of the Treasury being so notorious and pressing, the Supreme Government requires, that from the dotal fund a loan be made to it of twenty-five thousand dollars, in the understanding that the payment of the same shall be decreed as soon as possible,

For nothing in the world would the Junta have it thought, for one moment, that it is indifferent to the urgent necessity that all those who appreciate the Mexican Nationality should hasten to assist in its defense in the manner in which each is able, but it also believes that it would betray the confidence which the miners and creditors of the dotal fund placed in its agents, and that it would even make itself unworthy of the respect of the Supreme Government itself, should it not make the remarks which it proceeds to make.

The dotal fund consists of the payment of one rial per mark of eleven pennyweights, and by legal authority this contribution was levied by the mining body on itself for its establishment; and as property belonging exclusively to said body, according to the provisions of the decree, it has administered it through its representatives with entire separation from the public revenues of the State. Under these guaranties, it has solicited and obtained from various persons loans of large sums of money on irregular deposit, with mortgage of the same fund, and these owing at these dates, on capitals or principal sums, upwards of eighteen years of interest. This is what constitutes the debt of the body, and it thus results that the attorney of the creditors is one of the members of the Junta.

This very slight explanation, in our own opinion, is sufficient to prove that the dotal fund is private property, and in this position to be dealt with and taxed like others, without there appearing any reason why it should be subject to any other exactions; and the Government, consequent to these principles, even although it has been comprehended in some contributions, has not exacted any sum from it since 1842, notwithstanding that during the same period it has taken various sums, making in all a large amount, from the Quicksilver fund, which from its nature is national and public property.

Notwithstanding the incolumity of the dotal fund during this time, and the endeavors by which the Junta has procured the improvement of its administration, having established amendments of much importance, the exactions from its funds on former occasions were of such transcendency and pernicious influence that it has not been able to recover from the discouragement and prostration to which it was reduced by them.

The mortgage is valid, the administration upright and very economical, but, nevertheless, the value of the credits fell excessively, and this evil has been entirely owing to the cause we have pointed out.

This consideration is what moves the Junta to propose to your Excellency, that the persons and corporations who have capital invested in the funds, may be taxed with other contributions or exactions rather than on their investments here; it being plain, that besides a withdrawal of a portion of these, they would have to experience in future the fatal result of a still greater decline in the value of their credits than that already suffered. The attorneys of the mines and creditors have certainly no other authority over the dotal fund in virtue of the laws for the establishment of this body, than to administer the same, and to apply it to the objects which those laws designate; and none of the parties will consider that their agents have fulfilled their duty, did they not present these observations to an enlightened admininistration like the present. The Junta therefore reiterates, that only the desire of thoroughly fulfilling its duty compels it to express its sentiments in the manner set forth; in other respects, as private individuals, they have contributed, and are disposed to do in the present critical circumstances, whatever the condition of their affairs will allow them. The Junta protests to your Excellency the security of its distinguished consideration and respect.

[Three Rubrics.]

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*Session of 22d September*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 21st, report was made of the following communications from Don José Zamora, of the 19th inst.

*First.* Accompanying the memorials No. 37, and the *boleta de beneficio* No. 11.—Received and passed to Controller.

*Second.* Stating that the amount of metal extracted is increasing; that the labors of the Socabon had been suspended for the want of blasting powder—there being none in that jurisdiction, and desiring it to be asked, if it can be forwarded from the capital, and finally, that for the pay roll of the coming week, four hundred and fifty dollars will be needed.—Understood, and ordered that inquiry be made of the administration if there is mining powder on hand, and at what price the mine of Trinidad can be supplied.

*Third.* Forwarding a report of a visit made by the Tribunal of Tasco, on the 10th of February, to the mine of Trinidad.—Let information be given to the Señor Licenciado Barreda.

*Fourth.* Acknowledging the receipt of six quintals of quicksilver recently forwarded, and asking account for same.—Let the same be forwarded.

The others stating, finally, that three drafts had been issued as follows: No. 54, for seventy dollars, in favor of Don Antonio Herrera; 56, for three hundred dollars, in favor of Don Leonardo Maldonado, and No. 57, for four hundred and seventy-four dollars, to Don Rodriguez Solarez.—Let them be paid.

An official communication from Don Miguel Quiñones, dated the 19th inst., asking the payment of the duties of that tribunal, and also the payment of the expert (perito) who made the visit.—The Junta resolved that the same be subject to what has heretofore been resolved in both matters.

It was finally resolved that the permit (tornaguia) of the bars from Tasco, be remitted, together with the weight of the same.

[Two Rubrics.]

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## *Session of 24th September*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 23d, report was made of the following communications:

*First.* From the Minister of Justice of the 23d, asking leave of absence for the Secretary, Don José Ma. Castera, in order that he may fulfill a temporary commission which the Government has thought proper to confide to him, with the understanding that on his return he will again take charge of the office of Secretary of the Junta.—Leave granted, and reply made to the Government, that its order had been complied with.

*Second.* From the Collector in Guanajuato, remitting the accounts and documents in relation to the respective third of the year.

*Third.* From the agent in Zacatecas, forwarding the account and documents pertaining to the respective third of the year.—On which, same order was made as last.

*Fourth.* From the Commissioner in Guaymas, remitting a certificate of thirteen hundred and eight dollars, delivered in that Department by Don Pablo Rubio.—Passed to the office of the Controller.

Resolved, that receipt be acknowledged of seven thousand two hundred and seventy-two dollars, seven reals, three grains, for the six bars from Tasco, which were sold for this amount to Señor Don Zavier Echeverria.

Report was made by the Bureau of Administration and that of the Controller's office, advising that an especial power be given to Señor Bermejillo, to enable him to demand the unsettled accounts of the Administration of Morelia, Don Joaquin Caballero.—The Junta resolved in conformity, and that the two reports be inserted to him, but that of the Bureau only as far as the words, *if it should be necessary;* giving an order on the Treasury for the payment of fees for the power to the clerk.

Ordered, that the sum of six dollars be paid to Don Castulo Barreda, the amount of postage paid by him on a package of documents directed to the Mining Juzgado of Tasco, and ten dollars paid to the extraordinary expressman, employed to carry the urgent communication remitted to that mineral district.

*Finally.* Report was made of a communication from His Excellency the Director of the College, accompanied by an official communication from the Minister of Relations, in which it is ordered to deliver the Direction to the Professor of the same, Don Andres del Rio, appointed *ad interim*, as a substitute, and the reply given to said Minister.—The Junta resolved that there be inserted to the Government the articles of the law in relation to the mode of substituting the Director, informing the Government also in relation to the official communication of Señor Tornel, in order that it may be pleased to determine in what case the office should be vacant by the resignation of that gentleman, and that the Junta should exercise, respectively, the powers entrusted to it by law.

[Two Rubrics.]

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## *Session of 28th September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the 24th inst., the following communications were reported upon:

A report from the Ministry of Justice, bearing date of 22d inst., acknowledging receipt of statement of expenses for the months of April to July, inclusive.—Referred to its expediente.

Another from the Director of the College, dated 24th inst., requesting an advance of nine hundred dollars from the quicksilver fund, for the payment of certain collections purchased for the museum, which will be repaid at the rate of three hundred dollars per month, in October, November and December of the present year.—Ordered that the advance be made.

From D. E. Schleiden in Trojes of Anganguco, dated 24th inst., advising that the case of Señor Lopez Romano had been sent to the Comandancia General.—Referred to its expediente.

[Two Rubrics.]

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*Session of 29th September*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the 28th inst., the following communications were read:

*First.* From Don Rafael Olascoaga, seeking relief from having signed the bond of Lebrija, as clerk of Don José M. Gonzales, on account of having no effects.—Ordered that Señor Bassoco should make investigation as to the reality of the insolvency.

*Second.* From Don Miguel Quiñones, requesting the remittance of one hundred dollars, which he requires, in order to pay the "Acesor," and other small accounts, whilst, in view of the espediente, he can prove the account rendered.—The Junta resolved that Señor Zamora should be authorized to deliver the said sum if he thought proper, and that he should request from Señor Barreda a report of the proceedings of the special commission sent to Tasco.

*Third.* Five from Señor Zamora, dated 26th inst., the first accompanied by memorials number 38, relating to the matter.—Received and referred to the Controller. The second mentions the payment of three hundred and twenty-two dollars to Don Celso Muñoz, on account of his salary: that four hundred quintals of "metal de ixtajal," had been washed during the week, and that four hundred and fifty dollars were needed for the pay-roll.—Understood.

The third, accompanied by an estimate of the expenses and profits resulting from the working of the wells of "Purisima" and "Dolores," in the "Socabon" of Guadalupe, supposing the "leyes" to be the same as those actually being extracted, and that two hundred cargas be extracted weekly.—The Junta resolved that answer should be made, whether it would not be inconvenient to undertake, first, the opening of one well, and afterwards of another, in which case work might be commenced at once, on the one most advantageous, giving information to the Junta, under other circumstances.

The two last being accompanied by drafts Nos. 58 and 59; the first for three hundred and fifty dollars, in favor of Don Teodoro Chaves, and the second for three hundred and twenty-two, in favor of Don Rafael Zarate—Ordered to be paid.

[Two Rubrics.]

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## Month of October, 1846.

### *Extraordinary Session of the 4th.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, report was made of an official communication from the office of the Minister of Hacienda, dated the 3d, representing, that notwithstanding the opinion of the Junta, that the twenty-five thousand dollars asked as a loan from the *fondo dotal*, should not be delivered, His Excellency the General, in exercise of the Executive power, had ordered that the said amount be entered in the General Treasury on the same day, notwithstanding it should be a day on which the office was closed, since otherwise the Supreme Government will be obliged to take more stringent measures.—The Junta resolved, that in a matter of so much gravity, it was nececsary to immediately summon the Señores Consultores, in order to take their advice in the matter, whereupon it was ordered that they be summoned, in the meantime suspending the session.

The Señores Gordoa and Delmote answered verbally that they could not attend, being indisposed, and Señor Fagoaga having presented himself, the session was continued.

The Junta acquainted the said Señor with the nature of the correspondence which had taken place between the Supreme Government and the said Junta. The members of the Junta stated their views at length, and after a long discussion they agreed upon summoning the creditors of the *fondo dotal*, in order to give an account to them of what had taken place, and that they should personally call upon His Excellency the Minister of Hacienda, representing to him, that the agents (apoderados) of the mines and creditors, having no other authority for the management of the *fondo dotal*, than to receive and distribute the same in accordance with law, it was believed indispensable to assemble the creditors for the determination of the matter, in order to avoid all responsibility, particularly if Señor Segura insisted, as his opinion would indicate, on delivering said amount to the Government in all respects as if it were paid into the Treasury, suspending the payment of the third, which is being satisfied.—And thus it was resolved.

[Two Rubrics.]

## *Session of 5th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 4th, report was made of the following communications:

*First.* From the Minister of Justice, dated the 2d, reporting that the Government had acceded to the petition of the Señor Director *ad interim* of the College, that there should be delivered to him the amounts given by the Junta for the College to the Mayordomo of the same, or to the person who might be commissioned. The Junta resolved, that he be replied to, that it would be paid to whoever might be Mayordomo of the College, with the approval of the Director, as has been done up to this time, and as is provided in the regulations designating the security to be given by the Mayordomo.

*Second.* From the Direction of the College, dated to-day, asking the necessary order for paying to the student Don José M. Gomez del Campo, who goes to practice in the mineral district of the Monte, the twenty-five dollars designated by law, and that he be recommended to the Tribunal of Pachuca and to the Director of the English Company.—The Junta resolved in conformity.

*Third.* From Don Manuel Mariano Cortazar, dated the 29th, stating that up to date, the bond of the English Company had not been received. The Junta resolved, that reply be made that it was expected to be received as soon as another person should be substituted.

*Fourth.* From the Collector in Culiacan, remitting a draft for fourteen dollars, one real, as the products of the mining duties during the month of August.—Let the draft be accepted and collected, the proper entries made, and receipt acknowledged.

*Fifth.* From the Commissioner in Guadalajara, stating that Don José M. Garay refused to make the payments which he had promised.—Passed to the Bureau to report.

Señor Bassoco represented, that Don Rafael Olascoaga, who had gone security in Toluca for Lebrija, had property sufficient to satisfy the fifty dollars remaining of the security, but that there was another Don Rafael Olascoaga, a dependant of Don José M$^a$. Gonzales, and it was he who had signed the bond.

[Two Rubrics.]

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## *Session of 7th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, the Secretary represented that the Señor Director of the College had asked for a copy of the Mining Ordinances for the use of the student of the College, Don José M. Gomez del Campo, who would leave on to-morrow for the mineral district of the Monte, in order to practice his profession in that place. The Junta resolved that a copy be delivered to him.

Whereupon the following communications were read:

*First.* From the Mining Tribunal, dated the 12th ultimo, forwarding the matriculation of the miners of that district, which it had not been able to forward since February, on account of the pressure of business, and the want of a clerk.—Understood, and receipt thereof ordered to be acknowledged.

*Second.* Nine official communications from Don José Zamora of the 3d inst., remitting with the first the accounts (memorias) No. 39, statements No. 9, and the balance-sheet to the end of September, pertaining to the negotiation of Tasco.—Received, and passed to office of Controller. Stating in the second, that there was nothing new in relation to the mine; that in order to guard against robberies, doors had been ordered to be placed at the mouth of the Socabon of Guadalupe, and two others in the mine of Trinidad; that these lots were amalgamated in the Hacienda, and that for the pay-roll of the present week four hundred dollars were needed.—Understood. In the third he states, that he has commenced work in the well (poso) nearest the present works, which will serve as prospect of the other, in accordance with what had been indicated to him.—Understood. In the fourth he represents, that one hundred dollars have been paid to Miguel Quiñones for judicial expenses.—Understood, and passed to office of Controller. In the other five, he states that draft No. 60, for three hundred dollars, in favor of Don Rafael Zarate; No. 61, for two hundred, in favor of the same; No. 63, for forty, in favor of George Raffard, and No. 64, for one hundred and forty-five dollars, four and one-half reales, in favor of His Excellency, Señor Don Fran^co^. Modesto Olagnivel.—Ordered that they be paid.

The Treasury presented the account of what had been received for the rent of the rooms of the College during the last month.—Ordered that the same be passed to the office of the Controller.

In view of the verbal communications had with the Minister of Hacienda, and of the resolution of the Assembly of Creditors cited by the Attorney, and which took place on the preceding day, the proceedings of which were added to the Espediente, the Junta resolved, that the twenty-five thousand dollars should be remitted to the Supreme Government as a loan, to be returned from the new contributions asked on the

19th ultimo, remitting to the general treasury a draft on the house of Manning and Mackintosh, for the sum of twenty-four thousand eight hundred and ten dollars, five and one-half grains, there being no coin.

[Two Rubrics.]

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*Session of 9th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after approval of the minutes of the 7th, report was made of the following communications:

*First.* From the Minister of Relations, dated the 19th inst., that Don Andres del Rio having been appointed to visit the College, there is remitted to him a "Cuadeero," with the report of Señores Bustamente, Laenza and Varela, forwarded by the Minister to the Junta.—Resolved, that there be forwarded the project of the law for the regulation of the College, and that the Supreme Government be informed of the same, adverting to the fact that no report has been received.

*Second.* From the same Minister, of yesterday, acknowledging the receipt of the balance sheets for the months of August and September.—To its Espediente.

The Secretary exhibited a letter from the Licenciado, Don Castulo Barreda, asking the payment of fifty dollars on account of his salary, offering to forward the accounts already arranged, during the next week, for the inspection of the office of the Controller.—The Junta resolved, that his receipt be forwarded to-morrow, that said amount may be paid him.

[Without Rubrics.]

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*Junta of Creditors.*

A list of the gentlemen who assembled in the Hall of Sessions on the 7th of October, 1846, on account of the demand made by the Government for the payment of the twenty-five thousand dollars:—

Señor Don Francisco Fagoaga, for himself and Doña Faustina.
Señor Dr. Rojas, for the Parish of S. Pablo.
Señor Lombardini, as the Executor of Señor Santiago.
Señor Escalante, for Santa Ysabel.
Señor Mackintosh.
Señores Agüero, Gonzales and Company, for themselves and the Señores Yturrigarais.

Don Juan Ma. Flores, for himself and the Señora Ferán.

Don José Rafael Berruecos, for the Arnares and Gomez del Castillo.

Don Francisco Ma. de Yturbe.

Don Ignacio Cortina Chaves.

Don Donato Monterola, for the Señora Aniesola.

Don Ignacio Fainaga, as Executor of the Señora Fauregui.

Don Eladio Ramon del Rivero, for Don P. Fáuregin and Francisco de la Yglesia and Larre.

The Señora Doña Ramona Ordoñer.

Don José Fernandez, for the Padre Pietas.

Don José Joaquin de Posas, for himself and the Bureau of Burgos.

Don José Maria Bassoco.

Report was made of all the notes of the Government, and the replies of the Junta to the following propositions of Señor Flores.

The Attorney of the creditors in company with another creditor appointed by the Junta will call upon the Minister of Hacienda, setting forth to him the reasons why the amount asked should be diminished as much as possible; which, after discussion, was approved. The Señor Licenciado Don José Rafael Berruecas was appointed.

The Session adjourned—José Ma. Bassoco, Attorney of the Creditors.—Donato Manterlola—Francisco Yturbe—Agüero, Gonzales & Co.,—Manning and Mackintosh—Antonio Algara—Juan M. Flores—Ygnacio Cortina—Franco. Fagoaga—José Rafael Berruecos—Ygnacio Fainaga—Pedro Rojas—Mariano Picazo—Eladio Ramon del Rivero—José Fernandez—Atenógenes Ma. Lombardini—Rafael Diaz—Francisco Veles de Escalante—José Joaquin de Rozas.

The following is a copy, Mexico, October 13th, 1846.

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### *Session of* 13*th October*, 1846.

Present, the Señores Flores and Bassoco; and after the approval of the minutes of the preceding day, report was made of the following communications:

*First.* From the Director *ad interim* of the College, dated today, asking that there be paid in Guadalupe y Calvo, the twenty-five dollars assigned to the student Don José M. Gomez del Campo, who does not go to the mineral district of the Monte, but to said place (Guadalupe y Calvo), for the purpose of practicing his profession.—Resolved in conformity.

*Second.* From the Mining Juzgado of Pachuca, of the 17th inst., inserting an official communication from the Director of the English Company, asking that all the dependents and employés in the mines may be excepted from the service of the National Guard.—The Junta resolved, that the employés and dependents of mines, who are not exempted from this service as contributors, may become so by contributing a small sum, thus avoiding the inconvenience mentioned by the Director of the English Company, and that the Junta will have no objection to petition the Governor of the State to this effect, if it should be deemed necessary.

*Third.* From the General Treasury of the Federation, dated on the 8th, setting forth the difficulty represented by the house of the Señores Manning and Mackintosh in relation to the payment of the drafts which had been drawn upon the same for the loan asked for by the Supreme Government—it is asked that the same be attached to its Expediente, the difficulty mentioned in relation to the discount of the drafts having been subsequently removed.

*Fourth.* From the Collector in Chihuahua, dated the 19th ult., forwarding four notes of the notice of the amount collected in said Capital and Jesus Maria, during the months of July and August, and a draft for eight hundred and eighteen dollars, seven reals and three grains, as the amount of the whole.—Let the draft be accepted, the proper entry made, and receipt thereof acknowledged.

*Fifth.* From the same, dated the 22d instant, forwarding some documents required in the office of the Controller.—Let them be passed to the same.

*Sixth.* From the Collector in Durango, of the 2d inst., remitting six hundred and forty-two dollars and ninety-three cents, as the product of the mining duties for the month of September.—Let the draft be accepted, the proper entries made in the office of the Controller, and receipt thereof acknowledged.

*Seventh.* From the Collector of Zimapan, dated the 1st inst., one hundred and thirty-one dollars, four reals, nine grains, pertaining to the last month.—Let the draft be accepted and collected, the proper entries made and receipt acknowledged.

*Eighth.* From the Administrator of the Maritime Custom-House of Vera Cruz, dated the 8th, remitting the *pro rata* of the amount of the expenses of the protest of the drafts for your acceptance by the house of the Señores Serment & Co.—To the Controller.

*Ninth.* From the Señores Manning and Mackintosh, of the 9th inst., refusing to discount the drafts indorsed by the Junta in favor of the Government.—Resolved, that the same be filed, the said house having become convinced of its obligations to make the discount, and having subsequently agreed to do so.

*Tenth.* From the same, replying to the note of the Junta, stating that on account of the death of Señor Villet, the Señores Don Jorge Lebrun and Don Luis Belangé are encharged with the duties of collectors.—To its Expediente.

*Eleventh.*—Four from Don José Zamora, of the 10th, forwarding with the first the memorials No. 12 and 13 of the negotiation of Tasco.—Received and passed to the office of the Controller; stating in the second that the mine continues in the same condition; that three hundred quintals from Ixtajal have been washed, and another lot of three hundred quintals from the Socabon of Guadalupe remain *ensalmuerados;* that for the pay-roll three hundred dollars are needed; and that, unless the blasting powder asked for is furnished, the labors will have to be suspended, since it is impossible to obtain the same at that place.—Understood that three quintals be asked from the Director of *rentas estancadas* in Mexico, or any other point more convenient to Tasco; that inquiry be made if the same can be obtained in Cuernavaca, and that Señor Zamora be informed to that effect. Stating in the two last that two drafts —one, No. 65, for seventy-nine dollars, one real, eight grains, and another, No. 66, for one hundred and seventy-seven dollars, two reales, four and one-half grains—have been drawn in favor of Don Antonio Herrera.—Let them be paid.

An opinion of the Bureau of ——— was read, advising that the agent in Guadalajara be instructed to collect from Señor Garay the monthly payments in proportion to the salaries received, and that which he had when he offered to pay the forty dollars a month.—The Junta resolved in conformity.

The Secretary stated that His Excellency Don Joaquin Yturbide, as attorney of Señor Barroeta, had stated that the distillin apparatus would be received in Mexico.—To its Expediente.

[Two Rubrics.]

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*Session of* 15*th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 14th, report was made of the following communications:

*First.* From the Commissioner in Zacatecas, of the 8th inst., accompanied by a draft for five thousand one hundred and forty-four dollars, as the products of the mining duties during the last month, besides the receipts of the student, Don Agustin Ayala, and a certificate of that Administration.—Resolved, that the draft be accepted, the proper entries made, the documents passed to the Controller's office, and receipt be acknowledged.

*Second.* From the Commissioner in Culiacan, dated the 26th ult., remitting a draft for two hundred and thirty-nine dollars, three reals, two cents, as the products of the mining duties in Cosalá during the month of August, and another for two hundred and eighty-six dollars, four reales, as the product of Alamos during the same month.—Let the drafts be accepted and paid, the proper entries made, and receipt thereof acknowledged.

*Fourth.* From the General Direction of *rentas estancadas*, in reply to an official communication, asking to purchase three quintals of quicksilver stating that the same will be furnished at the rate of two and a half reales per pound for cash.—Resolved, that reply be made; that the Administrator of Tasco has been instructed to forward the same on the terms indicated, and that the same be said to Señor Zamora.

A report was read from the Bureau of Administration, to the effect that the twenty-one dollars claimed by Señor Robles may be considered as paid, he having delivered in Mexico seven hundred and fourteen dollars, when he should have entered the same in Guanajuato, with the twenty-two dollars, the amount against him on account of the six months' delay in the payment of the said amount.—The Junta resolved in conformity, and that Señor Robles be informed of said resolution.

[Two Rubrics.]

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## *Session of* 19*th October*, 1846.

Present, the Sẽñores Segura, Flores and Bassoco; and after the approval of the minutes of the 15th, report was made of the following communications:

*First.* From Don José Zamora, dated the 6th inst., stating that he had sent the Arriero Fiz for the three quintals of blasting powder which had been asked.—The Secretary stated that it had been delivered to him, and that he had paid to the *Direccion* one hundred dollars and one-half real, at the rate of two and a half per pound for the amount sent.

*Second.* From the Government of the State of Guanajuato, acknowledging the receipt of the recommendation forwarded to him in favor of Señor Cortazar.—Let the same be inserted to the interested party.

*Third.* From Don Andres del Rio, returning the project presented by the Señores Bustamente, Lacunza and Varela.—To its Expediente, which is in the possession of Señor Segura.

*Fourth.* From the Commissioner of Guanajuato of the 16th inst., remitting a draft for four thousand eight hundred and eighty-three dollars, seven reales and nine grains, as the products of the mining duties during the past month.—Let the draft be accepted, the proper entries made, and receipt thereof acknowledged.

[One Rubric.]

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## *Session of* 20*th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after having approved the minutes of the 19th, report was made upon the following communications:

*First.* From the Commissioner in Pachuca, accompanied by a draft for eight hundred and thirty-one dollars, two reales, as the products of the mining duties of the past month.—Let the draft be accepted, the respective entries made, and receipt acknowledged.

*Second.* Four from Señora Zamora, dated the 17th; the first accompanied by Memorias No. 41, and the boleta de beneficio No. 14.—Received, and passed to the office of Controller.

Stating, in the second, the amount of labors performed during the previous week; that ten quintals of quicksilver are needed, and ten of sulfato; and that during the week six bars of silver will be made.—Understood, and that application be made for the quicksilver and the sulfato. Stating in the last two, that two drafts have been issued, No. 67 for two hundred and twenty dollars in favor of Don George Raffard, and No. 68 for seventy-six dollars in favor of Don Antonio Herrera.—Let them be paid.

[Two Rubrics.]

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## *Session of* 23*d October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 20th, an official communication was read from Señor Don Vicente Segura, as Commissioner for the collection of the rents of this *mazana*, representing that the Junta should order, as the agent of the owners (propietarios) of the edifice, the payment of the amount of two hundred and fifty dollars in four parts, and besides, one hundred and fifty dollars for other apartments that are rented.—The Junta resolved that there be paid to said Señor Commissioner the fourth part, corresponding to the two hundred and fifty dollars, and that the Controller report the exact amount of the rent of the other apartments rented.

It was also resolved that there be remitted to the office of the Chief Controller the accounts of the quicksilver fund and the fund *dotal*, showing their present condition; whereupon said accounts were remitted, with the corresponding inventories, comprehending the foregoing year, and besides, some other back accounts of the Collectors of both funds, including also those relating to the College for the years 1844 and 1845.

[Two Rubrics.]

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*Session of* 25*th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 23d, report was made of the following communications:

*First.* From the Tribunal for the revision of accounts and documents, dated the 24th, remitting the receipt of the accounts and documents which had been forwarded, and with the corresponding inventory signed—To its Expediente.

*Second.* From the Commissioner of S. Luis Potosi, of the 21st, remitting a draft for nineteen hundred and forty-seven dollars, twenty-one cents, as the products of that State during the past month.—Let the draft be accepted, the respective entries be made, and receipt acknowledged.

*Third.* From Don José Zamora, dated the 24th, remitting, with the first, the Memorias No. 42 and the *boleta de beneficio* No. 15; received and passed to the office of the Controller.—Stating, in the second, that for the want of blasting powder the mine was without laborers; that in one of the works (labores) the vein was a vara in width; setting forth the labor done in the hacienda, and finally, that for the pay-roll of the present week five hundred dollars were needed. Understood.—Setting forth in the third, that draft No. 63, for four hundred dollars, had been issued in favor of Don Leoncio Blanco.—Let it be paid.

Señor Zamora, in a private letter to the Señor President, represented the condition of the suit in relation to the denouncement of Madariaga; resolved, that the same be inserted to the Licenciado Barreda, requesting him to report to the Junta in relation to the last proceedings. He says, afterward, that it is not possible that the *ley* of the silver ore remitted could be so low, and that it would be well to make another assay of the remainder, to see if there has not been some mistake. Announcing, finally, that knowing of some robberies having been recently committed on the road, he will make the necessary investigations before forwarding the bars.

[Without Rubrics.]

### *Session of the 28th October*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 25th, a report of the office of the Controller was read, showing the amount of one hundred and fifty-three dollars as the monthly rent of the buildings belonging to the College, in order that the account of the contribution to be made by the Junta, in accordance with the law upon the subject, may be enlarged, besides the two hundred and fifty dollars, as computed by the Señor Commissioner of the manzana, on the part of the College—The Junta resolved in conformity, and ordered that both these sums be paid in the office of direct contributions.

An official communication was read from the Minister of Relations, dated the 23d, stating that his Excellency the General, encharged with the Supreme Executive power, directs that whoever may be the vocal of the Junta facultativa of the College, who may discharge the duties of the office of Director, shall receive a salary of fifteen hundred dollars per annum.—The Junta resolved that the advice of the Government be asked, if said order is not to be understood as applying to a case where there is no Director, since, otherwise, it will result in grave prejudice to the funds; and secondly, if the fifteen hundred dollars are to be paid to said vocal, besides the salary, or salaries, they receive as professors.

An official communication was read from the 2d Juzgado, in relation to the distribution which has been made of the capital recognized by the Junta as pertaining to Doña Maria Josefa de la Torre Perez Villalobos, which was ordered to be passed to the office of the Controller, which reported, and the Junta resolved that the same be inserted to the Tribunal, asking the necessary explanations.

Finally, report was made of an official communication from Don José M. Garay, dated in Guadalajara on the 23d, making inquiries in relation to the pearls which Señor Don Diego Moreno had carried to market.—The Junta resolved that inquiry be made if Señor Moreno is in Mexico.

[Two Rubrics.]

## MONTH OF NOVEMBER, 1846.

### *Session of the 4th.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 28th ult., an official communication was read from the Minister of Relations, dated the 29th ult., in reply to the last communication of the Junta in relation to the salary of the Director of the College, declaring in effect that the vocal of the Junta facultativa is to be paid when there is no Director *propietario;* and, in relation to the second, that the fifteen hundred dollars are to be paid besides the salary received by said vocal—To its Expediente.

The Licenciado Don Castulo Barreda presented a report in relation to the proceedings in the suit instituted by the Señor Madariaga, and at his instance the Licenciado Mirafuentes was appointed attorney before the Tribunal of the State.

Six communications from the Administrator of the Negotiation of Tasco, dated the 31st ult., were read; in the first, advising, that in order to avoid risk, the bars (barras) should be remitted to Cuernavaca to the house of S. Rozas, and that from that place they could be transported under the care of an escort, when the opportunity occurred.—The Junta was of the same opinion, and that Señor Zamora be informed that he should continue to do so whenever he considered it safe to remit the bars to Cuernavaca, and that Señor Rozas be informed in relation to the matter.

In the second, he states that the works continue profitable, and that being much in want of quicksilver, he will send for what has been asked during the next week.—Understood.

In the third, he acknowledges the receipt of three quintals of blasting powder, which was sent by the Arriero Fiz, and of the six arrobas which were received from Cuernavaca, the price of which he is ignorant, and asking if he can still continue to be supplied with this article.—The Junta resolved, that the price should be asked of the *estanco* of Cuernavaca, and that an account of the six arrobas should be forwarded as soon as the same was furnished by Señor Rozas.

With the fourth he remits the Memorias No. 43, the boleta No. 16, and the Statements No. 10.—Received and passed to the office of the Controller. In the last two he states that draft No. 70, for two hundred dollars, has been issued in favor of Don Antonio Castañon, and No. 71, for two hundred dollars, in favor of Don Teodoro Chaves.

[Two Rubrics.]

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### *Session of 5th November*, 1846,

Present, Senores Segura, Flores and Bassoco; and after having read and approved the minutes of the preceding day, report was made of an official communication from the Ministry of Relations, dated 3d, desiring that in the term of eight days there be transmitted to it an exact account of the proceedings of the Junta since 1845, with the suggestions which may be thought proper.—The Junta resolved, that having in view the annotations of the report made by Señor Castera, said account be transmitted to the Ministry, adding the posterior occurrences up to the present month.

[Two Rubrics.]

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## *Session of 9th November*, 1846.

Present, Señores Segura, Flores, and Bassoco; and after approval of the minutes of the 5th, report was made of the five following communications from the Administrator of Tasco: with the first he transmits the tally accounts (Memorias) No. 43, and a ticket for the reduction of ores on shares, (or toll.)—Let the receipt be acknowledged, and transmit to the Controller's office. In the second, informs that he will remit the bars to Cuernavaca on Tuesday of the present week.—Understood. In the third, that the last five hundred loads of ore of La Trinidad had been reduced; that the working had been increased by two working parties, and that he required five hundred dollars for the present week.—Understood.—In the two last he informs that he has drawn two bills, Nos. 72 and 73, one for four hundred dollars, and the other for one hundred dollars.

Beginning was made of the reading of the report, (Memoria) to be presented to the Government, and the two chapters relating to the Office and to Mining Tribunals were approved; and it was resolved that an official letter be addressed to Señor Otero, inquiring of him the condition of his work upon mining legislation.

There was read an official communication from the Collector of the Maritime Custom House of Vera Cruz, dated 2d, in which he informs that he has not been able to procure from the drawer of the bill No. 884, which was protested, another in its place, and that consequently he had given notice of this affair on the 10th September, and would give further notice of the result.—Notify the Controller's Office, and to its Espediente.

Another from Don José Joaquin de Rosas, dated the 5th, informing that he has notified his Clerk, Don Antonio Gutierrez, of Cuernavaca, to receive the bars to be sent to him from Tasco, and that he will give notice of the cost of the six arrobas of powder which he sent to the same negotiation.

Another from Don Cayetano Buitron, dated the 5th, remitting one thousand three hundred and sixty-two dollars, nine grains, the proceeds of mining dues for the last month.—Acknowledge receipt, and transmit to the Controller's Office, that the proper entries may be made.

Another from Don José Zamora, dated the 2d, ordering that by the muleteer, José Apolonio, there be remitted to him the ten quintals of quicksilver, and the same quantity of sulphate, which he has asked.—Order that they be delivered.

From Don Manuel Mariano Cortazar, dated at Rio Blanco the 25th ulto., transmitting the last tally account (memoria) of the mine of Atargea.—To the Controller's Office, and notifying that Señor Rule is prepared to execute the bond for the value of the effects delivered to Cortazar at said mine, and claiming the charge made for the watchman of the mine in nine weeks, requesting that there may be remitted by draft the entire sum of ninety-eight dollars, six rials, amount of the memoria.—The Junta resolved, that Señor Rule be informed, that if he is to be in Mexico shortly, he can execute the bond there, but if he has to delay his coming, he may execute it before the authorities of that mining district, or appoint an attorney; that an official communication be addressed to Señor Segura to deliver the former official letter, and obtain the answer of Señor Rule. That Señor Cortazar be notified to appoint his attorney to sign the instrument; that the Junta cannot, according to the agreement, allow the watchman to be paid for nine weeks, but only for three, and that it being difficult to procure a draft, there be paid to him the amount of the memorias, less the thirty-six dollars of such charge, to the Commissioner whom he may send when he comes to sign.

[Two Rubrics.]

## *Session of* 13*th November*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the 11th, it was resolved, that there should be paid at once the balance of the three-thirds of the contributions from houses for the part belonging to the College.

[Two Rubrics.]

## *Session of* 16*th November*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the 13th, report was made of the following communications:

*First.* From the Commissioner at Guanajuato, remitting a draft of five thousand six hundred and thirty-nine dollars, seven rials, proceeds of mining dues for the month of October.

*Second.* From the Commissioner of Zacatecas, remitting another draft of four thousand one hundred and forty-five dollars, two rials and nine grains, for the dues of said month.

*Third.* From the Commissioner of Durango, with another for one thousand three hundred and forty-nine dollars, forty-four cents, corresponding to the same period.

*Fourth.* From the Commissioner of Zimapan, dated 1st November, with another draft for three hundred and seventy-three dollars, corresponding to the previous month.—That said drafts be accepted, the proper entries made, and the receipt of the same be acknowledged.

*Fifth.* From the Commissioner of Zacatecas, remitting another draft of one hundred and twenty-three dollars, six rials, three grains, proceeds of October in Sombrerete.

And last: another transmitting the balance-sheet and detailed account of the sums collected for mining dues in that city in the second and third of the present year.—Acknowledge receipt and transmit to the Controller's Office.

The reading of the report, which was continued on the previous days, having been finished, the same was approved; and it was resolved to direct also to the Supreme Government an official communication requesting that the Ministry of Finance transmit the respective orders to the effect that so soon as the blockade is raised, the Custom Houses of Vera Cruz and Tampico remit directly the corresponding drafts in favor of the Junta, giving authority to the Junta to negotiate a loan for the purpose of defraying the expenses of the College and the most urgent expenses of the branch of quicksilver; resolving, finally, that the President convey said communication to the Minister, that it may be promptly dispatched.

[Two Rubrics.]

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## *Session of 19th November*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 16th, report was made of the following communications:

*First.* From the agent in Guadalajara, dated the 13th inst., remitting a draft for eight hundred and seventy-five dollars, five and a half grains, as the mining taxes collected during the last month.—Let the draft be accepted, the proper entries made, and receipt acknowledged.

*Second.* From the same, of the same date, stating that nothing had been collected on the debt of Señor Garay, because, during the last five months nothing had been paid to the employés *cesantes*.—To its expediente.

*Third.* From the Commissioner in Hermosillo, dated the 12th ult., inserting a communication from the Assayer of that point, copying the order of the Governor of Sonora, for the using of the mining duties in consideration of the urgent need of that Treasury. The Junta resolved, that the said Governor be informed of the resolutions passed in similar cases arising in Zacatecas and Durango by the General Government, by the advice of its council, and that this communication be remitted to Señor Robinson, in order that he may deliver the same to that Governor, that he may acquaint himself therewith; and providing finally, that if that Government still insists upon using said funds (although the Junta does not believe that this will occur), the proper certificates will be taken, in order that the respective charges may be made against the General Government.

*Fourth.* Four communications from Don José Zamora; the first of the 11th inst., asking that two boxes of blasting-powder may be sent by the Arriero Fiz, there being none in Cuernavaca.—Let it be sent. Another dated the 14th, accompanying the memorias No. 45, and the boleta No. 17.—Received and passed to Controller. In the third, of the same date, he states that the mine continues in the same condition; that he had forwarded the barras to Cuernavaca, and that for the pay-roll of the present week four hundred dollars were needed. In the fourth, he states that draft No. 74 for two hundred and fifty dollars has been issued in favor of Don Francisco Aramburn.—Let the same be paid.

*Fifth.* From Don José Garay, dated the 22d of October, desiring to know if Señor Moreno is in Mexico; and he being in Mexico, resolved, that the communication be inserted to him urging his prompt settlement of the matter, and that Señor Garay be informed to that effect.

A report was read from the Bureau of Encouragement, dated the 24th of September, in relation to the petition of the widow of the Clerk, one José Tamayo, that there be returned to her the discounts of the *monte pio* made to her husband, and which had not been remitted by the Junta to the treasury of said establishment: the Bureau presented the liquidation made by the Controller's office of the amount of said discounts, the same being one hundred and seventy-four dollars and three reals, stating that in order for said payment to be made, it will be necessary for the Señora, as tutora of her minor children, to take the necessary proceedings before the proper Judge. The

Junta resolved in conformity, and that the same be communicated to the interested parties.

[Two Rubrics.]

## *Session of 23d November*, 1846.

Present, Señores Segura, Flores and Bassoco; and after having approved the minutes of the 19th, report was made upon the following communications:

*First.* From the "Ministerio de Relaciones," dated the 21st inst., in which reply is made to the question propounded to it by the Junta on the 9th of last month, resolving that it belongs to the Government of the States to adjudicate as to the mine mentioned in article 5th, title 6th, of the Ordinances.—Let the "Mesa de Fomento" be informed thereof.

*Second.* From the Director of the Mining Company of the mineral region "del Monte," stating in reply to the note of the 11th inst., that he has written to Don Manuel Mar°. Cortazar, in order that he may arrive in the beginning of January of the coming year, and that the matter of his security may be regulated. The Junta decided that Señor Cortazar should be notified to this effect, in order that he may hasten his arrival.

*Third.* From the Commissioner in Pachuca, under date of 19th, remitting a bill of exchange of the value of thirteen hundred and sixty-five dollars, three reals, four grains, being the product of the mining tax in the month of October.—Ordered that the bill be accepted, the necessary entries made, and receipt acknowledged.

*Fourth.* From the agent at San Luis Potosi, remitting another of eighteen hundred and three dollars and ten cents, being the product of the same tax, in the same month.—The Junta passed the same resolutions as with regard to the preceding.

*Fifth.* From the Commissioner of Chihuahua, remitting another of the value of one hundred and sixty-four dollars, six grains, one hundred and twenty-five dollars, one real, four grains, belonging to Jesus Mª. and the balance to that capital, as the product of the month of September in both places.—Ordered, that the bill be accepted and collected, that the corresponding entries be made in the Treasury, and receipt acknowledged.

[Two Rubrics.]

### *Session of 24th November*, 1846.

Present, Señores Segura and Bassoco; and after approving the minutes of the 23d, report was made upon the following six communications:

From Don José Zamora, dated 21st inst., the first, annexed to the memorial No. 46, and the "boleta de beneficio," No. 28. Received and referred to the Controller.

*Second.* Setting forth the good condition of the mine, so that they are only waiting for the certainty of obtaining all the powder that it required in order to give greater impetus to the labors, according to a plan offered to be submitted to the Junta. Report of the labors of the Hacienda, and that for the pay-roll of this week, there are required four hundred and fifty dollars. Resolved, that the quantity of powder required shall be stated; that it has been ordered to purchase two cases besides those last carried by the "Arriero" Fiz.

*Third.* Advising the arrival of the bars at Cuernavaca, and acknowledge the receipt of ten quintals of quicksilver and ten of sulphate, value unknown.—Let it be stated what it was in the end. In the three last, notice is given of having drawn the bills of exchange, No. 75, value, two hundred dollars; No. 76, value, two hundred and eighty; and No. 77, value, fifty dollars.—Ordered to be paid.

Another communication from the same, giving information as to the last "vinta" made to the mine; it was passed to Lic. Don Castulo Barreda, in order that, in company with Don Miguel Quiñones, he should report to the Junta, on Saturday, as to the matter of Señor Madariaga.

[One Rubric.]

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### *Session of 28th November*, 1846.

Present, Señores Segura, Flores and Bassoco; and after approving the minutes of the 24th, report was made upon a communication from the "Ministerio de Relaciones" of the 25th inst., acknowledging the receipt of balance sheet for the month of October.—Referred to its Espediente.

Señor Mackintosh having expressed on the 13th of last month a desire of reforming the second article of the contract celebrated with the Junta on the 3d of February, 1844, Señor Bassoco was commissioned to confer with the contracting party and to arrange the reform of the said article, in such manner as should be most suitable to both parties, and the Junta agreeing to this, ordered that the corresponding document should be issued, signed by the members, and by Señor Mackintosh, that it may appear in the Act of to-day, and is as follows:

Additional Article, modifying the second of the contract, celebrated on the 3d of February, 1844, between the "Junta de Fomento y Administrativa de Mineria," and Messrs. Manning and Mackintosh.—(*To discount at seven-eighths per cent. per month the bills which the Junta may have on their account, as is specified in Art. 2d, from to-day upon the drafts.*)

The obligation of Messrs. Manning and Mackintosh, to discount at seven-eighths per cent. the bills which the Junta may have on their account, as is specified in Art. 2d, from to-day, upon those drafts or values which the Junta shall indorse, in order to pay its creditors without passing into the hands of another person, or it may wish to discount them for its own purposes, and in this last case, the amount shall not exceed three thousand dollars per month, the corresponding sum being allowed to accumulate for three past or future periods of the year in which the transaction is made, and no more.

In any other case the bills shall be first presented to them, and if it shall suit them to discount the bills at the said rate of seven-eighths per cent. per month, then there shall be no obligation as in the cases mentioned above, and the holders shall be at liberty to discount with whomsoever they choose.—Mexico, 25th November, 1846.—Vicente Segura=Flores=José Ma. de Bassoco.=Manning y Mackintosh.

A report was read from E. S. Don Agustin Perez de Lebrija, dated to-day, notifying the debt of seventy-seven dollars costs, to the respective Justice's Court of the rents ordered to be deposited, belonging to Doña Guadalupe Echagaray, and it was ordered to be paid, previously making the proper entries and liquidation in the Treasury. A petition was read from Don José Fran^co^. Bonilla, soliciting leave of absence for the benefit of his health, leaving a substitute with all his salary.

The Junta resolved, that although it understood that for a portion of the long time during which he had enjoyed leave of absence, Señor Bonilla might have performed his duties at the office, inasmuch as he was able to go out at night, and travel to Toluca, considering that he leaves all of his salary in favor of his substitute, and considering also the fitness of Don José Carbajal, who has discharged his duties thoroughly, the present petition is granted without being considered as an example for the future, and the said Carbajal is appointed to take the place of Señor Bonilla, upon the terms proposed by him.

Señores Lic. Don Castulo Barreda, and Don Miguel Quiñones appeared, and reported to the Junta relative to the questions pending, as to the denunciation of the "Socabon de San

Juan," of the mine of "La Trinidad," in Tasco, and they discussed at length the points connected with the allegation and the proofs to be presented; they requested, moreover, the first two hundred dollars on account of what they had earned. Approved and granted.

[Two Rubrics.]

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### *Session of 30th November*, 1846.

Present, Señores Segura, Flores and Bassoco; and after approving the minutes of the 28th, report was made upon the following commmunications:

*First.* From Don José M. Garay, dated at Guadalajara, 24th inst., repeating what was directed to him on the 23d of October, inquiring the condition of the payment of his debt, secured by the value of the pearls which were delivered to Don Diego Moreno. In conclusion, he inquires if he has been credited with the amount already paid to the Señor Moreno. The Junta decided that this note should be enclosed to the said Señor Moreno, urging him as to the delivery of the value of the pearls, and that they repeat the answer lately given to Señor Garay, adding that at the same date the report should be transcribed for Señor Moreno.

*Second.* From Don José Zamora, dated 28th inst., remitting memorials No. 47, and the "boleta de beneficio," No. 19, of the negotiation of Tasco.—Received and referred to the Treasury.

*Third.* From the same, setting forth that the mine continues good and without depreciation of the ley of the metals. That they had washed three hundred quintals from Guadalupe, and that five hundred quintals "del tercero," were incorporated with two hundred and fifty pounds of quicksilver; that he was about to remit other six bars to Mexico, and inquires to whom they should be consigned; he acknowledges the arrival of the two cases of powder and requests four more. He says, lastly, that for the pay-roll of this week, he requires five hundred dollars.—Resolved, that the bars be consigned to Señor Echeverria, and that four cases of powder be sent.

*Fourth.* Defining the plan proposed by him for increasing the labors, which the Junta approved.

*Fifth.* In the four last communications, he advises having drawn the bills of exchange No. 78, value two hundred and forty dollars; No. 79, value thirty-eight dollars; No. 80, value seventy-five dollars, and No. 81, value sixty-two dollars three reals, which were ordered to be paid.

A report from the treasury, dated to-day, was read, relative to the balance sheet for the month of October, pertaining to the College, which is remitted by the director *ad interim* in conformity with the regulation. The Junta resolved that that for the month of September should be demanded, as the accounts had been presented up to the end of August; that the said accounts being made distinct from both funds, the balance sheets should be made with the same distinction; also, to keep separate in them the items corresponding to the different assignments established by the law of the 5th October, 1843.

[Two Rubrics.]

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## MONTH OF DECEMBER, 1846.

### *Session of the 2d.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the session of the 30th ult. report was made of a communication from the Commissioner in Zacatecas of the 26th ult., remitting a draft for eighty-two dollars, three reals, three grains, as the product of the mining taxes in Sombrerete during the month of September.—Let the draft be accepted, the proper entries made, and receipt thereof acknowledged.

Another from Don José Zamora of the 9th ult., forwarding six bars weighing 828 marcos 4 oz. of silver, which were consigned to Señor Zavier Echeverria.

[Two Rubrics.]

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### *Session of 5th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the following communications:

*First.* From the Minister of Relations, dated yesterday; in the first acknowledging the receipt of the notices remitted of the memorial authorizing the Junta to obtain, on the best possible terms, the amounts necessary to cover the expenses of the College, and the salaries to be paid from the quicksilver fund by the hypothecation of this fund, with the understanding that the necessary orders have been given, that as soon as the blockade of Vera Cruz is raised, there be remitted directly to the Junta drafts for the three per cent. of importation, until the completion of the amount of eight thousand dollars, annually. Adding besides, that in case said loan is not obtained, the

Junta will supply the amounts needed from the fund *dotal* as a loan, to be returned by the quicksilver fund, which will be repaid as soon as any amounts are received from the Custom-Houses, or when the said loan is realized.

The Señores Flores and Bassoco represented, that the object of the fund *dotal* being fixed, the Junta had no authority to divert to other objects, even in the class of a loan. The Señor Segura explained, that it being within the authority of the Government to dictate the measures under consideration, he was of opinion that the order should be obeyed, soliciting at once the said loan, taking care to receive the proper orders for the drafts for fifty thousand dollars annually from the port of Tampico, as soon as the country may be relieved from the American invasion. In consequence whereof, a majority of the Junta resolved, that the Government be replied to in the terms indicated by the Señores Flores and Bassoco, and the Señor Segura asked that his dissent be noted on the minutes, adding besides that he would explain to the Government the reasons upon which his opinion was founded.

In the second communication the Junta is urged to use all diligence in endeavoring to accomplish the loan of the two millions of dollars for the purchase of Spanish quicksilver under the decree of the 17th of February, 1843; resolved, that the same be taken under consideration on next Monday.

[Two Rubrics.]

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## *Session of 7th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding day, report was made of the following communications:

*First.* Remitting the memorias No. 48, the boleta de beneficio No. 20, the balance-sheet No. 11, and the statements corresponding to the month of November.—Received and passed to Controller.

*Second.* Stating that there is nothing new at the mine, giving an account of the labors performed during the preceding week, and that for the pay-roll of this week five hundred dollars are needed.—Understood.

*Third.* Remitting six bars, detained in Cuernavaca since the middle of last month.—Let receipt thereof be acknowledged.

*Fourth.* Stating that Don Francisco Asambura has denounced a *boca* situated one hundred varas from the mine of S. Ygnacio, which is called Nicolá, and asking that inquiry may be made of Licenciado Villaloa if he has any instruction in relation to the ownership of said boca, since in the archives under his care there is no notice whatever of the same: that subsequently he has known that the object of said denouncement is to collect some refuse ore which may produce some hundreds of cargoes of metal, which may have a ley of twenty marcos, and the cost of extracting which will not exceed one dollar per cargo.—Let the same be inserted to Señor Villaloa, and that the extraction of the metal will not be permitted until the mine is adjudicated to the denouncer.

*Fifth.* Asking that four boxes of blasting-powder be sent by the Arriero Fiz.—Let the same be sent.

*Six, seven and eight.* Stating in the three last, that drafts Nos. 82, 83 and 84, the first for two hundred and eighty dollars, the second for one hundred, and the third for forty, have been issued.—Let them be paid.

The Señores Consultores were ordered to be summoned to attend the next session, in order to determine the reply to be made to the Supreme Government, in relation to supplying from the fund *dotal* the expenses of the College, and those salaries which are to be paid from the quicksilver fund.

[Two Rubrics.]

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*Session of 9th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the preceding session, report was made of an official communication of date of to-day, from the Señor Licenciado Don Arcadio Villaloa, communicating the information he possesses in relation to the vein of Nicolá, indicating that the Junta can ask information in relation to this point from the other parties interested.—Let the same be transcribed to Señor Zamora, and that inquiry be made of Señor Licenciado Gomez.

Another from Señor Don José Delmott, excusing himself for not assisting at the Junta of to-day, on account of his state of health.

Whereupon Señor Don Francisco Fagoaga presented himself, and being informed of the official communication of the Supreme Government, and of the Act of the 5th, as also of the reasons upon which the Señores Flores and Bassoco founded their opinion, and that of Señor Segura, whereupon matters were discussed at length and decided in accordance with the opinion of the first, but representing that it was not believed to be proper to say nothing to the Government, while no steps were taken with regard to the loan, so that the Junta might be authorized and the contract remitted for its approval: the Junta decided accordingly, that Señor Bassoco be commissioned to take the necessary steps for the formation of the contract.

Señor Segura reported a letter from Don Agustin Font, dated at Tasco, 5th inst., offering his services for the purposes which might offer in the mine of Trinidad, and to manage its works for a small salary, leaving the corresponding margin in order to avoid the total ruin of the works. The Junta resolved to answer him, thanking him for his offers, and that they would bear them in mind when occasion required, but having no motive for changing the direction of the said business, they did not see fit to discharge Señor Zamora.

With regard to the report of the Supreme Government that the Junta may act as it thinks proper, in order to realize a loan of two millions of dollars, in order to contract for the quicksilver of Almaden, the Junta commissioned Messrs. Fagoaga and Rozas, that in conformity with the report of the Government, they may advise as to what steps are necessary for the realization of said loan.

[Two Rubrics.]

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### *Session of* 14*th December*, 1846.

Present, the Señores Segura, Flores and Bassoco, and after having read the minutes of the 9th, Señor Segura called attention to the agreement of the majority relative to the manifestation which it thought proper to make to the Government in opposition to the report, which provides that in case of not obtaining the loan, there shall be supplied from the "fondo dotal" what is wanting from that of quicksilver for the expenses of the College, and the salaries which are paid from the said fund.

He impugned also the reasons set forth by Señor Fagoaga in the session of the 11th inst., with respect to the utility and importance of the new classes established in the College, and repeating the previous indication as to when the answer should be given to the Government, he cast his individual vote in opposition to the majority of the Junta.

In continuation, report was made upon the following communications:

*First.* From the "Ministerio de Relaciones," dated 11th inst., in which is inserted the order of the "Hacienda" to the Administration of the Custom-House of Vera Cruz, that they shall remit bills of exchange of the three per cent. henceforth, or as soon as the blockade shall be raised.—Ordered to be annexed to its Espediente.

*Second.* From the Mining Tribunal of Tasco, dated 11th inst., remitting the account of the duties which have accrued in the suits relative to the denouncing of the "Socabon de Guadalupe" and the mine of Trinidad.—Ordered that Señor Lic. Barreda report upon the matter.

*Third.* From Don José Zamora, dated 12th inst., remitting memorials No. 49, and the boleta de beneficio No. 21, from the negotiation of Tasco.—Received and referred to the Treasury.

*Fourth.* From the same, dated 12th inst., setting forth the labors performed in the "Hacienda del Chorillo," during the preceding week; that the mine continues in the same condition, and that for the pay-roll of this week, five hundred dollars are required.—Understood.

*Fifth.* From the same, advising the having drawn the bill of exchange No. 87, value two hundred dollars, in favor of Don Antonio Castañon, and No. 88, value two hundred and six dollars, in favor of Don Victorio Carillo.—Ordered to be paid.

*Sixth.* From the same, advising the remittance of six quintals of sulphate, by the arriero José Apolonio.—Ordered to be bought.

*Seventh.* From Don José Mariano de Saavedra, setting forth his having been appointed Administrator of rents for San Juan Tlotitihuacan, rendering thanks for the time he had been in this office, and requesting a certificate of his behavior.—The Junta resolved, that they were perfectly satisfied, and that the certificate should be issued.

*Eighth.* From the Commissioner at Guadalajara, dated 8th inst., remitting a bill of exchange of the value of five hundred and fifty-six dollars, one real, pertaining to the mining tax of that mint, during the month of November.—Ordered that the bill be accepted, the necessary entries made, and receipt acknowledged.

*Ninth.* From the Commissioner at Zimapan, dated the 1st inst., remitting another of one hundred and fifty-two dollars, five reals, for the same tax in the same November.—Ordered that the bill be accepted and collected, that the proper entries be made, and receipt acknowledged.

[Two Rubrics.]

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*Session of 17th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after approving the minutes of the 14th, report was made upon the two following communications:

*First.* From the Commissioner at Durango, dated 9th inst., remitting a bill of exchange for ninety-eight dollars, forty-six cents, being the product of the mining tax for November.—Ordered that the bill be accepted, the necessary entries made by the Treasury, and receipt acknowledged.

*Second.* From Don José M. Garay, dated 11th inst., at Guadalajara, acknowledging receipt of the communication in which was enclosed one to Don Diego Moreno, as to the payment of five hundred dollars, the value of the pearls which were delivered to him for sale, and stating, in conclusion, that there was nothing new respecting the case. The Junta appointed Señor Segura to wait upon Señor Moreno, exhibit to him the answer of Don José Garay, and point out to him the justice and urgency of payment, in order to avoid contentions, which could only result in increased expenses.

[Two Rubrics.]

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### *Session of* 19*th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after approving the minutes of the 17th, the account of the hiring of the apartments of the College for the past month, was read.—Referred to the Treasury.

A report was read from Don José Joaquin Rozas, dated 17th inst., in which he accepts the commission, in company with Señor Fagoaga, conferred by the Junta, in order that they may suggest a mode of facilitating the loan for the contract of the quicksilver of Almaden.—Understood.

A report was read from the "Ministerio de Relaciones," dated 16th inst., in reply to the communication directed to it respecting the balance-sheet remitted by the Director *ad interim* of the College, stating that a commission had been appointed for the purpose of clearing up the said matter and any other doubtful one, preparing the necessary reforms, and composed of Señores Don José Mª. Godoy, Don Luis Varela, and Don Mariano Navarro.—Referred to its Espediente.

A report was read from Professor Don Blas Balcarcel, stating his appointment as second "vocal of the Junta facultativa," in charge of the Direction of the College, in the absence of Señor Moral.—The Junta resolved, to reply that they had observed this with satisfaction, and to transmit to the Supreme Government the communication directed to Señor Rejon, respecting the fulfillment of the law as to the appointment of a Director.

[Two Rubrics.]

### *Session of 21st December, 1846.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 19th, report was made upon the following communications:

*First.* From the "Ministerio de Relaciones," dated 18th inst., in relation to the Junta extending the temporary leave of absence granted to its Secretary, Señor Castera, on the 25th of September, for two months more, reckoning from the date of the expiration of the commission entrusted to him by the Supreme Government.—Let the Government be consulted.

*Second.* From the Administrator of rentas of Zacatecas, dated the 16th, stating that the twelve dollars, the amount of the draft pertaining to the quicksilver fund, which had been returned to the Commissioner of the Junta in the capital, had been delivered as directed.—To its espediente.

*Third.* From said agent, dated the 18th, remitting said amount by draft.—Let the same be accepted, the proper entries made in the office of the Controller, and receipt acknowledged.

*Fourth.* From the same, dated the 10th, stating that he had written to Señor Llaguna proposing to submit the settlement of his debt to arbitration, but that up to date he had received no reply.—To its espediente.

*Fifth.* From Don José Zamora, dated the 19th, remitting the memorias No. 50, and the boleta de beneficio No. 22 of the negotiation of Tasco.—Received and passed to the office of Controller.

*Sixth.* From the same in relation to the prosperous condition of the mine, and the flattering prospects presented by the increased extraction, and the good leys resulting from the last assays, and that for the pay-roll of the present week five hundred dollars are required.—Understood.

*Seventh.* Stating that a draft has issued, No. 88, for two hundred dollars in favor of Don George Raffard.—Let the same be paid.

*Eighth.* Accompanying the notes in which the Prefect of that district has assigned two hundred dollars of the forced loan to that negotiation, and the reply made to him, representing that the Junta had control of the same, and that during the last month, considerable sums had been loaned for a short time. The Junta resolved, that the reasons be set forth to the Señor Prefect of Tasco, why it could not be comprehended in the loan, twenty-nine thousand dollars having been advanced, as appears by the balance sheet published in the *diario*, and that this communication be inserted to the Señor Governor, asking that the Señor Prefect be thus ordered, in case he should still insist on having said amount assigned, and advising Señor Zamora to that effect.

*Ninth.* From the same, forwarding seven bars, weighing nine hundred and thirty marcos, consigned to Señor Don Francisco T. Echeverria.—Let the same be sold by Sōr. Flores as commissioner, and receipt acknowledged.

*Tenth.* A private letter from the same, representing that it being necessary very soon to elect Colleagues of that Tribunal, in accordance with article 6th, title 2 of the Ordinances, his name might be used as a representative of the Junta in the elections.—Resolved that he be nominated, and that if he should think it necessary to have judicial power, it shall be remitted to him by the next mail.

[Two Rubrics.]

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### *Session of 23d December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 21st, report was made of the following communications:

*First.* From the Juzgado of Pachuca dated the 20th and 21st, stating that the Sub-Prefectura of that Partido had appointed twelve laborers from those mines to the military service, accompanying a list of the same; and that having complained to the Prefect of the illegality of this proceeding, he had replied, admitting the same, but stating that it was not in his power to remedy the evil, because the recruits had been delivered to the disposition of the staff, wherefore application was made to the Junta, that it might interpose its influence. The Junta resolved, that the same be inserted to the Señor Gefe of the staff (plana mayor), citing the last law in relation to recruits passed by the Departmental Junta of Mexico.

[Two Rubrics.]

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### *Session of 24th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after approving the minutes of the 23d, report was made upon the four following communications:

From the Commissioners at Culiacan. With the first, dated 5th inst., four bills of exchange, the first for fifty-seven dollars, being the product of Culiacan for the month of July; another for seventy-five dollars one real and three-eighths, for the product of September: another for eighty-three dollars five reals and five-eighths, for the month of October, and the last for three hundred and thirty-two dollars, four reals and five-eighths, for the month of November.

Ordered that the first three be accepted and collected, and that the last be accepted, and that the proper entries of all be made, and receipt acknowledged.

With the second, they remit a bill of exchange for ninety-three dollars, and fifty-seven cents, being the product of Mazatlan in the month of October.

The third is accompanied by a bill of exchange for ($295) two hundred and ninety-five dollars, six reales, seven grains, being the product of Cosalá, for the said month, and the last by another bill of exchange for one hundred and forty-one dollars, four reales, seven-eighths, as the product of Alamos, for the said October.

Ordered that the said bills be accepted and collected, and that the proper entries be made and receipt acknowledged.

[Two Rubrics.]

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## *Session of 26th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after approving the minutes of the 24th, report was made of the following communications:

*First.* From the Excellent Sōr. Chief Clerk of the Ministry of Relations, dated the 23d, asking for the by-laws (reglamentos).—Let him be referred to the dates of the law which established the by-laws of the College, and that which established the Constitution (planta) of the office, with copies of the provisional by-laws of the same, with information of the present condition of those drawn up by the Junta and returned to it.

*Second.* From the Señores Baring Bro's, in London, of the 3d October, advising having placed at Havana, at the disposal of Messrs. Picard and Alvero, the two distilling apparatuses which they were commissioned to procure, with the corresponding plans, so that they may be easily set up, and accompanying their invoice.—Let the receipt of said communication be acknowledged, and a bill of exchange be negotiated for the amounts remaining in their hands, namely: two hundred and sixty pounds five pence; for which purpose Sōr. Bassoco was commissioned.

[Two Rubrics.]

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## *Session of 28th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 26th, report was made of the following communications from the Ministry of Relations, dated the 11th, and not received until to-day, in which the Exc't Sõr. Chief Clerk inserts the communication addressed under date of the 10th to the second member (vocal) of the Professional Board (Junta Facultativa), Don Blas Balcarcel, and in which the Supreme Government accedes to the petition of the gentleman charged with the direction (of the college), Don Tomas Ramon del Moral, to have the said Señor Balcarcel take charge of the same.—The Junta resolved that note be made of the date of the receipt of this official communication, and it be added to its espediente.

Report was next made of the following communications:

*First.* From the agent of the Junta at Guanajuato, enclosing a draft for five thousand four hundred and ninety dollars, one real and three grains, for mining dues, corresponding to the month of November.—Let the draft be accepted, the proper entries be made by the Controller's office, and receipt be acknowledged.

The same resolution was adopted as to the second official communication, which the agent for the collection of the dues in San Luis Potosi sends, enclosing a draft for two thousand three hundred and eleven dollars sixty-three cents, belonging to the same month of November.

Five official communications from Señor Zamora, dated the 26th inst., remitting with the first reports No. 51 of that negotiation.—Acknowledge receipt, and to the Controller's office. Advising in the second, that there had been washed during the week, three hundred quintals of ore; that the mine continues in the same condition, and that he requires to pay the workmen, six hundred dollars.—Noted. In the third he acknowledged the receipt of the return permit for the six bars which he sent on the 9th September, to the house of the Sõr. Rozas at Cuernavaca, and he asks for that of the other seven, which lately came consigned to Sõr. Echeverria.—Noted.

In the two last he advises having drawn draft No. 90, for the sum of four hundred and twenty-nine dollars, in favor of Don Teodoro Chavez, and draft No. 91, for the sum of two hundred and forty-six dollars, in favor of Don Leonardo Maldonado.—Let them be paid.

In a private letter from the same, of the same date, he says, that he considers the power of attorney sent him to represent the Junta at the next elections of that Tribunal sufficient.

[Two Rubrics.]

### *Session of* 30*th December*, 1846.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 28th, report was made of the following communications:

*First.* From Don Ramon Alfaro, Executor of the Controller's Office of this office, Don Miguel Hierro, dated the 26th inst., conveying intelligence of the death of said employé, which happened after one o'clock in the morning of the 23d.—To the Controller's office.

*Second.* From Messrs. Manning and McIntosh, of the 28th, inserting the communications which have passed between Don Fernando Pohls, Commissioner in Guanajuato, and the Señor Commissioner General of that State, touching the appropriation made by the Government thereof of the sum of five thousand dollars, as a loan to the Collection of the mining dues.—The Junta resolved, that he be informed that it has approved his conduct, and that there be remitted to him a copy of the circular of the Minister of Hacienda, in which those who may have paid loans of the larger quota in the district, are exempt from the loans to the States.

[Two Rubrics.]

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## YEAR 1847.

### MONTH OF JANUARY, 1847.

### *Session of the 2d.*

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 30th ult., the law of 30th December, 1843, was read, and in accordance therewith notice was given to have the corresponding circular printed, stating that Don Juan Maria Flores, the agent of the miners, had began to act as President for the present year, following the precedents which exist as to the mode of communicating the same to the authorities and corporations existing at the capital.

The Sõr. Steward of the College requested leave to visit the capital of San Luis Potosi, leaving under his responsibility his brother Don Leandro, and the Junta granted it, requiring it to be communicated to the Sor. Director *ad interim* of the College.

Subsequently the Sor. Flores stated that a dispatch should be sent to the Supreme Government, informing it that the loan which the Junta was authorized to procure for the purpose of defraying the expenses which are paid out of the quicksilver fund, as well in the College as in the office, not having been obtained, and which has become more difficult to obtain on account of the late suspension of payments ordered by the Ministry of Hacienda, and as there is now only enough of said fund left to pay the expenses of the present month, it should be informed that the Junta cannot pay those expenses out of the dotal fund, because the objects to which exclusively it is to be appropriated are designated in the law.

The Sor. Segura dissented, saying that if the majority of the Junta insisted on sending said communication, he would write down in full his reasons for voting against it, so that they might appear on the minutes, and would transmit them to the Government. After a prolonged discussion the majority of the Junta resolved, that the answer alluded to should be sent to the Government, Señor Segura insisting that his own vote should be recorded, which he would transmit to the Government to relieve himself from responsibility.

[Two Rubrics.]

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### *Session of 4th January*, 1847.

Present, the Senores Segura, Flores and Bassoco; and after the approval of the minutes of the 2d, report was made of the following communications:

*First.* From the Tribunal of Pachuca, dated the 3d, thanking the Junta for its answer to the petition in favor of the miners of that district, upon whom were levied the quotas for reimbursing, and stating that only one of them had been set at liberty.—Let it be inserted to the Chief of the Staff, urging him to decide, and let the President of the Tribunal be so informed.

*Second.* From the Administrator of the Maritime Custom-House of Vera Cruz, dated the 28th ult., stating that he had urged the Tribunal of the District to send the drafts of the quicksilver fund, which await the decision of that Tribunal.—To its espediente.

*Third.* From the same, of the same date, acknowledging the receipt of the order of the Ministry of Hacienda, which was communicated to it for the payment of the three per cent. duty, and acknowledging the receipt of a subsequent order of the same Ministry to apply the said duty proceeding from vessels which avoid the blockade to the fortifications of Vera Cruz, Uloa and Alvarado.—Let it be inserted to the Government, requesting it to renew the order given on the 9th ult, in regard to this matter.

*Fourth.* From Don José Zamora, dated the 2d, transmitting report No. 52, and ticket No. 23, and cash balance-sheet No.

12, of that negotiation.—Acknowledge receipt to the Controller's office.

*Fifth.* From the same, and of the same date, stating that there was nothing new, and that to pay wages for the present week he requires five hundred dollars.—Noted.

*Sixth.* From the same, the first numbered one, amounting to four hundred dollars, in favor of Don Leoncio Blanco, and the other, numbered two, amounting to one hundred and fifty, in favor of Don Rafael Solarez.—Let them be paid.

*Seventh.* From the Licentiate Don Castulo Barreda, stating that it would be proper to send some amount to Tasco, on account of dues owing to that Tribunal.—The Junta resolved, that Señor Zamora be informed that the payment of those dues has been delayed solely by awaiting the vouchers to be duly presented by him to the Controller General's office, in concert with Señor Quiñones he may pay that part of said account which is sufficiently proven, and as to the debit of which there may be no doubt, taking the proper receipt; and, finally, that he tell Señor Quiñones to answer all questions put to him by the Señor Licentiate Barreda, touching this matter, so that it may be concluded as soon as possible.—The Junta resolved, in like manner, that the Supreme Government be informed that, not having obtained the loan it was authorized to procure for the purpose of defraying the expenses of the College and the office, which is done out of the quicksilver fund, it cannot defray them out of the dotal fund, because it is a private fund of the mining body.

[Two Rubrics.]

## *Session of 5th January,* 1847.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the previous day, report was made of some communications remitted by the Señor Mackintosh from the agent at Guadalupe y Calvo, dated 15th December, enclosing a draft for three thousand four hundred and forty-six dollars, six reals, for proceeds corresponding to the months of April, May, June and July.—The Junta resolved, that the draft be accepted, the proper entries made, it be collected in due time, and receipt thereof be acknowledged, asking him for the accounts up to the end of December, and that he state in the advices the amount of the proceeds of dues for the preceding month; that he deduct therefrom a commission of four per cent., and send a draft for the balance on Messrs. Manning & Mackintosh in favor of the Junta.

With the second he encloses a draft for two thousand and forty-two dollars, six reals, four grains, for proceeds for August, September and November.—Let the draft be accepted, the proper entries be made, and receipt be acknowledged.

It was further resolved, that the Señor Bassoco arrange with the house of Messrs. Manning & Mackintosh the payment of the first draft without waiting for the expiration of six months from its acceptance, as the draft was not received in due time, owing to some irregularity, and the amounts were received by the Commissioner in the months of April, May, June and July of the previous year.

On motion of Señor Segura, it was resolved that a felicitation be addressed to Excellent Señor General Don Antonio Lopez de Santa Anna, upon his appointment as President *ad interim.* Another to the Excellent Señor Don Valentin Gomez Farias, upon his appointment as Vice-President, and the Señor Segura himself was commissioned to draft the same after the adoption of the motion—the Señor Flores declining to vote.

[Two Rubrics.]

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### *Session of 7th January*, 1847.

Present, the Señores Segura, Flores and Bassoco; and after the approval of the minutes of the 6th, report was made of the following communications:

*First.* From the Ministry of Hacienda, dated the 5th, asking the Junta to furnish it thirty thousand dollars, to be refunded from the duties which may be collected on the "conducta" of money which is to leave about the middle of the month.—And the Junta resolved that the Ministry be answered verbally by the Señor President of the Junta, that the dispatch was received at five o'clock in the afternoon of Tuesday, by reason of which the Junta could not meet to answer it until to-day, manifesting to it that the quicksilver fund is completely exhausted, and that it cannot dispose of the dotal fund, that being a private fund of the miners.

*Second.* From the Ministry of Relations, acknowledging the receipt of the circular in which it was informed that the Sōr. Flores was President of the Junta.—To its espediente.

The same disposition was made of a similar answer from the Sōr. Director of the College, and of one from the Sōr. Controller of the same.

*Third.* From the Junta menor for working the mines of San Juan de la Chica, advising that on the 15th inst. the third exhibition is to be completed by the shareholders.—To its espediente.

*Fourth.* From Don José Zamora, dated the 21st ult., sending the muleteer Fiz, so that he may be sent four boxes of powder. =Let them be purchased, and let him be told that as there is no sulphate in Mexico he must endeavor to obtain it himself, or use *magistral*, as he formerly did.

A petition was read from the "oficiales" and writer of the Controller's office, to have the Supreme Government informed of the death of the Controller, Don Miguel Hierro, asking that the corresponding commissions may be issued according to the scale provided by law.=The Junta appointed the next day to treat of this subject.

A report was read from the Controller's office, which was confined to show that there is no objection to the issuance of the certificate asked for by Don Manuel Pruneda for the sums he has received of the capital due by the Junta to the Hospital of Divino Salvador.=The Junta resolved that the certificate be made out.

A similar one was ordered to be given to Don Francisco Fischer, of the services which his father rendered to mining, according to the proofs which may be found in the archives.

The draft of the felicitation to the Exc't Señores President and Vice-President of the Republic was presented, and after being sufficiently discussed, that which is to be addressed to the former in the following terms was approved:

"Exc't Sir.—The Junta for the Encouragement and Administration of Mining, which owes its existence to the Supreme decree made by your Excellency on the 2d December, 1840, would deem itself derelict in its most sacred duties of justice and gratitude, if it should fail to unite its voice on this occasion to those of all corporations and individuals who are hastening to felicitate you upon your new election to the first magistracy of the State. This Junta can never forget that all the laws passed for the protection of this important branch, from the epoch of our glorious independence to the present time, owe their existence exclusively to your Excellency, and that only under your administration has the national mining industry attained the importance it deserves. It therefore expects that during the new Presidential term of your Excellency, you will continue in favor of the miners of the country, the elements of public wealth, which now more than ever you are required to encourage for the purpose of sustaining the independence and good name of Mexico, seriously jeopardized by the unjust war of the United States of the North; and finally it sends up its fervent supplications to the Supreme Being, to grant your Excellency the most complete and speedy triumph in the present struggle, preserving your important life and granting you all kinds of happiness. With such motive it has the honor to repeat to your Excellency the assurance of its distinguished esteem and consideration. God, etc."

Three dispatches were read from the agents in charge of the Administration in Chihuahua, dated the 22d ult., remitting with the first two a draft for the sum of four hundred and sixty-six dollars, two reals, six grains, for dues belonging to the month of October, in Chihuahua and Jesus Maria; and in the third remarking that the difference of eleven dollars arises from his having overpaid by the previous remittance.—The Junta resolved, that the draft be accepted, the proper entries be made, passing to the Controller's office for report what relates to the difference of eleven dollars.

[Two Rubrics.]

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*Session of 8th January*, 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the session of the 9th, the following communications were submitted:

*First.* From H. E. the Minister of Finance, of this date, asking that there be remitted to him seven thousand dollars, to be returned from the first funds received.—The Junta resolved that there be remitted to the Treasury one thousand and thirteen dollars, being all the cash disposable, stating the same in answer to H. E. the Minister; that notice be given to the Auditor's office, and the corresponding certificate be procured from the general treasury; Señor Flores reserving his vote.

*Second.* From the Director *ad interim* of the College dated yesterday, informing of the election of the Board of Faculty (*Junta Facultativa*) of the same.—Understood.

*Third.* From Don Cayetano Buitron, of this date, remitting two thousand and thirty-four dollars, five rials, six grains, for mining dues appertaining to last month.—Receipt, and to the Auditor's office.

[Two Rubrics.]

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*Session of 9th January*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 8th, there was submitted a petition from the employés of the Auditor's Department, that on communicating to the Supreme Government the death of the Auditor, it be requested to order that their commissions corresponding to their promotion be made out, in conformity with the decree of 30th December, 1845.—The Junta resolved in accordance, and also that at the same time the Supreme Government be put in mind of the communications addressed to it by the Junta, relative to the expenses of the College and the assignment to the office which are paid out of the quicksilver fund. The Junta furthermore resolved that there be delivered to its President, Señor Don Juan M. Flores, two thousand five hundred dollars for expenses of the negotiation of Tasco during the present month, that the same be communicated to the Auditor's office, and that he render an account at the end of the month.

A petition from Don José Garcia was read, in which he solicits the office of clerk in the Auditor's office, which will be vacant by reason of the promotion of Don Francisco Bonilla.

[Two Rubrics.]

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### *Session of* 11*th January*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the 9th, the following communications were submitted:

From their Excellencies the Governors of the States of Mexico and Queretaro, from the Directory of Colonization and Industry, from the Directory of Tobacco and excise revenues, and from the Post-Master General's office, acknowledging receipt of the circular notifying that the President of the Junta for the present year is Señor Don Juan M. Flores.—To the expediente.

From the collecting agent at Durango, dated 1st instant, informing that he had delivered personally to the Administrator of the revenue of that department, the communication which had been recommended to him, the answer to which he would transmit immediately on receiving it.—To its expediente.

Six communications from Don José Zamora at Tasco, transmitting with the first the pay-rolls No. 1 of that negotiation; requesting in the second that there be sent to him the sulphate which he has ordered to replace what he had borrowed; advising that he had recommenced the work at the mine which had been stopped for want of gunpowder; that in the present week he will commence draining; that the extraction and the quality of the ores continue as usual; that he had began to prepare the mill of Cantarranas, and that he required six hundred dollars for the pay-roll.—Understood. In the third he states, that not having been able to examine the bill of costs of the Tribunal of Tasco, it being in the hands of Señor Barreda, in accord with Señor Quiñones, he is of opinion that there be paid to the Court three or four hundred dollars, and with regard to the account he will examine it minutely when he receives it.—The Junta resolved in accordance, and that there be transmitted to Señor Zamora a copy of said account, applying to Señor Barreda for the same. In the three last he advises having drawn bills of exchange, Nos. 3, 4, and 5, the first for one hundred dollars and the others for three hundred dollars each.—Let them be paid. In a private letter he informs Señor Segura of the result of the election of associates to that Tribunal, and that he himself had been appointed Alcalde, and requests that his acceptation be confirmed, founded on the article of the ordinance, recommending it to H. E. the Governor of the State of Mexico.—The Junta resolved to thank him for his good services in the electoral board, and that he be told to forward his representation through the Junta, which will recommend it effectively.

A petition of the citizen José de Jesus Piña was read, soliciting one of the vacancies of clerkship in the Secretary's or Auditor's department.—The Junta resolved to reserve it for the proper occasion, annexing it to the expediente.

[Two Rubrics.]

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*Session of* 12*th January*, 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the session of the 11th, there was submitted a report from the Auditor's office relative to the communication of the agent at Chihuahua, dated 22d ultimo, showing the mistake made in the previous remittance of eleven dollars and some reals; the Auditor's department concurs in the same, with the sole difference of half a real.—The Junta also concurred, and ordered that the agent be answered to that effect, and the answer attached to the expediente.

A report from the Bureau of Administration was read relating to the capital sums levied for building the bridge of Zimapan, recommending that the account and settlement of said capital sums, and of the interest paid upon them, be asked from the Auditor's office.—The Junta resolved to ask the Licentiate Barreda for the documents in his possession, and to procure from the archives all those to be found there referring to said bridge, to enable the bureau to amplify its report.

[Two Rubrics.]

### *Session of* 15*th January*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 12th, the following communications were submitted:

*First.* From H. E. the Governor of Puebla, and from the mining tribunal of Pachuca, dated 13th instant, in reply to the circular announcing the appointment of Señor Flores as President.

*Second.* From the mining tribunal of Mazapil, transmitting the record of its elections.—Let the Bureau of Encouragement report.

*Third.* From the Agent at Guanajuato, with copies of the official communication of H. E. the Governor, insisting upon the loan of five thousand dollars.—The Junta resolved that they be laid before the Supreme Government, that it may be pleased to declare that the Junta is comprised in the circular of 28th November, and to bear in mind the amounts which it has delivered; that Señor Pohls be informed to this effect, and instructed that as he should remit the proceeds of the mining dues at the beginning of each month, he ought to remit them immediately, and so free himself from responsibility.

*Fourth.* From the agent at Durango, remitting a draft for seven hundred and forty-four dollars, seventy-seven cents.═ Let it be presented for acceptance, the proper entries be made, and receipt acknowledged.

*Fifth.* From the agent at Pachuca, remitting in a draft one thousand three hundred and twelve dollars, three reals, four grains, for the proceeds of last month.═The Junta resolved in the same manner.

*Sixth.* From the Licentiate Don Castulo Barreda, with his remarks on the bill of costs charged by the Tribunal of Tasco.═ To the Auditor's office.

*Seventh.* From Don Manuel Mariano Cortazar, dated 12th ult., representing the difficulties which have been in the way of his complying with his contract for the purchase of the stock and implements which remained at the mine of Atargea, and also of his giving the bond which he had offered, to be executed by the Director of the Real del Monte Company.═ The Junta resolved to answer him, that as he is accountable for the fulfillment of said contract, the Junta has nothing to do in the matter of the denouncement of the mine for abandonment on his part, and that it will be under the necessity of demanding its fulfillment, and the security-bond, when and where it may be convenient.

[One Rubric.]

### *Session of* 18*th January*, 1847.

Present, Señores Segura and Bassoco; and after having approved the journal of the session of the 15th, the following communications were submitted:

Four from their Excellencies the Governors of the States of Aguascalientes, Michoacan, San Luis and Vera Cruz, in reply to the circular notifying the appointment of President.

*Fifth and Sixth.* From the Mercantile Tribunal of Mexico, and the Mining Tribunal of Guanajuato, to the same effect.—To the expediente.

*Seventh.* From Professor Don Blas Balcarcel, of this date, informing that he had been ordered by the respective Ministry to deliver over the direction of the College to the senior member of the Board of Faculty, Don Joaquin Velazquez, which had been immediately done.—Understood, and communicate to the Auditor's office.

*Eighth.* From the agent at Zacatecas, dated 12th, remitting a draft for four thousand six hundred and twenty-three dollars, one real, proceeds of mining dues in the month of December, and a receipt for twenty-five dollars, from the student Don Agustin Ayala.—Let the draft be presented for acceptance, the proper entries be made, and receipt acknowledged.

*Ninth.* From the agent at San Luis Potosi, remitting a draft for one thousand six hundred and ninety-three dollars, forty-two cents; and the same resolution was passed as the preceding.

*Tenth.* From the agent at Guanajuato, dated 15th, transmitting the account for the four months ending in December, with the respective vouchers; and informing that the proceeds for December were five thousand five hundred and seventy-eight dollars, seven reals, eleven grains, which have been carried to the new account, and which he does not now remit because he considers that the sum of five thousand dollars have been attached in his hands in consequence of an official communication from his Excellency the Governor of that Department, which he transmits, in which he says that the Junta is not comprised in the circular of 28th November of last year.—The Junta resolved to delay answering until Señor Bassoco should approach the Ministry for the purpose of urging a resolution to the communication addressed to it on this subject on the 15th instant.

*Eleventh.* From the agent at Guadalajara, dated 12th, representing that some legal difficulties having occurred relating to the Mint, he required a denouncement proving his agency of the Junta in that city.—Let it be transcribed to Señor Mackintosh that he may substitute to him the power of attorney which he holds from the Junta.

*Twelfth.* Three from the Tribunal of Guanajuato, dated 9th instant, the first stating the demands made by Don Ignacio Porto and the other proprietors of the Mine of Toro for the sum of three hundred and fifty dollars, being one-half of the sum for which they sold said mine, and which is still due to them.—Let the Bureau of Encouragement report. In the second, dated 13th, he informs that he has collected the tools belonging to the mines of Toro, Clavellinas and Guadalupe, and proposes that he should sell the timber remaining in the buildings of Clavellinas, to prevent its being lost.—Same resolution as the preceding. In the third, dated 14th, he informs that Doctor Vidal had withdrawn his denouncement of the mine of Guadalupe, and requests the Junta to reply to him by return mail.—Same resolution.

*Thirteenth.* Four communications from Don José Zamora, dated 18th, transmitting with the first the pay-rolls No. 2.—Receipt, and to the Auditor's office. Representing in the second, that he considers that it will be beneficial to accept the services offered by Don Agustin Font, but stating that the workings have been conducted according to rule. Advising in the third, that he has drawn bill No. 6, for one hundred dollars in favor of Don Jorge Raffard.—Let it be paid. And in the last, informing that he has received an order from the Government of the Department, in which, promising to furnish him with the respective decree, it says that the Legislature has provided that no change be made in the tribunals of the State for the present year, which enactment contrary to the ordinance he believes Señor Madariaga has procured by surprise. He further informs that the loan of two hundred dollars was not insisted on, and that he requires four or six carabines for the defense of the property of the negotiation.—Let the respective passage be transcribed to the Licentiate Barreda, that he may report whether the person he commissioned in Toluca may be encharged to speak to the Governor on the subject, and let Señor Zamora inform whether he can procure the carabines at Tasco, and their price.

[Two Rubrics.]

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## *Session of 20th January,* 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 18th, there was submitted a communication from Professor Don Joaquin Velasquez de Leon, dated 18th, in which he informs that he had taken charge provisionally of the Directory of the College by order of his Excellency the President *ad interim.*—Understood with pleasure, and that the Junta entertains the same feelings as expressed by him, and will contribute on its part as much as it can to the progress of the College.

A petition from Don Pantaleon Teran, soliciting the vacancy about to occur in the Secretary's office.—Let it be reserved for the proper occasion.

Señor Bassoco stated, that as he had not been able to obtain the order which the Junta had solicited to prove its exemption from the loan levied in Guanajuato, Señor Pohls should be informed of the same, and instructed to resist the payment, and it was so resolved.

The Junta also resolved to make answer to Señor Zamora, that for the present it does not consider it expedient to accept the offer of Señor Font.

Finally, a report from the Bureau of Encouragement was read, relative to the official communication from the Tribunal of Guanajuato, dated 14th inst., regarding the decision in the case of the denouncement of the mine of Guadalupe in Clavellinas, recommending that the Junta make no opposition to the same in view of the facts shown by the proceedings; and it was resolved in accordance, and that answer be made that by next mail the tribunal shall be informed of the person to whom the stock and implements may be delivered.

[Two Rubrics.]

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### *Session of* 21*st January*, 1847.

Present, Señores Segura and Bassoco; and after having approved the journal of the previous session, there was read a communication from his Excellency the General in Chief of the army, replying satisfactorily to the congratulations which the Junta had addressed to him.

*Second.* From the Governors of the Departments of Jalisco and Zacatecas, acknowledging receipt of the circular communicating the appointment of the new President.—To its expediente.

*Third.* Others from the mining tribunals of Anganguco and Tlalpujahua, on the same subject.—To its expediente.

*Fourth.* From the agent at Guadalajara, dated 15th inst., remitting a draft for one thousand and fifty-five dollars, seven reals, proceeds of dues in the last month.—Let the draft be presented for acceptance, the proper entries be made, and receipt acknowledged.

*Fifth.* From the agent at Durango, transmitting the answer to the reclamation addressed to the Administration of the

Revenue of that Department through him.—Let the Auditor's office report.

*Sixth.* From the tribunal of Tlalpujahua, transmitting the denouncement of a new mine discovered under a house in that town.—The Junta resolved in accordance with the verbal report of the Secretary, that it be transmitted with explanations to his Excellency the Governor of the State of Michoacan, requesting his approval, should the municipal authorities of that place make no objections, and transcribing to him the resolution of the Supreme Government in regard to the exercise by the Governors of the States of the powers stated in article 15, title 6, of the Ordinance.

[Two Rubrics.]

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### *Session of 25th January*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 21st, the following communications were submitted:

Three from the mining tribunals of Catorce, Sultepec, and Tasco, acknowledging receipt of the circular communicating the appointment of Señor Flores as President.—To the expediente.

*Fourth.* From the agent at Guanajuato, dated 22d, remitting a draft for five hundred and seventy-eight dollars, seven reals, eleven grains, for proceeds of dues in the last month, considering as attached the remaining five thousand dollars, although he had transcribed to H. E. the Governor the communication in which the Junta informs him that application had been made to H. E. the Vice-President, to declare that the Junta is comprised in the circular of 28th November of last year.—The Junta resolved that the draft be presented for acceptance, the proper entries be made, and receipt acknowledged, and that he be told that he ought to have remitted the five thousand dollars, inasmuch as the matter being pending on the resolution of the Supreme Government, the Government of the State could not order the attachment; but even if it did, after remitting this sum there would still remain the proceeds of the present month, should the Government continue to insist, and with more reason ought he to have made this remittance, seeing that he had been expressly told on the 16th inst., that if the attachment was levied after the first fifteen days, he would be made responsible for not having complied with the orders expressed in his instructions.—Let there be transcribed to Señor Mackintosh said communication of the 16th, that received to-day from Señor Pohls, and the answer.

Eight communications from Don José Zamora, transmitting with the first the pay-rolls No. 3.—Receipt, and to the Auditor's office. In the second, he acknowledges the receipt of the account presented by that tribunal, and promises to examine it.—In the third, he informs that the mine continues with very little alteration, and that he requires six hundred dollars for the pay-roll.—Understood. In the fourth, he inquires whether he may sell twenty to thirty arrobas of old copper, which Señor Arambura desires to buy at twenty-five dollars a quintal.—Let him sell it at the best price he can, advising what articles it is made up of, that they may be noted in the inventory. In the fifth, he writes that the Prefect had informed him that H. E. the Governor had authorized him to reduce the quota of the loan from two hundred dollars to one hundred.—Let there be transcribed to him the declaration of the Supreme Government regarding the loan. In the three last, he advises of having drawn bill No. 7, for four hundred dollars, in favor of Don Benito Ortiz, on the 23d instant; No. 8, for three hundred dollars, in favor of Don Leoncio Blanco, on the same date; and No. 9, for a like sum, in favor of said Blanco, and on the same date.

[Two Rubrics.]

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### *Session of* 27*th January*, 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the session of the preceding day, the two following reports of the Auditor's department of the Junta were submitted:

*First.* On the last communication from the Agent of Durango, in reference to the debt of four thousand four hundred and seventy-seven dollars, six reals, three grains, appertaining to the one per cent., recommending that a statement of everything that has occurred be made to the Supreme Government, and the Junta resolved in accordance.

*Second.* Representing its concurrence with the remarks made on the bill of costs of the Tribunal of Tasco by the Licentiate Don Castulo Barreda. The Junta resolved in conformity, and Señor Flores noticed a mistake of one dollar less in the result of said account; and it was resolved finally to transmit the same to Señor Zamora, that together with Señor Quiñones, he may examine it, clear up the doubts regarding it expressed by Señor Barreda, and report what may be expedient.

*Lastly.* The Junta resolved that there be delivered to said Señor Licentiate a copy of the Mining Ordinances which he has requested.

[Two Rubrics.]

### *Session of* 28*th January*, 1847.

Present, the Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 27th, the following communications were submitted:

*First.* From the Supreme Court of Justice, dated 26th, informing of having appointed the Licentiate Don Pablo Vergara, Treasurer-collector of the fund created by the law of 30th November, 1846.=Understood.

*Second.* Three from the Ministry of Relations, dated 27th, informing, in the first, of having transcribed to the Ministry of Finance the communication of the 5th inst., that the Administrator of Vera Cruz be notified to comply punctually with the order of the 9th of last month.=To its expediente. In the second, advising that H. E. the Vice-President does not consent to the repeal, as solicited, of the order providing that the expenses of the College and this office, which were paid by the quicksilver fund, be supplied by the dotal fund.=To its expediente. In the third, approving of the appointments of Auditor and employés in the regular course of promotion, made by the Junta, by occasion of the death of Don Miguel Hierro.=To its expediente.

*Third.* From H. E. the Governor of the State of Durango, dated the 18th, and from the tribunal of Fresnillo, dated 20th, acknowledging receipt of the circular communicating the appointment of Señor Flores to the Presidency.=To its expediente.

*Fourth.* From the Chief Administration of direct contributions, dated 25th, asking for a statement of the employés of the office, so as to make the corresponding settlement.=Let it be transmitted.

*Fifth.* From the Agent at Guanajuato, dated 25th, remitting a draft for one thousand six hundred and sixty-six dollars, five reals, four grains, which he had retained in his possession of the dues of last month, in virtue of the apportionment of five thousand dollars to the agency of the mining dues in that State, made by that Government, and which, according to the law of 19th November, could only be exacted two-thirds in cash and the balance in paper. He advises that he has paid three thousand three hundred and thirty-three dollars, two reals, and given bond for the respective paper, considering it better to proceed in this manner than to be exposed to a formal levy and its subsequent proceedings, in which event he says the whole sum would have been exacted from him in cash.

The Junta resolved that the draft be presented for acceptance, the proper entries be made, and receipt acknowledged; that it be represented to him, furthermore, that having given him timely notice, twice repeated, to recall the payment of said sum, the Junta being exempted from the same, it is surprised that he should have paid it over notwithstanding these warnings, and not have waited till the levy was made; that having notified him that in conformity with his instructions he should remit the proceeds of the foregoing month at the beginning of the following month, the money which he paid over is on his own responsibility, and more especially so as no levy took place, in which event its having been taken by force might have saved it; neither is it certain that if the levy had been made, the whole five thousand dollars would have had to be paid in cash, inasmuch as the decree expressly provides that only two-thirds shall be in cash, and the other in bonds; finally, that unless the Government delivered the drafts of the clergy, it could not compel the lenders to pay, and consequently, the documents transmitted to him are sufficient for him to recover the three thousand three hundred and thirty-three dollars which he was pleased to pay, but that the Junta reserves its right to demand this sum from him, and will demand it, and has so notified the house of Manning & Mackintosh.

A petition from Don Ignacio Castro was read, soliciting the post of clerk vacant in the Auditor's office.—To its expediente.

[Two Rubrics.]

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## *Session of* 1*st February*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 28th, the Señor Licentiate Don Castulo Barreda presented himself, and handed in his account for his fees as solicitor of the Junta in the proceedings in the denouncement of the mine of San Juan and Trinidad.—To the Auditor's office for its report.

The following communications were read:

*First.* From the mining tribunal of Temascaltepec, acknowledging the receipt of the circular notifying of the appointment of Señor Flores as President of the Junta.—To its expediente.

*Second.* From that of Sayula, acknowledging the receipt of said circular, and informing of the decree passed by that Legislature on January 11th, of the present year, abolishing mining tribunals.—To its Expediente.

*Third.* From that of Guanajuato, dated 29th, promising to send to the Junta a statement of the stock in hand at the mine of Toro, as soon as it is received from the Alcalde who had been ordered to prepare it, and advising that the tools amount to about 67 dollars.—To its Expediente.

*Fourth.* From the Agent at Zimapan, remitting a draft for one hundred and twenty-four dollars, two reals, six and three-quarters, for dues of last month.—Let the draft be presented and collected, the proper entries be made, and receipt acknowledged.

*Fifth.* From the Agent at Guanajuato, dated 29th, informing that he has received and transmitted to the Government of that State the communication of the Ministry of Relations declaring the Junta exempt from the forced loan in the States.—To its Expediente.

*Sixth.* From the Executor of the testamentary estate of Don Miguel Hierro, asking that a person be appointed to represent its interests for the three hundred and fifty dollars owing to the Junta. The Junta resolved to appoint Señor Delmotte, it being understood, that by so doing the present Junta does not take upon itself the responsibility of the former one; and that said Executor and Señor Delmotte be notified of this appointment.

*Seventh.* Ten official communications from Don José Zamora, dated 30th ultimo, transmitting with the first the pay-rolls No. 4, of the negotiation of Tasco.—Receipt, and to the Auditor's office. In the second, he acknowledges receipt of the report made by Señor Barreda, on the bill of costs of the Tribunal of Tasco.—To its Expediente. In the third, he acknowledges receipt of the copy of the official communication addressed to the Governor of Guanajuato on the subject of the loan. In the 4th, he advises having received ten dollars which had been lent to the carrier, Agustin Fiz, and inquires the cost of the case of gunpowder which was sent to him from Cuernavaca.—Let the ten dollars of the carrier be charged to him, and he be informed of the cost of the gunpowder. In the 5th, he informs that at the distance of twenty-six varas, there had been found the vein which they had been searching for in the work done in the interior of the adit of Guadalupe; that the width of the vein is three-fourths of a vara of good ore, and that they had succeeded also in draining the upper works; that the entire cost of the work has not amounted to one thousand dollars, and that the drainage of the pit of Dolores goes on well; that at the Hacienda, there were washed last week six hundred and fifty quintals; that he was waiting for the sulphate which he has ordered to commence the reduction of three hundred quintals more, and that he required six hundred and fifty dollars for the pay-roll of the present week.—Understood, and that the Director of the Apartado be written to, asking the sulphate.

In the 6th, he asks for the approval of the charge of ten dollars a week paid to Don Agustin Font, and three dollars a week to the miner who watches the works by night, this assistance being indispensable in view of the greater extent of the works of Trinidad.—In accordance. In the four last he advises having drawn for one thousand and seventy dollars in four bills.—Let them be paid.

Señor Flores presented the account of the two thousand five hundred dollars delivered to him to pay the expenses last month of the negotiation of Tasco, and it was resolved to transmit it to the Auditor's office.

[Two Rubrics.]

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## *Session of 4th February,* 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 1st, the following communications were submitted:

*First.* From the Ministry of Relations, dated 30th ultimo, transmitting a petition from Don Francisco Fischer, requesting the vacant post of clerk.—To its Expediente.

*Second.* From the mining tribunals of Sombrerete and Mazapil, acknowledging receipt of the circular notifying the appointment of Señor Don Juan M. Flores, as President for the present year.—To its Expediente.

*Third.* From those of Fresnillo and Asientos in Aguascalientes, advising of the election of their associates.—Understood with satisfaction.

*Fourth.* From the Agent at Sombrerete, remitting a draft for thirty-four dollars, one and a half grains, for proceeds of the month of December, in Sombrerete.—Let the draft be presented and collected, the proper entries made, and receipt acknowledged.

*Fifth.* From the same, transmitting vouchers Nos. 1 to 9, for the last four months of the previous year.—To the Auditor's office.

*Sixth.* From the Agent at Guanajuato, dated 1st instant, informing that he had transmitted to the Commissariat the official communication of the Ministry of Relations lately forwarded to him; and transmitting a copy of the answer he had received from the Governor, in which he states, that under that date he had addressed his remarks to the Supreme Government.—The Junta resolved that said answer be transcribed to the Supreme Government, and that Señor Bassoco be commissioned to speak to Señor Mackintosh on the subject of the responsibility for the three thousand three hundred and thirty-three dollars.

*Seventh.* From Señor Don José Delmotte, dated the 3d, accepting the commission to represent the Junta on the estate of Señor Hierro, and asking for the Expediente of the matter and an authenticated copy of the proceedings in relation to the same.—Let them be transmitted to him.

*Eighth.* From the Directory of the Apartado, stating the distribution made of the sulphate, and informing that the Junta may send for four quintals.—Let its cost be paid, and notice given to Señor Zamora to send for it. There was read a report from the Bureau of Administration of this date on the subject of the debt of the Licentiate, Don Diego José Perez y Fernandez.—The Junta resolved to commission the Secretary, Don José M. Castera, to make verbal inquiry of this gentleman of who is the person who paid the one hundred dollars appearing as paid for his account, and to arrange with him for the back payments which have not been made, and for the payments he may have to make in future.

[Two Rubrics.]

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*Session of 6th February,* 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 4th, the following communications were submitted:

From the Ministry of Relations.

*First.* Of the 27th ultimo, intimating that Don Francisco Segura be considered as a probationary clerk (*meritorio*) of the Auditor's department, provided that the Junta finds no objections; and the Junta resolved to suspend its action on the matter till another session.

*Second.* Of the 29th, from the same, transcribing the communication which it had addressed to the Ministry of Finance, with the copy of an official letter in which money was asked from the Junta to supply provisions to the troops, and copy of the answer of the Junta, remitting one thousand one hundred dollars.—To its Expediente.

*Third.* Of the 1st instant, advising of having transmitted to the Ministry of Finance the communication of the Junta, requesting that the necessary orders be issued that the Administrator of the revenue at Durango pay the four thousand four hundred and seventy-seven dollars, six rials, three grains, which he owes for the one per cent. on the circulation of money.—To its Expediente.

*Fourth.* Of the 3d, from the same, transcribing the order communicated to his Excellency the Governor of the State of

Guanajuato, to refund the sum received for the loan exacted from the agent there, and declaring the Junta to be exempted from such payment.—Let it be transcribed to Señor Pohls, representing to him the responsibility of the contracting house.

A report from the Auditor's office was read on the subject of the account of fees of the Licentiate Don Castulo Barreda, which concludes by recommending that the receipt of Señor Quiñones be disallowed, and that he be paid the balance.—The Junta resolved in accordance.

[Two Rubrics.]

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### *Session of 8th February*, 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the session of the 6th, the following communications were submitted:

*First.* From the Government of Chiapas, acknowledging receipt of the circular notifying the appointment of Señor Flores as President.—To its expediente.

*Second.* From that of Michoacan, informing that in compliance with the insinuation of the Junta, it had applied to the municipal authorities of Tlalpujahua for the necessary information respecting the case of having to cut through a street to work the mine which had been denounced.—To its expediente.

*Third.* From the Director of the National College, informing that the student Don Francisco Erdosain is going to practice at Anganguco, and requesting that the proper orders be issued for paying him there his monthly allowance.—The Junta resolved that answer be given, that as it has no agent in the State of Michoacan, it cannot comply with the request.

*Fourth.* From Don Sebastian Segura, dated the 6th in Pachuca, representing that he has not been able to remit the account and the amount collected for rents of the houses there belonging to the Junta, but that he will do so in person about the middle of the present month.—To its expediente.

*Fifth.* From the Agent at Zacatecas, dated 2d instant, transmitting the certificate of the Administration of the revenue which was wanting with his account of the last four months.—To its expediente.

*Sixth.* From the Agent at Guadalupe y Calvo, dated 12th January, informing that he had instructed his agent at Parral to exact from Señor Lujan de Muñoz the accounts which had been asked from him, and declining to collect the debt owing by Señor Rodriguez, as he can find no one willing to take this business in charge on account of the little prospect of collecting anything.—To its expediente.

*Seventh.* From the Agent at Guanajuato, of the 5th instant, protesting against the responsibility charged to him for having paid the loan assigned to that agency, and stating that on this subject he will correspond only with Manning & Mackintosh, from whom he received this commission, and remitting a draft for three thousand dollars which he had collected up to that date.—Let the draft be presented for acceptance, the proper entries be made, and receipt acknowledged.

*Eighth.* Seven communications from Don José Zamora, dated 6th inst., transmitting with the first the pay-rolls No. 5, the reduction ticket, and the statements and cash balance sheet No. 1.—Receipt, and to the Auditor's office. In the second, informing that he dispatches the carrier Fiz for the four quintals of sulphate, and that he is waiting to be notified when he may send for the other four.—Let the sulphate ordered be sent, and he be informed that he can send for other six quintals next week. In the third, he communicates that the quality of the ore in the vein which has been struck is of seventy marks for one hundred quintals; that he had ordered the work to be driven three or four varas more; that the vein is from five quarters to a vara and a half wide, but in strips; that in the shaft of Dolores the water had been reduced fourteen varas; that at the Hacienda of Cantarranas the timber for the wheel would be all ready by the end of the present month, and that for the pay-roll of this week he requires seven hundred dollars.—Understood. In the four last he advises having drawn in four bills for the sum of eight hundred and ninety-eight dollars.—Let them be paid.

*Finally.* A petition from the citizen Pedro Jausequi was read, that there be given to him one of the vacant clerkships.—To its expediente.

[Two Rubrics.]

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## *Session of* 10*th February*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 8th, there was submitted a report of the Bureau of Encouragement relating to the resignation by Don Ignacio Castelaso, of the Presidency of the Tribunal of Pachuca; and after mature discussion, it was resolved to make answer to this gentleman, that as the Junta no longer, in this matter, possesses the power conferred on it by the law of 2d December, 1842, in virtue of the establishment of the federal system, it cannot transmit his resignation, as it would desire to do, to the Government of the

State of Mexico, whose office it is to decide in the matter; and that he may present his application to the same in accordance with the supreme declaration of November last.

The account presented by the Treasury, of rents collected from tenements of the college building in January, was then read, and ordered to be transmitted to the Auditor's office.

*Finally*, The Junta resolved that an official letter be addressed to the Director of the Mint, putting him in mind of the payment of the value of seven bars of silver, introduced for his account since 16th March last, and which has not yet been paid.

[Two Rubrics.]

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### *Session of* 11*th February*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 10th, the following communications were submittted:

Two from His Excellency the Governor of Chihuahua and from the agent there, acknowledging the receipt of the circular notifying the appointment of Señor Flores as President of the Junta for the present year.—To its expediente.

*Third.* From the Tribunal of Anganguco, transmitting the acta of one associate and two advisers.—Understood.

*Fourth.* From the agent at Durango, remitting a draft for one thousand four hundred and thirty-three dollars twenty-three cents, for the proceeds of mining dues in the month of January.—Let the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Fifth.* From the agent at Pachuca, dated 10th inst., transmitting the account for the quarter ending in December.—To the Auditor's office.

*Sixth.* From Don Cayetano Buitron, stating that he had transmitted to Don Manuel Mª. Lebrija all the documents required to enable him to present his accounts.—The Junta resolved that Señor Lebrija be notified to forward his unsettled accounts within a fortnight at most, as Señor Buitron had represented that he had transmitted him all the documents.

[Two Rubrics.]

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### *Session of* 15*th February*, 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the session of the 11th, the following communications were submitted:

*First.* From His Excellency the Governor of Tamaulipas, acknowledging receipt of the circular notifying the appointment of Señor Flores as President for this year.

*Second.* From the agent at Zimapan, remitting a draft for two hundred and sixty-four dollars, six rials, for proceeds of dues in the last month.—Let the draft be presented and collected, the proper entries made, and receipt acknowledged.

*Third.* From the agent at Guadalajara, remitting another draft for seven hundred and sixteen dollars, three rials, one and a half grains.—Let it be presented for acceptance, the proper entries made, and receipt acknowledged.

*Fourth.* From the agent at Guanajuato, remitting a draft for two thousand eight hundred and seventy-one dollars, seven rials, for balance of proceeds on the last month, and also a receipt for fifty-five dollars, four rials, for costs of the protests made in the affair of the loan of the three thousand three hundred and thirty-three dollars.—Let the draft be presented for acceptance, the entries made, and receipt acknowledged.—Let Señor Mackintosh be informed that, as Señor Pohls has refused to have any correspondence with the Junta on the subject of the three thousand three hundred and thirty-three dollars of the loan, and has not even communicated the result of the last interference by the Government, he should see to its being recovered, in the understanding that the contracting house is responsible.

*Fifth.* Four from Don José Zamora, dated 13th, transmitting with the first the weekly pay-rolls No. 6, and the reduction ticket No. 2, of the negotiation of Tasco.—Receipt, and to the Auditor's office; and in the other three, advising of having drawn for one thousand four hundred dollars in favor of Don Rafael Solarez.—Let them be paid.

The Licentiate Don Castulo Barreda presented an account of fees in the matter of denouncement of the adit.—To the Auditor's office.

[Two Rubrics.]

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### *Session of* 18*th February,* 1847.

Present, the Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 15th, there was read a report from the Auditor's office, on the account of fees presented by the Licentiate Don Castulo Barreda, amounting to forty dollars, recommending its approval, and said sum was ordered to be paid.

The three following communications were submitted:

*First.* From Don José Zamora, dated 13th, ordering the cloth necessary and proper for the two mills; also, that the sulphate which he has ordered be sent to him, and two cases of gunpowder.—Let them be purchased and forwarded.

*Second.* From the agent at Guaymas, dated 18th January, representing that since April, last year, he has transmitted the account for the last four months of 1845, appertaining to Hermosillo, and that he would send another copy, considering the post to have miscarried.—He remits duplicate of a draft for five hundred and fifty-eight dollars ninety-eight cents, dated 20th April, but the Bureau of Administration having noticed that it appears from data in the Auditor's office that said draft has been paid by the contracting house, and that the accounts referred to are also on file in said office, the Junta resolved that Señor Robinson be so informed, and the draft returned to him. The Auditor's Department having recommended that said agent be required to satisfy the cost of the stamped paper of the fifth stamp, on which said account should have been written, and the amount charged for postages, both amounting to five dollars six rials, the Junta agreed not to make said demand, in view of the difficulty of collecting the same, and of the small commission which the agent receives by reason of the limited amount collected.

*Third.* From the agents at Culiacan, in answer to the demand made to them for the unsettled accounts, stating that one of them, Señor Le Brum, had to come to Mexico in the present month, and would bring them with him. They transmit also an official letter from Señor Don Juan Nepomuceno Lopez Portillo, dated 23d January in Mazatlan, in which he offers to settle with said gentlemen and finish their accounts, which he had not done till then because of the political disturbances occurring so frequently at that post.—To its expediente, and let it be remembered on the arrival of Señor Le Brum in Mexico.

[Two Rubrics.]

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### *Session of* 22*d February*, 1847.

Present, Señores Flores, Bassoco and Segura; and after having approved the journal of the session of the 18th, the following communications were submitted:

*First.* From the Ministry of Relations, transcribing the official communication of the Ministry of Finance, stating that the proper orders shall be issued for remitting to the Junta the drafts corresponding to the three per cent., so soon as the blockade is taken off.—To its expediente.

*Second.* From the same, acknowledging receipt of the statement of Receipts and Disbursements of last year.

*Third.* From the agent at Zacatecas, remitting a draft for four thousand eight hundred and fifty-nine dollars, two rials, for proceeds of the last month, and a receipt from the student Ayala.—Let the draft be presented for acceptance, the entries made, and receipt acknowledged.

*Fourth.* From the agent at San Luis Potosi, transmitting the accounts of the last four months.—To the Auditor's office.

*Fifth.* From Don Sebastian Segura, at Pachuca, dated 16th, transmitting the accounts of the property of the Junta for the last year, and two hundred and thirty-nine dollars five rials to account.—Receipt, and to the Auditor's office.

*Sixth.* Three communications from Don José Zamora, dated the 20th, transmitting with the first the pay-rolls No. 7; informing in the second that he was going to get reduced two lots of ore, which being finished he would remit five bars of silver.—Understood; and advising in the last that he had received the seven quintals of sulphate which had been forwarded to him, and that he would dispatch the carrier for the three remaining, the two cases of gunpowder, and the cloth for the mills; and finally recommending that in the invoice of the sulphate, it should be stated that it is for mining purposes.—The Junta resolved that it be so stated.

[Two Rubrics.]

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### *Session of 25th February,* 1847.

Present, Señores Flores, Segura and Bassoco. The Secretary submitted the result of his labors at Toluca in the matter of the collection of the debt owing by the Licentiate Don Diego José Perez Fernandez, which was that he proposed to give an order on the State Treasury to discount sixty dollars a month from his salary till the debt should be paid; and the Junta taking into consideration that any other measures would occasion expenses and make the recovery of the debt more difficult, from the want of means in Perez, and also that there are other creditors to his property, resolved to accept the proposal, and to write to this effect to the substitute Attorney Licentiate, Don Ignacio Arrieta, telling him to receive the order and the installments, and to remit the same to the Treasury of the Junta safely and opportunely; and also that he represent the Junta in that city in business which may occur relating to Tasco.

[Two Rubrics.]]

### *Session of 24th March*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of 25th February, the following communications were submitted:

*First.* From their Excellencies the Governors of Sonora and Sinaloa, acknowledging receipt of the circular in which it was communicated to them that the Señor Flores was acting as President of the Junta for this year.—To its expediente.

*Second.* From the Agent (*Apoderado*) in Guanajuato, dated the 5th and 15th instant, remitting in two bills of exchange six thousand three hundred and fifty-two dollars, two rials, for proceeds of the month of February.—Let the bills be presented for acceptance, the proper entries made, and receipt acknowledged.

*Third.* From the Agent at Durango, of 5th March, remitting another draft of eight hundred and seven dollars and seventy-four cents, for the previous month; and the same resolution was passed as the preceding.

*Fourth.* From the same, dated 19th March, transmitting the account of the last four months.—To the Auditor's office (*Contaduria*).

*Fifth.* From the Agent at Chihuahua, dated 16th February, remitting a draft for six hundred and ninety-eight dollars, seven rials, for proceeds of December and January, in that city.—Ordered, that the draft be presented for acceptance, and the proper entries having been made, that receipt be acknowledged.

*Sixth.* From the same, and of the same date, transmitting the account of the last quarter.—Receipt, and to the Auditor's office.

*Seventh.* From the Agent at Pachuca, of 17th March, remitting another draft of one thousand six hundred and forty-six dollars, six grains, for proceeds of the month of February.—Let the bill be presented for acceptance, the proper entries made, and receipt acknowledged.

*Eighth.* From the same, advising that he had made a mistake in the remittance which he made in the month of February.—Passed to the Auditor's office for report.

*Ninth.* From the Agent at Guadalajara, remitting six hundred and fourteen dollars, five rials, eight grains, for proceeds of the same month of February; and the same resolution was passed as the preceding.

*Tenth.* From the same, communicating having ordered to be made duplicates of the accounts corresponding to the last four months.—That notice be given to the Auditor's office.

*Eleventh.* From the Agent at Culiacan, dated 10th February, remitting three drafts, one for three hundred and twenty-four dollars, one and a half rials, appertaining to Alamos, for the month of November last; another for three hundred and fourteen dollars, six rials, appertaining to Culiacan, for the month of December, and the third, for three hundred and one dollars, five rials, corresponding to Alamos for said month.—That the bills be presented for acceptance, the proper entries be made, and receipt acknowledged.

*Twelfth.* Other four, from the same, and of the same date, transmitting a draft for two hundred and twenty-four dollars, three rials and two-eighths, appertaining to Cosalá for the month of November last; 2d, for two hundred and thirty-nine dollars, one rial, corresponding to the same mining district for the month of December; 3d, for one hundred and nineteen dollars, seven rials, ten grains, appertaining to the month of January, in the same place; and last, another for one hundred and sixty-nine dollars, two rials, two-eighths, produced by Culiacan in the month of January.—That said drafts be presented and collected, the proper entries be made, and receipt acknowledged.

*Thirteenth.* From the Agent at Guadalupe y Calvo, transmitting the accounts in conformity with the communication addressed to him on 9th January last.—To the Auditor's office.

*Fourteenth.* From the Agent at Zacatecas, dated 5th instant, remitting a draft for one thousand three hundred and fifty dollars, two rials, ten and a half grains, for account of the proceeds of the month of February.—That the draft be presented for acceptance, the entries be made, and receipt acknowledged.

[Two Rubrics.]

## *Session of 26th March*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal (*acta*) of the previous session was read and approved, and there were submitted the following communications:

*First.* From the Director of the negotiations of Tasco, dated 27th February, transmitting the weekly pay-rolls No. 8 of the mine and Hacienda.—Receipt, and to the Auditor's office.

*Second.* From the same, of same date, advising that there had been sold to Don Francisco Aramburu, 27 arrobas, 15 lbs. old copper, at 27 dollars per quintal, amounting to one hundred and sixty-two dollars, four rials, and transmitting the return Custom-House docket for seven quintals of sulphate.—Receipt, report to the Auditor's office, and send back the return docket.

*Third.* From the same, dated 6th March, transmitting the weekly pay-rolls, No. 9 of the mine and Hacienda, and two statements and one cash balance, marked No. 2.—Receipt, and to the Auditor's office.

*Fourth.* From the same, dated 13th March, transmitting the pay-rolls No. 10 of the mine and Hacienda.—Resolution same as the preceding.

*Fifth.* From the same, March 20th, transmitting pay-rolls marked No. 11.—Dispatched in the same manner.

*Sixth.* From the same, March 20th, advising having drawn bill of exchange No. 30, for two hundred dollars, in favor of Don Manuel Parres.—Let it be paid.

*Seventh.* From the same, of the same date, advising having drawn bill No. 29, for the sum of one hundred dollars.—Payment ordered likewise.

*Eighth.* From the same, 27th February, advising having drawn bill No. 22, for ninety-six dollars.—Payment also ordered.

*Ninth.* From the same, same date, advising having drawn bill No. 21, for one hundred dollars, with same resolution.

[Two Rubrics.]

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### *Session of 27th March*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of yesterday was read and approved, and there was submitted an official communication of the Agent of the District, with which he remits one thousand one hundred and ninety-seven dollars, two rials, six grains, proceeds of the mining dues collected in the previous month, and it was resolved that the receipt be acknowledged and the proper entries made.

The Notary, Don then notified the Junta that its share in the mine of San Juan de la Chica had been adjudged, because it had not met its responsibilities in time; and he was answered by representing to him that the reason for not having paid up the whole amount fixed by the contract, was that an express order had been received from the Government for the suspension of payments, even those of this nature, notwithstanding its having been informed fully of the kind of obligation contracted by the Junta in this matter; which was known to the Company of the Negotiation, having been so informed by its representative, the President of the Mining Junta.

[Two Rubrics.]

*Session of 29th March*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of the 27th was read and approved, and the following official communications were submitted:

*First.* From the Director of the negotiations of Tasco, February 22d, in which he orders three quintals of sulphate, two cases of gunpowder, six yards of wire-cloth, and three or four pounds of English gunpowder.—Let answer be made that the cloth has been sent, that the gunpowder shall be procured and shall be ready when the carrier returns, and that the sulphate shall be applied for again and sent when it is procured.

*Second.* From the same, February 26, reporting his conference with Señor Olaguibel, relating to the infringement of the decree prohibiting the continuation of the Mining Courts which existed in the State of Mexico at the time of its promulgation.—Resolution suspended.

*Third.* From the same, February 27, informing that the works of the mine and the quality of its ores continue in good condition, and giving an account of the work going on.—Understood.

*Fourth.* From the same, March 6, advising having drawn bill No. 23, for four hundred dollars.—Let it be paid, and the corresponding entries made.

*Fifth.* From the same, same date, with advice of having drawn bill No. 24, for four hundred dollars.—Same resolution.

*Sixth.* From the same, same date, advising having drawn bill No. 25, for other four hundred dollars.—Same resolution.

*Seventh.* From the same, March 9, ordering six quintals of quicksilver.—To its Expediente, said article having been remitted since the 26th.

*Eighth.* From the same, March 13, advising having drawn bill No. 26, for four hundred dollars.—Let it be paid, and the respective entries made.

*Ninth.* From the same, March 20, communicating the state of the working of the mine, and the want there is of quicksilver.—Understood, repeating the notice that said article has been sent.

*Tenth.* From the same, of same date, advising of the drawing of bill No. 27, for four hundred dollars; and its payment was resolved, and that the respective entries be made.

*Eleventh.* From the same, and of the same date, relative to the drawing for other four hundred dollars by bill No. 28; and the same resolution was passed.

*Twelfth.* From the same, March 27, informing of the work at the mine, and inquiring if the five bars which he has to remit in Easter week, shall be consigned also to Señor Echeverria.—Understood, and that he make the remittance to the same consignment, unless he should have sufficient reason for fearing danger at the time of remitting said bars.

*Thirteenth.* From the same, and of the same date, transmitting the weekly pay-rolls No. 12 of the mine and Hacienda.—Receipt, and to the Auditor's office for the consequent purposes.

*Fourteenth.* From the same, and of the same date, advising the drawing of bill No. 31, for three hundred dollars; and the payment of the same was resolved, and that the corresponding entries be made.

*Fifteenth.* From the same, and of said date, advising the drawing of bill No. 32, for three hundred and thirty-four dollars ; and the same resolution was passed.

*Sixteenth.* From the same, and of the same date, ordering that the quicksilver be not sent to him, as he has already obtained it, and inquiring whether he may receive money from the house of Señor Zurutuza, notwithstanding its being in copper coin.—That the quicksilver has already been sent to him; and in regard to his inquiry, he may act as seems proper to him, as there has been no intention to extort from the negotiation, but, without detriment to it, to accommodate the holder.

*Seventeenth.* Account presented by the Treasury of the amount collected for rents of the tenements of the College in the month of February.—Transmit to the Auditor's office for the necessary purposes.

*Eighteenth.* Report from the Auditor's office relative to repeating a communication to the Agent at Pachuca, allowing him two dollars, three grains, difference in accounts.—In conformity.

*Nineteenth.* From the Agent at San Luis Potosi, March 24th, transmitting a draft for sixty-five dollars, ten cents, collected in February.—Let receipt be acknowledged, the draft collected, and the proper entries made.

*Twentieth.* From the Agent at Guadalupe y Calvo, March 9, relative to employing and paying an Attorney to negotiate the collection of the debt of Rodriguez in Parral.—Let the respective Bureau report.

*Twenty-first.* From the Agent of the District, offering to present his pending accounts.—That he be urged to do so without delay.

[Two Rubrics.]

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### *Session of 30th March*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the preceding session was read and approved, and there was submitted a communication from the Ministry of Relations, dated yesterday, reinstating by it Señor Tornel in the office of Director of the College of Mining; and it was resolved to reply to it that such information had been received.

There was also submitted an official communication from the Agent of the district, dated 16th February, in which he reiterates that the case of his compromise has not occurred, because he has not been reinstated in his office, nor has his retirement on a pension yet been declared.—Let him be told that in view of all the considerations which the Junta has had with him, it seems just that he should make an effort, and pay over on account in proportion to the sums he receives, until the business is definitely settled.

[Two Rubrics.]

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*Session of 5th April*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of the 30th ultimo was read and approved, and the following official communications were submitted:

*First.* From the Director of the negotiations at Tasco, dated the 3d, transmitting the weekly pay-rolls No. 13 of the Hacienda, the reduction ticket No. 3, two monthly statements, and a cash balance sheet marked with the same number.—Receipt, and pass the statements and pay-rolls to the Auditor's office.

*Second.* From the same, of the same date, in reply to some inquiries regarding taking away pillars, which it is reported has been done in the negotiation.—Let it be transcribed to the Licentiate Barreda.

*Third.* Another, relative to the state of the works, showing that the roll of the following week will amount to eight hundred dollars.—Understood.

*Fourth.* Another, informing that a carrier had left, who may convey the pending three quintals of sulphate, and other six; six quintals of Biscayan iron flat bars, and two cases of gunpowder.—Let the articles ordered be purchased, and be ready for the carrier.

*Fifth.* Another, transmitting the general account for the year 1846.—Receipt, and to the Auditor's office.

*Sixth.* Another, advising of having drawn bill No. 34, for four hundred dollars.—Let it be paid, and the proper entries made.

*Seventh.* Another, advising the drawing of bill No. 33, for other four hundred dollars.—Same resolution passed.

*Eighth.* From the Directory of the College, March 30, transcribing the order of the Government that Señor Tornel be reinstated in said Directory,—To its Expediente.

*Ninth.* From the Ministry of Relations, of February 24, acknowledging receipt of the statements of receipts and disbursements of the Junta in the month of January.—To its Expediente.

*Tenth.* From the Correspondent at Zimapan, dated 1st, remitting a draft for three hundred and thirty-three dollars, two rials, four grains. Receipt, let the draft be presented for acceptance, and the proper entries made.

*Eleventh.* From the Director of the negotiations of Tasco, dated 3d, in which he requests that he be paid what is due to him for the ten dollars per week appropriated to him by the Junta.—Let the proper Bureau report.

[Two Rubrics.]

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*Session of 6th April,* 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of the preceding day was read and approved, and there was submitted a communication from the Ministry of Relations, in which, under date of March 20, is transmitted the petition of Don Francisco Fischer, that there be conferred on him the situation of copying clerk, which is vacant in the office, and it was resolved to suspend action on it for the present.

Immediately, and in view of the report of the Auditor respecting whether in view of its having been ordered that the Agent at Hermosillo be allowed five dollars, six rials, with which he credits himself for postages and stamped paper in his account corresponding to the last four months of 1845, this favor should be extended to the two preceding terms, and also to the future. The Junta resolved to be without effect their resolution of the 18th ultimo, and provides that the Auditor's Department be governed by the terms of the contract for collection made with Messrs. Manning and Mackintosh.

[Two Rubrics.]

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*Session of 7th April,* 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of the previous day was read and approved, and there was submitted an official communication from the Agent of the District, remitting nine hundred and eighty-five dollars, one rial, collected for mining dues in the month of March; and it was resolved to acknowledge the receipt and make the corresponding entries.

The Junta then ordered that the Auditor and the Bureaus of Encouragement and Administration in the Secretary's office, be notified to provide without delay, a statement of the entries now pending in them, so that in view of the same, reasonable resolutions may be passed.

On petition of Don Manuel de Jesus Piña, formerly probationary clerk (*meritorio*) in the Auditor's office of the Junta, that there be issued to him a certificate of the manner and time of his service, it was ordered that the Auditor give him a certificate of the facts.

**[Two Rubrics.]**

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### *Session of the 8th day of April*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of the preceding day was read and approved, and there was submitted an official communication from the agent at Guanajuato, dated 5th, in which he transmits a draft for three thousand five hundred dollars, for what he has collected of the mining dues in the month last past; and it was resolved to acknowledge the receipt, that the draft be presented for acceptance, and the corresponding entries made.

**[Two Rubrics.]**

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### *Session of 9th April*, 1847.

Present, Señores Flores, Segura and Bassoco; the journal of the session of previous day was read and approved, and there was submitted a report from the Bureau of Administration, dated the 7th, in which answer is made to the inquiry whether or not there should be appointed the solicitor and attorney proposed by the Agent at Guadalupe y Calvo, to continue negotiating the collection of the debt of Don Cristobal Rodriguez, formerly agent of the Junta at Parral.—Let reply be made, that in the supposition that there is a person who will accept the power of attorney, the Bureau report the terms on which he should be paid.

In view of the report of the Bureau of Encouragement, in which it is recommended that there be credited to Don José Zamora five hundred and twenty dollars, corresponding to fifty-two weeks of the previous year, at the rate of ten dollars per week, for the gratuity assigned to him, in the understanding that it is beyond doubt that the profits of the year will defray this expense: and that the interested party be required to present the account of said profits in proof thereof; it was resolved in conformity, with the addition, that as the proof of the profit or loss of the negotiation can only be properly calculated at the end of each year, the decision on making said allowance be deferred till the end of the year '47.

[Two Rubrics.]

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### *Session of* 10*th April*, 1847.

Present, Señores Flores, Segura and Bassoco. The journal of the previous day was read and approved, and it was ordered that there be transmitted for the Auditor's report an official communication of the Ministry of Relations, of date 7th inst., in which a report is required from the Junta in relation to a petition from Don Andres del Rio, that there be appropriated to him six hundred dollars, for the purpose of printing a supplement to his work on mineralogy.

There was submitted an official communication of the General Directory of Tobacco of the same date, notifying that it had no stock of gunpowder on hand to supply the negotiations of Tasco; and it was resolved to purchase one quintal from Señor Carrera, and another of what is for sale in the street of Cadena, or in any other place, and that they be remitted to Zamora, with an account of their cost, so that on trial being made, they may report which kind gives the greatest satisfaction, and may be contracted for in future.

[Two Rubrics.]

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### *Session of the* 12*th April*, 1847.

Present, Señores Flores, Segura and Bassoco. The journal of the session of the 10th was read and approved, and the following communications were submitted:

*First.* From the Director of the negotiations at Tasco, dated 7th, advising the drawing of bill No. 38, for one hundred dollars.—Let it be paid, and the proper entries be made.

*Second.* Another, with advice of No. 37, for two hundred dollars.—Same resolution passed.

*Third.* Another, advising of No. 36, for fifteen dollars.—Same resolution.

*Fourth.* Another, advising of No. 35, for four hundred dollars.—Same resolution.

*Fifth.* Transmitting weekly pay-rolls No. 14, of the mine and hacienda.—Acknowledge receipt, and pass to the Auditor's office.

*Sixth.* Another, informing of the carrier having left who is to convey the sulphate and gunpowder asked for.—Let endeavors continue to be made to procure these articles.

*Seventh.* Another, informing that the copper articles lately sold were three retort-heads and one furnace-tube of no use.—To the expediente.

*Eighth.* From the Court of Anganguco, dated 5th, proposing the encouragement of mines in said district, and transmittting statistical data.—Let the Bureau of Encouragement report.

*Ninth.* From the agent at Durango, dated 2d, remitting a draft for nine hundred and thirty-three dollars eighty-two cents, proceeds of mining dues.—Let receipt be acknowledged, the draft presented for acceptance, and the proper entries made.

*Tenth.* From the Auditor's office, dated 10th, making certain reclamations in regard to accounts of the agent at Guadalupe y Calvo.—In conformity.

*Eleventh.* From the Director of the negotiations at Tasco, of the same date, proposing that there be sold there five bars, to prevent the risk in remitting them.—That he give fuller explanations on the subject, and that he may sell the five bars at one and a half per cent. discount.

[Two Rubrics.]

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### *Session of* 13*th April*, 1847.

Present, Señores Segura and Bassoco. The journal of the session of the previous day was read and approved, and there was submitted a report from the Bureau of Encouragement, stating that to enable it to give the report required by the Supreme Government, in consequence of the petition of Don Andres del Rio, that six hundred dollars be provided him for printing the supplement to his work, it is requisite that said Señor del Rio explain whether this expense is to be for his own account, or on account of the College, it being indispensable that in both cases the Director express his opinion on the subject; and it was resolved in conformity with the opinion of said Bureau.

[One Rubric.]

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### *Session of* 14*th April*, 1847.

Present, Señores Flores, Segura and Bassoco. The journal of the previous day was read and approved, and it was ordered that there be transmitted to the Auditor's office for its report, an account presented by the Licentiate Barreda, and which was remitted by the Secretary of the Mining Tribunal at Tasco, charging one hundred and ninety-two dollars for judicial costs; and it was ordered that there be purchased twenty-four mill stamps, to be sent by the carrier Don Ricardo Luna, according to advice of the Director of the Negotiations, in his official communication of the 6th of this month.

[Two Rubrics.]

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*Session of* 15*th April*, 1847.

Present, Señores Flores, Segura and Bassoco. The journal of the session of the previous day was read and approved, and there was submitted a report from the Bureau of Encouragement, in which it is recommended that the superior authorities of the State of Michoacan be stimulated to give protection to mining in that district as soon as the political condition of the country will permit; and that it be recommended also to the Mint that there be no misusage in cutting off pieces of bullion for assays; and it was resolved in conformity, and ordered that the corresponding communications be forwarded, acknowledging receipt, and giving due thanks to the Court for the remittance made and for the statistical information which it promises; and that the law in regard to bullion for assays be explained to Señor Mackintosh, so that under the new management of the house the abuses of which the Court complains be not committed.

[Two Rubrics.]

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*Session of* 17*th April*, 1847.

Present, Señores Flores, Segura and Bassoco; and after the approval of the journal of the 15th, there was read a communication from the Señor Judge Don Agustin Perez Lebrija, in which he states that the Illustrious Señor Don Manuel Yrisarri, having been appointed executor of Señor Dr. Don Juan José Gamboa, he is prepared to proceed to collect the assets of the testamentary estate, and that consequently there may be paid to him the interest on the capital owing by the dotal fund.—Transmitted to the Auditor's office for its report.

The Señor Minister of Finance presented himself to the Junta, representing the actual urgent demands on the public treasury, and the necessity which the Supreme Government was under of remitting, this day, a considerable sum of money to his Excellency Señor Don Antonio Lopez de Santa Anna, and making himself even personally responsible for the largest amount which the Junta might furnish him with.

The members of the Junta thereupon represented to H. E. that they were well disposed to assist the Supreme Government; but that having to defray the expenses indispensable for the support of the college, to pay the salaries of officers, and the weekly pay-rolls of the negotiation of Tasco, they could only furnish him the sum of ten thousand dollars, under the condition that he should engage to repay four thousand dollars on the 27th or 28th of the present month, and the balance on the 15th of May next: that said sum was not in cash, but in drafts on the house of Messrs. Manning and Mackintosh, payable at various dates, but that he could receive the money for them at a discount of seven-eighths per month.

The Minister consented to the terms proposed, adding only that in that case he should deduct the discount on said drafts from the time of making the repayment to the dates in which they become due.

[Two Rubrics.]

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### *Session of the* 19*th April*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 17th, there were read the following communications from Don José Zamora, dated the 17th instant in Tasco:

*First.* Transmitting the pay rolls No. 15.—Receipt, and to the Auditor's office. In the second, he advises having delivered to Don Miguel Quiñones fifty dollars for his journey to Mexico.—Understood. In the third, he notifies that bill No. 21, which he drew in favor of Don Agustin Fiz for one hundred dollars having been lost, it may not be paid to any person presenting it.—Understood. In the four following, he advises having drawn bill No. 39 for four hundred dollars in favor of Don Manuel Parres; No. 40, for two hundred and seventy-one dollars, three rials, six grains, in favor of Don Leonardo Maldonado; No. 41, for four hundred and fifty dollars in favor of Don Francisco Aramburu; and No. 42, for two hundred and twenty dollars in favor of Don Jorge Raffard.—The Junta resolved that they be paid, and that the corresponding entries be made.

*Second.* From the Commissioner at Pachuca, dated 14th, remitting a draft for eight hundred and eighty-eight dollars, five rials, two grains, for proceeds of the month of March.—Let it be presented for acceptance, and receipt acknowledged.

*Third.* A communication was received from His Excellency the Minister of Finance, dated yesterday, advising having received the drafts against the house of Messrs. Manning and Mackintosh for ten thousand dollars, which were transmitted to him.—The Junta resolved to pass the same to the Auditor's office, and that the corresponding entries be made.

A communication was received from the Ministry of Relations, dated 7th instant, transmitting the petition in which Don Francisco Segura asks that there be conferred on him the situation of copying clerk vacant in the Auditor's Department, that it may be considered on making the presentation which the Ministry expects the Junta will transmit without delay. After a mature discussion, the Señores Flores and Bassoco agreed that reply should be made to the Supreme Government in the following terms:

This Junta de Fomento y Administrativa de Mineria received on the 6th of February last the official communication from your Ministry, which it was pleased to address to the Junta on the 27th of the previous January, informing that His Excellency, the Vice President *ad interim*, had decreed in accordance with the petition in which Don Francisco Segura had solicited to be considered as a probationary clerk (*meritorio*) of the Auditor's office, from the day in which he began his services in the same, *provided that on the part of the Junta no objection should be found.*

The Junta considered it convenient to suspend its action upon the contents of this communication and its consequent answer, until it should have to occupy itself with the matter of supplying the two vacancies which exist in its office, which time has now arrived, in view of the official communication of Your Excellency of the 7th instant, received the 18th, in which you transmit the petition which the aforesaid Don Francisco Segura presents, that there be conferred upon him the office of copying clerk (*escribiente*) which is vacant in the Auditor's Department, and order us to consider the same on making the presentation which the Government expects the Junta will remit without delay.

The Junta, then, taking into consideration the first communication to which it has the honor to reply, believes that it is necessary to explain in what manner Don Francisco Segura entered the Auditor's Department, said communication providing that he be considered as a probationer from the day in which he commenced to serve in this office. Señor Don Vicente Segura, President of the Junta, being his father, informed individually the other members, who are the same that at present with him constitute this body, that as his son Don Francisco could not continue prosecuting his studies in the college, he had resolved that he should attend the Auditor's office to improve his handwriting and accounts; to this, his colleagues considered that no objection could be made, neither was it necessary to enter into any examination of the obstacles which might exist to his admission as a probationer.

If, apart from the antecedents, we esteem the communication as a mere order for the future, that Señor Segura be considered from the day of its date as a probationer, *provided that on the part of the Junta no objection should be found*, we are concerned to be obliged to say that we do find such objection.

Regarding the question of expediency, the Junta believes that nothing more contributes to prevent the most capable persons from aspiring to situations in the public offices than the employment of probations in them, because there being no obstacle opposed to their admission, in consideration that the little or much which they do is entirely gratuitous, yet from the relations which they acquire with the employés and heads of departments, they are afterwards preferred to others outside in filling situations, who being more capable, had not submitted to the mere expectancy of a vacancy.

With regard to legal enactments, relating to probationers in the offices of the Public Treasury, the Junta does not consider that its office is included, as certainly it does not appertain to the Public Treasury.

It is true, that one of the sections of article 5th of the decree of 30th November, 1843, in which is established the estimate of this office, provides that, "All (the employés) shall have the same privileges, and shall be subject to the laws regulating those of the Public Treasury." But this law was passed doubtless in contraposition to article 5th of the Regulations of the Junta, not admitted by the Government, in which it was stated: "The first (section) shall be composed of the Secretary, etc., the situations in which shall be of exclusive appointment of the Junta and in conformity with what is enacted by article 14th, title 1st, of the Mining Ordinances." Said article speaks of the free removal of employés; but we repeat that this enactment, far from proving that the office of the Junta appertains to the Public Treasury, proves the reverse, and it would be impertinently superfluous to declare, that the employés of an office not of the Public Treasury should be considered as employés of the Public Treasury. The other peremptory reasons which might be alleged to prove that it does not so appertain, the Junta believes unnecessary to state, in addressing a Minister who is perfectly aware of the nature of the mining fund; and with the above it considers that answer is made to the communication of 27th January.

In regard to the presentation which the Government expects, according to the contents of the communication of the 7th instant, the Junta considers it to be its appropriate duty to make some observations to His Excellency the Minister, that they may be examined in justification of its action.

It appears, beyond doubt, that the considerable increase of employés made in this office by the aforesaid decree of 30th December, 1843, was principally in consequence of the accumulation of labor thrown upon it by the new quicksilver fund which it was required to administer, receiving and disbursing its proceeds in the manner designated by the laws passed to that effect. It is now some time since receipts from this source have entirely ceased; and of its distribution there has remained only the dotation appropriated from said fund to the college, and the portion for increase in the salaries of the office, which payments are being made, by order of the Government, from the dotal fund, on condition of their being refunded to it, which it is not easy to foresee when may happen, although the time may be considered as far distant when said repayment shall be made, in view of the actual state of affairs. This consideration, in addition to that of there no longer existing the accumulation of labor caused to the administration by the quicksilver fund, inclines the Junta to believe that it is proper for the present to suspend the presentation to the two situations which are vacant in its office, and it does not doubt that Your Excellency will duly appreciate the motives which impel it to make these remarks.

The Junta protests to Your Excellency its distinguished consideration and esteem.

Señor Segura said: Seeing that my present colleagues have thought proper to enroll in this journal the official communication which they have resolved to address to the Government in reference to the petition of Don Francisco Segura, soliciting that there be conferred on him the situation of copying clerk now vacant in the Auditor's department, I find myself obliged to speak and place this matter in its true light.

While President of the Junta I placed Don Francisco Segura in the situation of probationer, he having the qualifications required by the laws for being admitted as such. I then informed my colleagues of this, but not in the understanding that it was simply with the object that a young man of eighteen years old should improve his handwriting and exercise himself in accounts, as he could write, and had gone through the first and second course of mathematics in the College of Mining, from which it was necessary to take him by advice of physicians, because of a cerebral affection with which he had been attacked. Since that time, that is, from January, 1846, he has acted as copying clerk in the Auditor's department, that post having been left vacant, doing its work to the satisfaction of his immediate superiors, Señores Auditor Don Miguel Hierro and Don Miguel Gangoiti, who have given him honorable certificates, which my colleagues have seen. In these he has been considered as a probationer, and the same opinion is held of him by every person in the different departments of the Junta.

If this office for the administration of the dotal fund of the miners cannot be said to appertain to the public treasury, still it does so unquestionably, because it also administers a national fund appertaining to the public treasury, namely, the quicksilver fund.

But waiving this question, article 5th, of the law of December 30, 1843, says literally as follows: "All (the employés in the office of the Junta) shall have the same privileges, and *shall be subject to the laws regulating those of the public Treasury.*" And these same laws, as well those passed in the time of the Spanish Government as the others passed since the Independence, provide in benefit of the public service, that in all offices probationers be admitted, and that vacancies be filled *necessarily with them.* This theory that probationers in the public offices are prejudicial, is new, contrary to the laws, and is the private opinion of the present agent of the creditors to which *till now* the Junta has been continually opposed, it having admitted such persons as desired, but who seeing that they were never presented with the slightest gratuity for their daily labor, have resigned to go to other offices.

It is also true that the posts of copying clerks which are vacant should be filled, because since they became vacant the Junta has been daily in the necessity of paying others to dispatch the work of the office.

Don Francisco Segura certainly is my son; but this relationship is no impediment to his occupying this situation, the Supreme Government having declared that in the offices of the Junta two brothers may be employed.

Having the highest confidence in the integrity of His Excellency the President, I have no doubt that he will act justly, and attend to the petition of the said Don Francisco Segura.

The Junta, in view of the information from Tasco relative to that Tribunal having passed judgment in the expediente on denouncement of the mine of Trinidad, ousting the Junta from its possession and depriving it of the half of the products existing in it, resolved that Sōr. Bassoco should present himself in arbitration to said Tribunal, as agent of the creditors of the dotal fund invested in Trinidad, and for the sum which said mine owes for the defalcation of its manager Arismendi.

It was likewise resolved, that said Señor Bassoco be authorized to incur all expenses, and order such proceedings as he may consider proper to obtain a reversal of said judgment, presenting vouchers for the first, and informing of the second.

[Two Rubrics.]

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*Session of 22d April*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 17th, the following communications were submitted:

*First.* From his Excellency the Director of the College, of this date, transmitting the accounts to the end of last year.—Receipt, and to the Auditor's office.

*Second.* From the agent at Guanajuato, remitting a draft for two thousand seven hundred and seventy-one dollars, six reals, for balance of proceeds of last month.

*Third.* From the agent at Zacatecas, remitting another for two thousand four hundred and two dollars, seven reals, seven and a half grains, for the same month.

*Fourth.* From the agent at San Luis, remitting another for one thousand five hundred and seventy-four dollars, sixty-six cents, corresponding to the same term.

*Fifth.* From the agent at Guadalajara, of 16th inst., with another for nine hundred and ninety-seven dollars, five reals.—Let the drafts be presented for acceptance, the entries made. and receipts acknowledged.

*Sixth.* From the agent at Zacatecas, remitting draft for forty-two dollars, one real, four and a half grains, for proceeds at Sombrerete, in February.—Let it be collected, and pass to the Auditor's office.

Order was given to pay a receipt to Don Miguel Quiñones for account of dues, and to pass to the Auditor's office, recommending to its immediate dispatch the account sent in by the Licentiate Señor Castula Barreda.

There was submitted an official communication from the Minister of Finance, dated 14th instant, in which he asks a circumstantial account of the different exactions levied upon mining in sundry periods.—The Junta resolved to suspend its answer until some of its members should call and request the Government to explain said communication.

[Two Rubrics.]

### *Session of 23d April*, 1847.

Present, Señores Flores, Segura and Bassoco; and having approved the journal of the session of the 22d, there was read an official communication from Messrs. Manning and Mackintosh, dated the 15th, informing that Señor Don Jorge Lebrun being about to arrive, bringing with him the accounts and information asked from him, giving this information in case that the Junta should prefer to await the arrival in Mexico of this gentleman, and stating the drafts which said Lebrun brings in favor of the mining branch, and also the appointment which they have made of agents in Culiacan of Señores Don Guillermo Hooper and Don Luis Bellangi.—The Junta resolved that reply be made in accordance, and that attention be paid to the arrival of Señor Lebrun.

Two reports from the Auditor's office were read: the first, dated the 15th, referring to the accounts of '35 from Hermosillo. The Junta resolved in accordance, except in that portion which recommends that the account be returned, as the want of stamped paper may be supplied by transmitting the sheets cross-lined, and the assayer's signature may be forwarded without returning the account. It was also resolved, that Mr. Mackintosh and Messrs. Hooper and Bellangi be informed that the proceeds of Hermosillo for the last year had not been received, and of the remarks relative to the accounts of 1845. In the second is shown the liquidated account of the interest for six years, on the capital of 1703 dollars, 3 rials, recognized by the dotal fund in favor of Doctor Don Juan José Gamboa, amounting to four hundred and seventy-one dollars, two reals, six grains, which may be paid to his executor the Illustrious Señor Don Manuel Yrizarri.—The Junta resolved in accordance, and that it be paid by a draft.

A petition from the 2d Clerk of the Secretary's Department, Don José M. Canchola, was read, in which he solicits leave of absence for two months, for the recovery of his health, in Queretaro, paying him his salary in advance.—The Junta resolved that he should present legal proof of his being ill, and that leave be granted him, but not with his salary paid in advance. Señor Bassoco being of the contrary opinion, and voting that the petition be not granted.

Another from Don José de Jesus Carbajal, requesting one of the vacant offices of copying clerk in the Department of the Auditor and Secretary of this Junta.—Suspended with the previous petitions.

[Two Rubrics.]

### *Session of 24th April*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 23d, there was read a report from the Auditor's Department relative to the account lately presented by Señor Barreda, expressing its conformity with the charges contained in the same, with exception of the last, which is for three dollars paid to a clerk, and noticing that in the addition there is a mistake of eleven dollars in favor of Señor Barreda, and after deducting from which the three dollars disallowed, the amount remaining due is two hundred and ninety-seven dollars, seven rials.—The Junta resolved in accordance, ordering that the same be paid.

[Two Rubrics.]

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### *Session of 27th April*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the preceding session, the following communications were read:

*First.* From the Mining Deputation of Guanajuato, transmitting the document which has been made of the mine of La Purísima in the Mesa del Toro.—Let the Bureau of Encouragement report.

*Second.* From Don José Zamora, dated 24th, transmitting the weekly pay-rolls No. 16.—Receipt, and to the Auditor's office.

Another, in which he advises that in consequence of the possession given to Señor Madariaga, the half of the pay-roll of the present week will be for account of the Junta, and also the half of the ores which may be extracted.—Understood.

Another, in which he advises that he has appointed Don Leonardo Maldonado as depositary; that the purpose in requiring him to make affidavit to the stock on hand was that the half should be delivered to Madariaga; that he had asked and it was conceded that a Controller (*interventor*) should stay at the mine, but that Madariaga would not consent that his salary should be for account of the negotiation; and finally, that he had not yet given account of the stock on hand, although it had been demanded from him again on the 23d.—Resolved, that he transmit a copy of the judgment; that the appointment of Controller and Depositary are approved; but that he do not insist that the negotiation pay the Controller, should Madariaga not consent to the proposition; that he report what said compensation should be; that he be asked what was the result of the sale of the bars, and the condition of the Hacienda denounced, so that it be known whether it is within the requirements of the ordinances, calculating the cost of its repairs to prevent said denouncement.

A report from the Licenciate Don Castulo Barreda, was read relative to the account of Don Miguel Quiñones, and a letter in which he asks to be paid twelve dollars for fees of said report.═The Junta resolved that they be paid.

There was read a certificate from the physician, Don Amador Frazt, proving the necessity for Don José M. Canchola proceeding to take the hot baths of San Bartolo, at Queretaro. The Junta resolved that leave be granted to him in conformity with the order of the 23d. Señor Bassoco reserved his vote, saying that he had been opposed to granting leave to Señor Canchola, because, in his opinion, he was entitled to his retirement with a pension of one half his salary, as recommended by the Junta, on account of the mining fund.

[Two Rubrics.]

## *Session of 30th April,* 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 27th, there was read a communication from Don Juan Robinson, dated 22d March, transmitting a draft for eight hundred and ninety-six dollars and ninety-three cents, for proceeds of mining dues in the assay office of Hermosillo, for the last four months of the last year, and the corresponding accounts for the same term.═Let the draft be presented for acceptance, the entries made, the accounts passed to the Auditor's office, and receipt acknowledged.

It was resolved that Messrs. Hooper and Bellangi be informed that Señor Le Brun has deposited in this office the accounts of Mazatlan for the years 1845 and 1846: a draft for five hundred and thirty-one dollars, thirty cents, nett proceeds of what was collected in said port for dues in the month of January, of the present year, and another for three hundred and thirty-two dollars, two rials, six grains, corresponding to said month for dues at Alamos, remaining pending only the accounts of Cosalá; and finally, there was received the sum of seven hundred and eighty dollars for the last payments on account made by Señor Pambert, in Mazatlan.

A report from the Auditor's office was read relative to the last account presented by Señor Barreda; and although said report does not consent to allowing three dollars, the matter having been examined, the Junta resolved that there be paid to him thirty dollars, amount of said account.

An official communication from Señor Don Francisco Fagoaga, informing that he had received a draft for three hundred and twenty-four dollars, two rials, nine grains, for the portion corresponding to the Junta in the last apportionment of last year for the ten thousand dollars owing by the Hacienda of Valparaiso, for which sum the proper receipt would be given on Monday, and it was so resolved.

It was resolved to ask the Licenciate Barreda for the rough draft of the last pleadings which he transmitted to Tasco.

It was resolved, finally, on petition of Señor Canchola, that the leave of absence conceded by the Junta should commence on the 1st May.

[Two Rubrics.]

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*Session of 3d May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the 30th ultimo, the following communications were submitted:

*First.* From the Mining Tribunal of Tasco, in which is transcribed the petition of Don José Ma. Madariaga, that there be furnished to him fourteen thousand dollars in cash, with the character of *avio*, with premium on silver on the mine of Trinidad.=Resolved, that it does not deserve to be answered, and that it be transmitted to the Solicitor, that he may bear in mind the partiality of that tribunal.

*Second.* From His Excellency the Governor of the State of Michoacan, in reply to the communication addressed to him by the Junta on the 10th of the same month, informing that as soon as the State Congress opens its sessions, he will apply to it that it may be pleased to regulate by decree the costs of the Court of Anganguco.=Let it be transcribed to said court.

*Third.* From Don José Zamora, dated 1st, transmitting the pay-rolls No. 17, and the statements and cash balances No. 4.=Receipt, and to the Auditor's office.

*Fourth.* From the same, advising having drawn bill No. 44, for two hundred and seventy-one dollars, in favor of Don Teodoro Chaves.=Let it be paid.

*Fifth.* From the same, advising that he could not sell the five bars of silver to Señor Wiled before the judgment was pronounced, and the less so, as he did not believe that they would be included in it as stock on hand, but that he kept them in his possession, determined to make all possible resistance to their being taken away from him. He informs that the Hacienda of San Juan has three mills and three *arrastres*, with four crushing mills and two reducing floors, all in ruins, and consequently liable to denouncement; and that the repairs on one of the arrastres would cost two thousand five hundred dollars, which he considers would be a useless expenditure, there being no ores to be reduced.—The Junta resolved, that reply be made that he should have remitted the bars, or at least have had them removed from Tasco, but that he continue to defend them as he may be able by hiding them or delivering them to a safe person, or remitting them to the house of Señor Rosas, at Cuernavaca. That in view of his report on the Hacienda of San Juan Bautista, the Junta does not believe that Madariaga will wish to go to so much expense; but that nevertheless, the Junta desires to be informed how much would be the sum required to be paid by the denouncer for what should be purchased by him according to the ordinance.

It was resolved that there be paid to Señor Barreda thirty dollars, amount of his last account.

There was read the decree of the 30th ultimo, issued by the Minister of Finance, and yesterday published by proclamation, in which an addition of one rial per mark of eleven pennyweights fine is made on silver, six grains are taken from the rial of mining dues, and the collection of the remaining six grains is entrusted to the Commissioners.—The Junta resolved that a declaratory remonstrance be laid before the Supreme Government, asking it to repeal said enactments, and commissions for this purpose Señor Segura and the First Clerk.

Señor Bassoco represented that, as agent of the creditors, he was going to convoke them to meet on Wednesday, with the object of making valid their rights by such means as they might resolve to adopt.

[Two Rubrics.]

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## *Session of 6th May,* 1847.

Present, Señores Segura, Flores and Bassoco; and after having approved the journal of the 3d, the following communications were submitted:

*First.* From Señor Robinson, agent at Hermosillo, transmitting the account of his collections corresponding to the last four months of 1845.—Receipt, and to the Auditor's office.

*Second.* One from Señor Zamora to Señor Bassoco, dated 4th, informing him that he has heard that the legal adviser (*Asesor*) of the Tribunal of Tasco had adjudged in the expediente of arbitration, that there should be delivered to Madariaga the half of the products, on his giving previous security to the entire satisfaction of Zamora; adding that it will be proper to have prepared certified copies of the mortgage deeds.

*Third.* A communication from the Ministry of Finance, in which it gives notice that the Supreme Government has acceded to the request of Don Leonel Davidson, relative to the importation of quicksilver at the port of Tampico, and that consequently order has been given to the Collector of said port, residing at Ozuluama, to permit said importation.—Understood, and that it be communicated to the Tribunals of Guanajuato, Zacatecas and San Luis that the price at which he offers to give the quicksilver is one hundred and thirty dollars at the port, adding the cost of conveyance.

There was submitted, ultimately, the account of what has been collected from tenements of the College in the last month, which was ordered to be transmitted to the Auditor's office.

[Two Rubrics.]

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## *Session of* 8*th May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 6th, there was submitted a communication from Don Cayetano Buitron, transmitting one thousand six hundred and twenty-two dollars, seven rials, nine grains, net proceeds of collections for mining dues in the month of April; and also forty-two dollars, five rials, six grains, corresponding to payment made by Don Manuel Lebrija.—Receipt, and to the Auditor's office.

In continuation, it was resolved to communicate to Señor Quiñones that the Junta had appointed the Licentiate Don José M. Cuevas to defend the case of Trinidad on appeal to the Superior Tribunal.

Finally, it was resolved to ask from the Licentiate Barreda all the documents relating to this business, and that the First Clerk be commissioned to receive them.

The Junta read and approved the remonstrance to the Government calling for the repeal of the decree of 30th April; and Señor Bassoco deposited in the Secretary's office the proceedings of the meeting held by the creditors because of said decree.

[Two Rubrics.]

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## *Session of* 10*th May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the previous session, the following communications were submitted:

*First.* From Señor Polles, agent at Guanajuato, dated 7th, transmitting a draft for five thousand dollars for dues of last month, and advising that probably from the 8th he should then collect only the half of the rial through the Commissariat.—The Junta resolved that the draft be presented for acceptance, the entries made, and receipt acknowledged, and that he be informed that Señor Mackintosh has already transmitted to him, by Saturday's mail, the necessary instructions that no alteration be made in the collection in the rial of mining dues.

Five communications from Señor Zamora, dated 8th, the first transmitting the weekly pay-roll, No. 18, of the Hacienda of Chorrillo.—Receipt, and to the Auditor's office. The second, endorsing copy of the pay-rolls 1 and 2 of the mine of Trinidad, corresponding to the two weeks in which it is worked for account of Madariaga.—Receipt, and to the Auditor's office, and that neither he nor the Controller should allow the seventy-two dollars charged for the administration of the mine. In the third, he advises having drawn bill No. 45, for two hundred and fifty-two dollars, in favor of Don Antonio Castañon.—Let it be paid. In the fourth, he says that being pressed to deliver over the half of the stock of metals on hand, he desires to know whether, when the execution with which he is threatened is levied, he may, to prevent costs, and on making the corresponding affidavit, offer security to Madariaga, and keep the stock in his possession till the case is finally settled.—The Junta resolved in conformity.

Another communication from Don Miguel Quiñones, in which he represents that it is threatened to attach the metals of Trinidad for the payment of the costs due to the Tribunal of Tasco, which amount to more than a thousand dollars, and that although he is not conformable with some of the charges, security has been offered to him that the excess, if any, shall be refunded.—That orders have already been given to Zamora to pay all the charges in said account, in which they both agree that no reclamation has to be made, and that he draw for the amount on the Junta; but with the disputed charges, let him make the reclamations which have to be made, and which he ought to have done already, and transmit the account to the Junta. Let the same be communicated to Señor Zamora.

[Two Rubrics.]

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## *Session of* 14*th May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 10th, the following communications were submitted:

*First.* From the Ministry of Relations, informing the Junta that the remonstrance in which it asks for the repeal of articles 2 and 4 of the decree of 30th April, has been transmitted to the Ministry of Finance.

*Second.* From the Director of the College, of this date, transmitting the accounts corresponding to the first four months of this year.—Receipt, and let him be put in mind to transmit the cash balance-sheets, which the Junta is obliged to ask in conformity with article 51 of the Regulations of the College, of 29th December, 1843.

*Third.* From the same, of the same date, transcribing a communication from the Ministry of Relations of the 4th instant, in which he is informed that his Excellency the President substitute has acceded to the petition of Colonel Don Miguel Mosso, mayordomo of the College, that he may leave a substitute under his responsibility whenever he may have to leave the capital.—Let answer be made, that the Junta believes it to be its duty to observe, that it does not consider the sureties of Señor Mosso liable for his substitute; but his bond may be amended, or his Excellency may act as he thinks proper, as the matter of sureties appertains to the Directory.

*Fourth.* From Señores Stahlkucehs Lehemann, transmitting a draft for one thousand two hundred and twenty-eight dollars and five cents, for proceeds of the mining dues in Durango for the month of April.—Let the draft be presented for acceptance, the entries made and receipt acknowledged.

*Fifth.* From the Mining Tribunal of Anganguco, acknowledging receipt of the communication in which was transcribed that from his Excellency the Governor of Michoacan, about regulating the fees of said Tribunal, and returning thanks to the Junta.—To its expediente.

*Sixth.* From Señor Laveaga, dated 28th ultimo, in Mazatlan, informing that Señor Peimbert had paid up his account, and noting the dates of the different payments.—Let the Auditor's Department report, and thanks returned.

It was also resolved to ask the Director for all that is wanting in the inventories of what he received in the College, especially of books, instruments, etc.

[Two Rubrics.]

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### *Session of 17th May*, 1847.

Present, Señores Flores, Bassoco and Segura; and after having approved the journal of the session of the 14th, the following communications were submitted:

*First.* From the agent at Guanajuato, dated 14th instant, remitting a draft for one thousand five hundred and sixty-five dollars, two reals, four grains, for balance of the proceeds of mining dues for the month of April, and the weights of bars and the accounts of the last four months; and informing that the decree of 30th April had not been published in that city, the Government having received no official copy.—Let the draft be presented for acceptance, the entries made, and receipt acknowledged.

*Second.* From the agent at Guadalajara, dated 11th instant, remitting a draft for one thousand two hundred and fifty-five dollars and twenty-two cents, for proceeds of the month of April.—Let the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Third.* From the agent at Zacatecas, dated 10th instant, advising that the dues corresponding to April last, less twenty-five dollars paid to the pupil Ayala, amounted to five thousand seven hundred and three dollars, three reals, for which he says that he transmitted a draft which did not come. The Junta resolved, that Señor Mackintosh be notified that it is understood that the term for payment of the draft will be reckoned from to-day.

*Fourth.* Eight communications from Señor Zamora, dated 15th, transmitting with the first the pay-roll of Chorrillo No. 19; copy of that of Trinidad No. 3, and the return Custom-House dockets for the gunpowder, quicksilver, sulphate and iron, lately sent.—Receipt, and the first documents to the Auditor's office, and to the Treasury the second. Second, informing of having washed three hundred quintals of ore in the preceding week: that he is waiting for the stamps to continue crushing in Cantaranos, and that having paid Don Miguel Quiñones one thousand three hundred dollars for judicial costs, he has drawn for the same in two bills of exchange; and lastly, that for the pay-roll of the present week he requires two hundred dollars.—Understood, and let him transmit the account. Third, informing that he had been notified by the board of the forced loan levied by the State Congress, of one hundred and twenty dollars.—That the Junta having been ousted from the mine of Trinidad, sole negotiation which could have borne said loan, he represent the same to the authority which notified him, and that not having any property in the State the Junta cannot contribute to any loan. Fourth, transmitting the statement asked from him of the expenses and profits of the mine of Trinidad in the previous year.—Let the Bureau report. Fifth, informing that it having been persisted in that he deliver the products in his possession, he had agreed to give bonds for the same, and that Madariaga had consented that his own personal responsibility was sufficient, with the condition that his ores should be reduced at the same time at Chorrillo, to which no objection was made; appointing a Controller to be paid by Madariaga, which he consented to, provided that the price for crushing should be one real and a quarter, instead of a real and a half, as it has been customary to pay; to which he had answered that he would consult with the Junta and resolve within a week: and informing finally, that he believes that Madariaga has made this proposal because Aramburn has not got the Hacienda supplied with the articles required for reduction.—That he ought not to have decided on the sufficiency of the security of Señor Martinez del Campo, but should have notified the Junta that it might do so; but as it has been agreed upon that the products shall remain in his possession, the Junta has no objections; but there are very great objections to the Junta having to wait for the reduction of its ores to favor Madariaga, and even thus to lower the price for crushing, he believing that he does a favor in paying a controller to take care of his own interests. In the three last, he advises having drawn bill No. 46, for two hundred and ten dollars in favor of Don Jorge Raffard; No. 47, for one thousand dollars in favor of Don Leoncio Blanco; and No. 48, for three hundred dollars in favor of Don Tomas Avila.—Let them be paid.

*Fifth.* From Don Miguel Quiñones, dated 15th, advising that the assessment of costs in the denouncement of Trinidad was made by the Notary after his being cited and in his presence; and as this payment is made a part of the judgment given in the motion for appeal, the Court ordered that they should be paid forthwith; consequently, having consulted with Señor Zamora, he had paid them on the same day, but had required a bond in security for the excess in the account in case of reclamation being made. He promises to remit the account asked of him, and advises that Señor Castera had written to him that the superior Tribunal had demanded the original process, but that by mistake the order called for the papers of the denouncement of San Juan instead of Trinidad, regarding which matter he had already written.—The Junta resolved, that it be represented to him that as he himself had said that he had objections to make to said account, giving this as the only reason for not having paid it, it ought to be considered as an unliquidated account, and on an unliquidated account execution cannot be levied, which has already been represented to him, but which he has not acted on: that he transmit the account however it may be, with the objections which he has said he has to make to it.

[Two Rubrics.]

### *Session of* 21*st May*, 1847.

Present, Señores Flores, Bassoco and Segura; and after having approved the journal of the session of the 17th, the following communications were submitted:

*First.* From the Ministry of Relations, dated 15th instant, representing that the Señor Professor Don Andres del Rio had indicated that the loan of six hundred dollars which he solicits for the purpose of printing his work, shall be repaid with a corresponding number of copies of the same which he will deliver to the College, the copyright remaining his own, and consequently the other copies which he may desire to print.—The Junta resolved to suspend its action on this matter until it should receive the report of the Señor Director of the College, to whom this communication shall be transcribed.

*Second.* From the same Ministry, dated 18th instant, acknowledging receipt of the cash balance sheets forwarded to it, corresponding to the months of February and March.—To the expediente.

*Third.* From the same, and of the same date, acknowledging receipt of the statements for April; and the same resolution was passed.

*Fourth.* From the Ministry of Finance, dated 19th instant, transcribing the order which under date of the 14th instant it had transmitted to the Custom-House of the District, that said Custom-House should continue to collect the mining dues in the same terms as was done before the decree of 30th April.—Let it be transcribed to Señor Buitron, inquiring of him if he has collected in the present month any amount belonging to the Junta.

*Fifth.* From the Government of the District, advising that it had granted the suitable license to carry arms which had been asked for the new guard of the building.—To its expediente.

*Sixth.* From the agent at San Luis Potosi, remitting a draft for one thousand four hundred and forty-one dollars, twenty-two cents, for proceeds of mining dues, corresponding to last month, and inquiring whether in the account which he has to forward of the bars assayed in the four months of the present year, he shall include those taken by General Santa Anna in January, the dues of which have not been collected.—That the draft be presented for acceptance, the corresponding entries made, and receipt acknowledged; and he be informed that in the account of the dues collected in the first four months of this year there cannot be included what has not been collected in that period, but that he ought to state the facts in a note with the names of the persons liable for such dues, and that he should be careful to collect them when the individuals are not paid in bars, inasmuch as, by the balance of last month of the Treasury of Zacatecas, it appears that seven thousand and ninety-two dollars, three reals, half a grain, had been deposited for payment of such bars, which had not been paid because the persons entitled to receive them had not presented themselves. The balance is printed in the *Diario del Gobierno*, of the 19th inst.

*Seventh.* From the agent at Hermosillo, of 31st March, transcribing the communication of the Government of the State, in which it agrees that the mining dues are the property of the miners.—To its expediente.

There was read a report from the Auditor's office of the 17th of this month, expressing its conformity with the account of Señores Cooper and Bellange: and with the amount collected in Mazatlan by Señor Labeaga from Don Mariano Peimbert, this business being concluded.—In conformity.

[Two Rubrics.]

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### *Session of 24th May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 21st, the following communications were submitted:

*First.* From the Collector of the Custom House of Mexico, dated 22d, transcribing the order of the Ministry of Finance in which he is notified to pay over the amount collected for the rial per mark of silver, taking one half for the Public Treasury, and delivering the other six grains to the Junta, which in future will collect said half in the same manner that it formerly collected the rial per mark. He therefore represents that he holds at the disposal of the Junta four hundred and ninety-three dollars, three rials, one grain.—The Junta resolved to reply that it had received the information, and that he could order said sum to be paid to its treasurer, Don Teodoro Castera; and finally that said communication be transcribed to Don Cayetano Buitron.

*Second.* From the agent at Pachuca, remitting a draft for one thousand three hundred and twenty-seven dollars, one rial, six grains, for mining dues corresponding to the month of April.—That the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Third.* From Don José Zamora, dated 22d instant, transmitting the pay-roll No. 20 of the hacienda of Chorrillo: the reduction ticket of the same, No. 4; and copy of pay-roll No. 4, of Trinidad.—Receipt, and to the Auditor's office.

*Fourth.* From the same, and same date, transmitting the receipt given to him by Señor Quiñones for the sum of one thousand three hundred dollars for costs of Court.—That the receipt which the Junta requires, either original or in copy, is not the receipt of Señor Quiñones, but of the Tribunal which by its decree ordered on compulsion the attachment.

*Fifth.* From the same, of same date, acknowledging receipt of that addressed to him on the 19th relative to the payment of ninety-seven dollars, one rial, amount of costs in the expediente of arbitration, and promising to forward the receipt.—To its expediente.

*Sixth and Seventh.* From the same, advising having drawn bill No. 49, for two hundred and fifty dollars, in favor of Don Rafael Zárate; and No. 50, for ninety-seven dollars, one rial, in favor of Don Antonio Castañon.—Let them be paid.

*Eighth.* From Don Miguel Quiñones, dated 22d, transcribing the order of the Tribunal for remitting the original process.—That it be transcribed to Señor Castera.

[Two Rubrics.]

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### *Session of* 31*st May*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 24th, the following communications were submitted:

*First.* From Señores Quiñones, dated 24th, transmitting a certificate given by the Tribunal of Tasco, in consequence of the order overruling the appeal from the judgment in the matter of denouncement of Trinidad.—To its expediente.

*Second.* From the same, dated 29th, remitting a copy of the settlement of costs claimed by the Tribunal of Tasco, and informing that there had been refunded to him thirty-seven dollars, two rials, for charges which had been amended. He informs also that the legal adviser (*asesor*) claimed fees both as Judge of First Instance and as advocate, reclamation against which matter he thinks ought to be made to the superior Tribunal.—It was resolved to pass the same to the Auditor's office for its immediate examination, that it may be transmitted to Señor Castera at Toluca.

*Third.* Three from Don José Zamora, dated 29th, transmitting with the first the pay-roll of Chorrillo, No. 29, and copy of that of Trinidad, No. 5.—Receipt, and to the Auditor's office. In the second, advising of the improvements made in the Hacienda, and that the carrier Fiz had left for the purpose of conveying the stamps and the sulphate which he had ordered;

and finally, that for the pay-roll he required two hundred dollars.—Understood, and that the stamps and sulphate be procured and remitted. In the third, he advises having drawn bill No. 51, for two hundred dollars, in favor of Don Antonio Castañon.—Let it be paid.

*Fourth.* A communication from Señor Don Juan Gomez Navarrete, informing that he had communicated to Don Diego Moreno the letter addressed to him on the 26th inst., although he had previously said that, as soon as circumstances would permit, he would forward to this capital a drove of cattle to provide for the payment of the five hundred dollars which he owes.—The Junta resolved to commission Señor Segura to represent personally to Señor Navarrete, that only in consideration of his mediation, has the Junta not proceeded judicially to collect this amount, which ought to have been in its possession more than a year ago.

[Two Rubrics.]

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### *Session of 2d June,* 1846.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of 31st March, the Junta resolved that should the troops of the United States unfortunately take possession of this Capital, or the communication with it be cut off, in such case one of its members with one department of the office shall remove to some one of the States which may be free from the invasion, so as to conveniently collect there the money appertaining to the mining dues, and in accord with the members remaining in Mexico, proceed to its disbursement, having in view the payments which required to be made here.

Seasonable notice of his departure shall be given to the Supreme Government.

[Two Rubrics.]

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### *Session of 4th June,* 1847.

Present, Señores Flores, Bassoco and Segura; and after having approved the journal of the session of the 2d, the following communications were submitted:

*First.* From the agent at Guanajuato, remitting a draft for five thousand dollars on account of mining dues of the month of May.—Let the draft be presented for acceptance, the corresponding entries made, and receipt acknowledged.

*Second.* From the agent at Zacatecas, dated 28th ultimo, remitting duplicate of the draft for five thousand seven hundred and three dollars, three rials, and the receipt of the pupil Ayala, which probably were not received before by reason of having been sent to some other correspondent.—Let the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Third.* From the agent at Durango, transmitting the accounts and weight of bars for the first four months.—Receipt, and to the Auditor's office.

*Fourth.* From the President of the Tribunal of Fresnillo, dated 26th, transmitting a decree of the legislature of Zacatecas suppressing the mining tribunals in that State.—Receipt, and let an official communication be addressed to His Excellency, the Governor, representing to him the advantage of the continuation of the territorial deputations for economical and administrative purposes, founded on the provisions of the said decree.

*Fifth.* From Señor Castera, Commissioner to Toluca, dated 27th ultimo, in which he represents that having conversed with Señor Villela, President of the Superior Tribunal, he informed him that the process of Tasco must be returned in the state in which it was when the superior order was received, and that therefore it is necessary to wait the result of said order.—To its expediente.

*Sixth.* From Don José Zamora, dated 25th, desiring that the stamps and sulphate which he has ordered, be forwarded to him by the carrier Fiz.—That further search be made to procure the stamps, and the sulphate purchased which is at the Apartado.

*Seventh.* A petition from Don Vicente Ortiz, that a certificate may be given to him of the sums received six years ago by Don José M. Arteaga, for the capital of one thousand dollars owed by the dotal fund and the testamentary estate of Doña Josefa Medina de Moran.—To the Auditor's office, that it may report what is shown by the books.

The account presented by the Treasury of what was collected for the tenements of the College in the last month, was read and ordered to be transmitted to the Auditor's office.

There was presented from the Auditor's office a report relative to the account of the Judicial costs at Tasco, transmitted by Señor Quiñones, and it was resolved to transcribe the same to Señor Castera, and to transmit to him the account, that he may consult counsel as to making or not the corresponding reclamations; and let the same be communicated to Señor Quiñones.

Lastly, the draft of a communication to Sor. Castera was read, which had been agreed upon at the previous session, to the effect that the Junta did not consider itself authorized to assign to him any daily allowance for the time he might remain in Toluca in exercise of the power of attorney from the Junta further than his salary, judicial costs, postages, and the costs allowed to attorneys for the proceedings which they may have to dispatch.

[Two Rubrics,]

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## *Session of 7th June*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 4th, the following communications were submitted:

*First.* From the Señor Director of the College, dated 5th, stating that he had given orders for forming catalogues of the library, and of the additions made to the professorships of the College, which would be transmitted so soon as they were finished.—To its Expediente.

*Second.* Another from the same, of the same date, informing that in the last revolution many of the windows of the College and of his dwelling had been shattered.—The Junta commissioned the Treasurer to examine into the panes wanting, and to cause an estimate to be formed of the cost of replacing them.

On this, Señor Segura represented the deplorable condition of the railings of the balconies, and of the timbers of a lower room and the cellar under the office.—The Junta resolved that Treasurer order estimates to be formed of the balconies and the rafters of the lower room and the cellar.

*Third.* From the Agent at Guanajuato, dated 4th inst., remitting a draft for two thousand dollars for account of collections in the month of May.—That the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Fourth.* From Don José Zamora, dated 5th, transmitting the pay-roll of Chorillo, No. 22; the statement and cash balance for May, No. 5; and copy of the pay-roll of Trinidad No. 6.—Received, and to the Auditor's office.

*Fifth.* From the same, inclosing the answer of the Administrator in regard to the apportionment of one hundred and twenty dollars to the forced loan, expressing that this amount was levied on the Junta, because of its property in Tasco, independent of the mine of Trinidad.—The Junta resolved that he be told that the loan is levied on prominent possessions, and that in almost all the Prefectures, there have been reckoned as such, those that are valued in upwards of twenty-thousand dollars; and that the Junta not possessing this amount, either in the half of the stock of the mine or in the valuation of the Hacienda of Chorillo, should be exempt from said payment, and oppose it as much as possible, or as a last resource, procure that the quota be reduced.

*Sixth.* From Don Miguel Quiñones, dated 5th, informing that the Tribunal of Tasco had refused to send up the process unless the judgment was entirely carried out by delivering the half of the products to Madariaga, and forwarding the respective official communication to be transmitted to the Superior Tribunal.—Let it be transmitted to Señor Castera, and receipt acknowledged to Quiñones.

*Seventh.* From Don José M. Castera, with copy of the instructions given by Señor Cuevas, which he forwarded by the mail of Friday, to Tasco.—Receipt.

[Two Rubrics.]

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*Session of* 10*th June*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the reply of the 7th, the following communications were submitted:

*First.* From the office of the Collector of the District, remitting four hundred and thirty-four dollars, one rial, three grains, collected for mining dues from the 22d to the 31st ultimo, at the rate of half a rial per mark of silver, in conformity with the law of 30th April.—Receipt, and to the Auditor's office, that the proper entries be made.

*Second.* From the Agent at Zacatecas, dated 31st ultimo, transmitting the accounts of the last four months.—Receipt, and to the Auditor's office.

*Third.* From Don José Ma. Castera, dated 7th, in reply to the one addressed to him on the 2d inst., relative to his daily allowance as attorney of the Junta at Toluca.—The Junta agreed to pay him, besides law and travelling expenses, postages, and the fees assigned by tariff to attorneys, the rent of the house occupied by him in Toluca, the amount he may pay to the person left in charge of his affairs in Mexico, the excess of his expenditures, and the damage he may suffer from his removal.

*Fourth.* From Don Miguel Quiñones, dated 8th, informing that he has received the instructions from Señor Cuevas, and inquiring in what manner he may overcome the difficulty in the way of sending up the process, caused by the refusal of

Madariaga to pay a Controller in the case of the ores being reduced in common.—The Junta resolved, that he be answered that all the difficulties which he indicated to Señor Bassoco, are met by the instructions submitted to him by Señor Castera, on the 4th inst., although he does not answer whether Señor Madariaga consents to the deposit; but that nevertheless his communication be transcribed to Toluca, to consult Señor Cuevas, in relation to paying the Controller, and that Señor Castera be informed of the same.

[Two Rubrics.]

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### *Session of* 14*th June*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 10th, the following communications were submitted:

*First.* From His Excellency the Governor of Guanajuato, acknowledging receipt of the communication addressed to him recommending the pupils, Altamira and Matute.—To its Expediente.

*Second.* From the Agent at Guadalupe y Calvo, of the 25th ult$^{o}$., remitting a draft for one thousand seven hundred and forty-seven dollars, four rials, seven and a half grains, for proceeds of mining dues in the four months ending 30th April.—That the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

*Third.* From the same, of the same date, remitting another draft for one thousand four hundred and eighty-four dollars, three rials, two grains, for dues from Parral, in the four months ending 31st December of last year; and the same resolution was passed, and that the account annexed be transmitted to the Auditor's office.

*Fourth.* From the Agent at Zimapan, of 10th instant, remitting another draft for two hundred and fifty-nine dollars.—That the draft be presented and collected, the proper entries made, and receipt acknowledged.

*Fifth.* From the agent at Guanajuato, informing that the decree of 30th April not having been published in that State, because of the Governor's opposition to it, the miners had refused to pay the additional rial on the mark of silver; but that under date of the 2d instant, the Ministry of Finance have insisted that the law should be carried into effect, for which reason he would remit only the half of the dues collected, placing the other half on deposit there until the matter should be settled. He also transmits a copy of the last communication of the Commissary and his answer.—Resolution suspended.

*Sixth.* Five official communications from Don José Zamora, transmitting with the first the pay-roll of the Hacienda No. 23, and copy of that of the mine No. 7.—Receipt, and to the Auditor's office. In the second, he informs that he had been pressed for payment of the forced loan so much as to be exposed to the indignity of an attachment, to prevent which he had deposited seventy empty quicksilver flasks; that the Administrator had told him that the quota had been assigned by the Board of Qualification, which he considered would make no reduction.—It was resolved that, notwithstanding this, he should present his objections to said Board, and in the case of his not obtaining even a reduction, that he pay the one hundred and twenty dollars. In the third he reports on the work of the Hacienda, and advises that for the whole of the rainy season hs requires twenty quintals of quicksilver, and that he had sent the carrier for the sulphate.—That the sulphate is ready, and let inquiry be made anew for the stamps. In the two last he advises having drawn bill No. 52, for one hundred dollars, in favor of Don Miguel Quiñones; and No. 53, for two hundred and seventy-four dollars, in favor of Don Jorge Raffard.—Let them be paid.

[Two Rubrics.]

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### *Session of* 17*th June*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 14th, the following communication was submitted:

*First.* From the Agent at Guadalajara, dated 11th inst., remitting a draft for eight hundred and forty-two dollars, sixty-nine cents, for the proceeds of mining dues in the month of May.—Let the draft be presented for acceptance, the proper entries made, and receipt acknowledged.

The clerk of the Auditor's Department, Don Francisco Bonilla, presented the other certificate of a physician which had been required of him; and the Junta resolved to grant him leave of absence for two months.

A statement from the Auditor's office was read to the effect that not having received up to this time the accounts nor the proceeds from Parral, corresponding to the first two terms of four months of last year, they should be demanded of Señor Don Tomas Mackintosh.—Resolved in accordance.

[Two Rubrics.]

### *Session of* 22*d June*, 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 17th, the following communications were submitted:

*First.* From the Agent at Guanajuato, dated 11th, remitting a draft for eight hundred and thirty-eight dollars, four rials, ten grains, for balance of proceeds in the month of May.—That the draft be presented for acceptance, the entries made, and receipt acknowledged.

*Second.* From the Agent at San Luis Potosi, transmitting the accounts of the months of February, March and April, of this year, leaving in suspense the account for January, as the dues of the bars taken by General Santa Anna had not been paid.—To the Auditor's office.

*Third.* From Don José Zamora, dated 19th, transmitting pay-roll No. 24, of the Hacienda of Chorrilo, and copy of that of No. 8, of Trinidad.—Receipt, and to the Auditor's office.

*Fourth.* From the same, of the same date, advising that he requires two hundred dollars for the pay-roll, and that he was about to send the carrier, Fiz, for the sulphate and the stamps which he had ordered.

*Fifth.* A private letter from the same to Señor Segura, transmitting a copy of the inventory of stock on hand, which he was going to present, and consulting respecting the bars made 6th April.—It was resolved to represent to him the importance of sending on the process immediately, even if he should have to present the bars; but that with regard to the delivery of the half of these, he must not deliver them without the corresponding security, admitting Señor Martinez del Campo as such, or if any other security is offered, he will inform the Junta that it may decide whether it be admissible.

The decree of the 16th of this month was submitted, which repeals article 2d, of that of the 30th April.

[Two Rubrics.]

### *Session of* 25*th June*, 1847.

Present, Señores Flores, Segura and Bassoco, and after having approved the journal of the session of the 22d, the following communications were submitted:

*First.* From the Agent at Zacatecas of 5th June, remitting a draft for ten thousand six hundred and sixty-nine dollars, five reals, ten and a half grains, proceeds of mining dues in the month of May.

*Second.* From the same, remitting another draft for fifty-two dollars, three rials, one and a half grains, for the corresponding dues in Sombrerete, in the same month.—That the first draft be presented for acceptance, the second collected, the proper entries made, and receipt acknowledged.

*Third.* From the Agent at Hermosillo, dated Guaymas, 26th May, remitting another draft for one thousand two hundred and forty-seven dollars, sixty-three cents, and promising to forward the corresponding accounts and annotations.

*Fourth.* From the Agent at Pachuca, remitting another draft for one thousand and eighty-eight dollars, one rial, for dues of the month of May.

*Fifth.* From the Agent at Durango, dated 14th, remitting in a draft eight hundred and thirty-two dollars, eighty-one cents, for proceeds of the same month.—That the drafts be presented for acceptance, the proper entries made, and receipt acknowledged.

A report from the Auditor's Department was read, in relation to the last remittance from Guanajuato of funds appertaining to mining dues for the month of May last, showing that the agent has made a mistake against himself of forty-nine dollars, seven rials, nine grains.—The Junta resolved that he be notified of the same.

[Two Rubrics.]

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### *Session of 28th June,* 1847.

Present, Señores Flores, Segura and Bassoco; and after having approved the journal of the session of the 25th, there was submitted a report of the Auditor's Department in relation to the communication from the Judge of the 5th Civil Court, dissolving the injunction ordered by Señor Tamayo, on the payment of the interest corresponding to the capital of one thousand dollars to the Executor, Don Vicente Ortiz; the Auditor represents that to make this creditor equal with the others, he should be paid two hundred and eighty-five dollars.—Resolved accordingly.

The following communications were then read:

*First.* From the Governor of the District, representing that the Junta cannot be exempted from paying the two thousand dollars assigned to it in conformity with the law of the 17th instant.—The Junta resolved to represent anew, that possessing no revenues of its own, inasmuch as it is only the disburser of the funds appropriated to the maintenance of the College, the expenses of the office, and the payment of interest to the creditors, the proportion appertaining to these last should be computed to each one separately in reckoning the amount of their incomes; but that notwithstanding these considerations, his Excellency be requested to order that in the expediente of the matter it may be recorded and shown always, that after the great and continued exactions just made upon it to the amount of more than sixty thousand dollars, the Junta yet remits to the treasury the two thousand dollars demanded from it, and which shall be sent this day with an official communication to the Ministers of the General Treasury.

*Second.* From his Excellency the Director of the College, desiring that the proper orders be given for paying to the pupil of said College, Don Miguel Velasquez de Leon, his allowance of twenty-five dollars in Fresnillo.—Let the orders be given, and the customary recommendations forwarded.

*Third.* A petition from the 2d clerk, Don José Ma. Canchola, that his leave of absence for the improvement of his health at Queretaro, be extended for two months longer, in consideration of his not having been able to take the baths of San Bartolo, which his health requires.—The Junta resolved to grant the extension.

*Finally*, there was made a report from the Bureau of Encouragement in relation to the last communication for his Excellency the Governor of Zacatecas.—The Junta resolved that reply be made to said Señor Governor, in accordance with the opinions expressed in the report, without the necessity of consulting Señor Otero.

It was also resolved to ask said Señor Licentiate for the books and papers in his possession belonging to the Junta, relative to the drawing up of the ordinances.

Señor Bassoco read the following remonstrance.—The conduct which this Junta has observed for some time past, in retaining considerable amounts of value in its treasury, is without doubt illegal, and highly injurious to the interests of the creditors, whom I have the honor, and it is my duty, to represent in the Junta.

That it is illegal is apparent by simply reading the articles of the law referring to the matter, according to which the proceeds of the mining rial ought to be invested in the maintenance of the College, the expenses of the office, the payment of interest, and the redemption of capitals. Can any doubt then exist that the balance on hand, after paying the two first claims, should be dedicated to the third and last object? On what principle, or by what reasoning, can we give an honest appearance to these reservations of thirty or forty thousand dollars after having satisfied the two first calls? It is necessary to speak frankly; and I have expressed myself in writing to the same effect on a former occasion; such conduct will admit of no other interpretation than that we desire to secure for a long period the means of satisfying the expenses of the College and those of this office, in which are included our own salaries, afraid of the occurrence of an event which experience has proved to be impossible, namely, the stoppage all over the Republic of the collection of the mining rial.

My conscience does not accuse me of having secured any salary by conduct prejudicial to my constituents. I have always been vigilant of their rights, and of the fulfilment of our duty, and of the many occasions, it is sufficient to mention the one when the third part was distributed to the testamentary estate of the Señora Castañiza; but the time shall pass away, and we shall pass away with it, and no permanent mark remain behind of those occurrences and of this my conduct, and when the thirty-thousand, or call it the twenty-nine thousand dollars furnished by or wrested from this fund in the time of Señor Haro, proclaim so loudly and to the point the evils of the system which I condemn, it becomes necessary that I should redouble my efforts to put a stop to the injury done to the creditors (*mortagors*) of the fund, and also cover my responsibility and my honor, which I propose to do by moving the adoption of the following resolution, which I ask may be spread upon the record of the proceedings of the Junta.

At present, and every month henceforward, reserving what is required for the College and the office in the following month, and the expenses of the same for the current month having been paid, the balance on hand should be applied to the payment of interest to the creditors of the fund.

Señor Segura said: Had the proposition just presented by Señor Bassoco no further object than to captivate the good will of his constituents, I would be silent; but I observe that the representations on which he founds it, are calculated to merit their esteem by exciting their rancour against the person who does not vote for it. I am in this position; but my character and principles lead me to act according to my convictions, and to do my duty, fearing nothing that my unjust enemies may lay against me by reason of such conduct. I look upon the interests of the creditors of the dotal fund in the same manner as has been done by those who constituted the former Mining Establishment, and as they have been considered till now by others of my colleagues in this Junta. There are three different and even opposing interests in this fund—those of the Government, the miners, and the creditors. To desire that the latter should predominate over the other two, is beyond doubt the most certain measure that can be adopted to cause the fund to disappear in so far as the creditors are concerned, and that their interests, like so many others, should fall into the public treasury. If aid is not afforded to the Government in the present afflicting times when it asks to borrow money from us; if the mining interests are not furthered by every practicable expedient; and above all, if the College is not supported, this fund will not continue to be collected. For these reasons, the proposition of Señor Bassoco should be rejected, inasmuch as its object is to dispose, not of money, because the Junta has got none in its treasury, but of drafts to be collected when they become due. And for what purpose? That they may be in the possession of the creditors so that the Government may not dispose of them. And in what circumstances is it proposed to adopt such a measure? When the enemy's cannon are about to thunder upon the Capital within a week. In my bosom beats a Mexican heart, and I should consider myself unworthy of the honorable name I bear were I in such circumstances to vote for the proposition of Señor Bassoco. I must also observe that measures are every day proposed which, however they may result to the benefit of the creditors, are injurious to that of the mines, and such is the measure which I now discuss. When the present contract was made with the house of Messrs. Manning and Mackintosh, it was then understood that the creditors were to suffer a delay of six months in their payments, but this obstruction was submitted to for their own interest and that of the miners. The apportionment was not made till the drafts became due. This proceeding was afterwards changed, and after a considerable number of drafts were received, it was agreed to distribute them, notwithstanding that many persons received them with reluctance. Señor Bassoco now proposes that the expenses of only the current and the following month shall be set apart, and that all the balance be distributed in drafts. May we not expect, in view of this proposition, that to-morrow, or next day, this gentleman may sustain that even this arrangement is prejudicial to the creditors, and that nothing should be reserved for the following month? And if the collections are stopped, as probably will be the case, considering the distressed condition of the whole Republic, must the Mining Seminary be closed, and shall there not be reserved, as has already been done, sufficient funds for its support, solely because we are afraid that the Government may dispose of this deposit, and out of consideration that it be lost to the creditors? In giving my opinion in favor of this reservation, which is absolutely necessary to save the interests of the Government, of the miners, and even of the creditors, I am far from comprehending in such reservation our salaries as officers of this Junta. Such egotism, such meanness, such preference, wrongful in every point of view, I have the noble pride to believe is negatived by the whole of my long and honorable career as a public officer. These considerations, which I have only insinuated, oblige me to cast my vote in opposition to Señor Bassoco.

[Two Rubrics.]

### *Session of* 30*th June*, 1847.

Present, Señores Flores and Segura; and after having approved the journal of the session of the 28th, the following communications were submitted:

*First.* From Don José Zamora, dated 26th, transmitting the pay-roll No. 25, of the Hacienda of Chorrillo, and copy of No. 9, of that of the mine of Trinidad.—Receipt, and to the Auditor's office.

*Second.* From the same, reporting on the work at the Hacienda in the previous week, urging that the stampers be forwarded, and advising that he requires two hundred dollars for the pay-roll.—Understood, and that application be made anew for the stampers.

*Third.* Advising having drawn in favor of Don Francisco de la Fuente for three hundred dollars.—Let them be paid.

*Fourth.* Informing that in the conjunction with Señor Quiñones he will urge the forwarding of the original process: that on the part of Madariaga it had been hinted to him that his portion of the stock might remain in possession of Zamora, provided security were given, he paying the Controller on his own account, but that the ores should be reduced at the Hacienda, to which he (Zamora) had answered that he had no objections to giving the security, but that he would consult the Junta in regard to the other matters. He also inquires whether he shall withhold the delivery of the packet transmitted to him until the process is forwarded.—The Junta resolved to make answer, telling him to accelerate said transmission; that it does not consent to the reduction of the ores of Madariaga until all those of the Junta are reduced; and not to deliver the packet before the process is dispatched.

The Treasury presented a certificate from the General Treasury of its having received the two thousand dollars assigned to the Junta for the contribution of one million.

A representation from the citizen Vicente Ortiz, executor of Doña Josefa Medina, was read, praying that there may be no delay in paying the interest due at the next apportionment, and that it may not be paid in drafts as it is a deposit, and the estate cannot bear the discount.—That the Auditor's office report.

The following remonstrance of Señor Bassoco was then read, and it was resolved that it be spread upon the journal.

Under date of 4th January, of the present year, this Junta represented to the Supreme Government, through the respective Ministry, that the quicksilver fund being exhausted, and all receipts on account of the same having ceased, the dotal fund of the mining body could not bear the increase in the expenses of the college and employés of the Junta provided by the decrees of 5th October and 29th December, 1843, which assigned twenty-four thousand dollars per annum for this purpose, from the national quicksilver fund, over and above the twenty-five thousand dollars, which from remote times had been appropriated by royal letters patent, and allowed by the dotal fund which is the property of the miners.

The Government, under date of the 27th, replied *that in the understanding that this was only an advance* which certainly would be refunded, for the very interesting object of supporting the college, on which it was to be expended with evident benefit to the mining interest, it hoped that the order, the repeal of which was asked by the Junta, would be regarded.

It is seen that the Junta set forth just reasons why this fund which belongs peculiarly to the miners, and is dedicated by law to certain purposes, should not be applied to the discharge of others proper to another fund which is national; and the Government in refusing to accede to the pretensions of the Junta, opposes reasons of expediency.

Moreover, it will not be thought presumptuous that the Junta, one of whose members is the representative of the miners, should claim to be the faithful expounder of the interests of those, who, when they solicited from the Sovereign the establishment of a Mining College, represented that it was to be for teaching the branches necessary for the successful direction of a negotiation of mines, and not a general college of natural sciences with a leaning towards a polytechnic school, as it has become or was intended to be made by the legal provisions of 1843.

There have already been lent by the dotal to the quicksilver fund, in consequence of the aforesaid order of the Government, upwards of eleven thousand dollars, without any prospect of an immediate end to the system of borrowing, for which reason, I, as the representative of the creditors, consider it to be my bounden duty to repeat my opposition to this expense which is so prejudicial to my constituents, and not less so to the miners themselves; declaring and protesting that it is incurred against my express will, and requiring of the Junta to urge upon the Government not to expend said fund on the College, and only the twenty-five thousand dollars which had been paid up to the year 1843, which had been held as sufficient to satisfy the object for which the miners had established said College.

Reasons of justice loudly demand this reduction; and that it may be shown how much that establishment is susceptible of economical reforms, I shall make a statement of the salaries and of the numbers of students attending the classes, which was presented to me on the 19th May last:

## MONTHLY SALARIES

### OF THE EMPLOYEES IN THE MINING COLLEGE PAID OUT OF THE DOTAL AND QUICKSILVER FUNDS UNITED.

| | | |
|---|---|---|
| Don Blas Balcarcel, as Chief of Police | $25.0.0 | |
| As Professor of Geography | 25.0.0 | |
| As Prefect of studies | 75.0.0 | |
| | | $150.0.0 |
| Don José Zalazar, as Vice Prefect | $25.0.0 | |
| As substitute of classes | 41.5.4 | |
| | | 66.5.4 |
| Don Antonio Castillo, as Prof. of Mechanics | $50.0.0 | |
| As substitute of classes | 41.5.4 | |
| As substitute Professor of Mineralogy | 41.5.4 | |
| | | 133.2.8 |
| Don Joaquin Velasquez de Leon, as Professor of Zoology | $100.0.0 | |
| As Professor of Geology | 108.2.8 | |
| | | 208.2.8 |
| Don Ramon del Moral, as Professor of Cosmography | 108.2.8 | |
| As Professor of Delineation | 50.0.0 | |
| | | 158.2.8 |
| Chaplain, Don Miguel Velasquez de Leon, | | 33.2.8 |
| Professor of Mineralogy, Don Andres del Rio, for the mineralogical class and his pension | | 191.5.4 |
| Of Chemistry, Don Manuel Herrera | | 166.5.4 |
| Of Natural Philosophy, Don Manuel Tejada | | 166.5.4 |
| Of first course of Mathematics, Don Manuel Caitro | | 125.0.0 |
| Of second do. do. Don Castulo Navarro | | 125.0.0 |
| Of Drawing, Don Jesus Corral | | 58.2.8 |
| Of the English Language, Don Juan Palacios | | 50.0.0 |

| | |
|---|---|
| Of German, Don Claudio Gen | 50.0.0 |
| Mayordomo, Don Miguel Mosso | 66.5.4 |
| Janitor and larderer | 33.2.8 |
| Five servants, at $16 | 80.0.0 |
| Cook | 18.0.0 |
| Allowance to the Vice Rector | 25.0.0 |
| Professor of Grammar, Don Sebastian Camacho | 83.1.0 |
| Do. of French, Don Antonio Balderas | 50.0.0 |
| Do. of Botany, Don Pio Bustamante | 100.0.0 |
| Director of the Museum, Don Ysidro R. Gondra | 100.0.0 |
| Clerk to the Director | 25.0.0 |
| Do. of the Museum | 25.0.0 |
| Physician to the College | 25.0.0 |
| Assistant in the Museum | 29.1.4 |
| Warden of Museum | 25.0.0 |
| Sum total | $2,368.5.0 |

### NUMBER OF STUDENTS ATTENDING THE CLASSES AT THIS DATE.

| | | | |
|---|---|---|---|
| Mineralogy | 3 | Delineation | 4 |
| Zoology | 3 | Geography | 3 |
| Chemistry | 1 | Logic | 9 |
| Natural Philosophy | 2 | English | 7 |
| Mathematics, 2d course | 4 | French | 22 |
| Do. 1st course | 8 | German | 0 |
| Mechanics | 0 | | |

Whatever may be the resolution which the Junta may be pleased to adopt in this matter, I ask that the above be received as my vote, and that it be transcribed in full in the journal of its sessions.—Bassoco.

[Two Rubrics.]

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[Seal.]

Office of the Secretary of the }
Administration of the Mining Fund. }

I, Manuel Couto, Secretary of the Administration of the Mining Fund, and in charge of the archives of the same office, in virtue of the decree of 28th June, 1852, do hereby certify there exists as a part of the archives of this office a bound book, composed of 142 leaves, numbered on the first page only, from 1 to 142 inclusive and in succession, containing and filled up with the journals (*actas*) of the sessions of the Junta for the Encouragement and Administration of Mining, from 2d April, 1846, to 30th June, 1847, entitled "Book Third of Actas, from 2d April, 1846, to 30th June, 1847."

I furthermore certify that the foregoing one hundred and ninety-five leaves of this bound book are a true and exact copy of said third book of Actas, in which copy, on leaf 19th, line 8th, is interlined the word "manifieste;" and on leaf 85th, line 21st, the word "declarando;" and on leaf 95th, line 11th, the words "Cortes de Caja" are erased.

I certify lastly, that on leaves 1 and 142 of the abovementioned book there exists the seal of the stamped paper office.

In testimony whereof, I give these presents in the City of Mexico, this 20th of April, 1859.

MANUEL COUTO,
[Rubric.] Secretary.

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I, Vicente Segura, Administrator of the Mining Fund, do certify that Don Manuel Couto, whose name appears in the foregoing certificate, is Secretary of this Administration and in charge of the archives of said office of Mining, to which archives belongs the book referred to, entitled "Book Third of Actas, from 2d April, 1846, to 30th June, 1847;" that said Couto is in the exercise of the office of Secretary at the date of his certificate, that his signature thereto is true, and deserving of full faith and credit.

In testimony whereof, I give this present, under my hand and the seal of this office, in the City of Mexico, this 20th April, 1859.

[SEAL.] VICENTE SEGURA.

—

The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce:

Do hereby certify, that Don Vicente Segura, and Don Manuel Couto, are the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, which is under the inspection of this Ministry. I likewise attest that the archives of said office are in the charge of the Secretary; and finally, that the signatures appended to the two foregoing certificates, and those used by these gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of which I give this present, signed by me, and sealed with the seal of the Ministry, in the City of Mexico, this twentieth of April, eighteen hundred and fifty-nine.

[SEAL.] P. ALMAZAN.
[Rubric.]

[No. 67.]

I, José Miguel Arroyo, honorary Intendent of the Army, and Chief first Clerk of the Ministry of Exterior Relations of the Mexican Republic:

[SEAL.] Do hereby certifiy that Don Pascual Almazan is Chief Clerk of the Ministry of Encouragement, Colonization, Industry and Commerce, in said Republic, and that the foregoing signature is his own, and that which he uses in documents authenticated by him.

Mexico, April 20th, 1859.

[SEAL.] J. MIGUEL ARROYO. [Rubric.]

Dues, 4 dollars.

## TRANSLATION OF H. L. No. 3; O. H. No. 28.

(*See page* 172.)

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### DEED—S AND J. T. ROBLES TO FORBES.

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At the Mission of Santa Clara, of Upper California, the fourteenth day of December, one thousand eight hundred and forty-seven, personally appeared before me, Ygnacio Alvisu, Justice of the Peace of this jurisdiction, and the assisting witnesses, who, in the absence of a Notary Public, officiated in due form, Don Secundino Robles and Don José Teodoro Robles, natives of California, which I duly attest, and declare, that, for themselves, and in the name of their children, heirs and successors, or any persons possessing any right, title, or claim whatsoever, they solemnly sold, conveyed, and forever alienated all their right, title and interest, in and to two barras in each of the three pertenencias belonging to the quicksilver mine of Almaden of Santa Clara, with all the privileges, favors, concessions and rewards, that may have been granted to the partners in the said mine, by the Mexican Government, and in fine, every right, of any nature whatsoever, appertaining to the two barras aforesaid, to Don Diego Alexander Forbes, H. B. M.'s Vice-Consul at California; and the said Secundino Robles and José Teodoro Robles, declare and affirm, that they have not heretofore alienated nor sold the said two barras, nor any part thereof, in the said quicksilver mine of Almaden of Santa Clara, and that they are entirely exempt from any incumbrance, whether temporary or perpetual, tacit or expressed, or from any bond or mortgage, and as such, they sell them, together with all the rights thereunto appertaining, for the sum of three thousand, eight hundred and sixty (3,860) dollars, and the parties executing this, acknowledge having received the said sum from the purchaser, to their entire satisfaction, and declare moreover, that this is the just price, and true value of the said two barras, in each one of the pertenencias above mentioned, with all the rights thereunto appertaining.

Three thousand, eight hundred and sixty dollars, is the extent of their value, and in case they are or may be worth more, be the surplus greater or less, the said grantors, for themselves, their children, heirs and successors, do hereby cede and grant the pure, perfect, and irrevocable title to the said purchaser, now and forever (as styled in law "intervivos con insinuacion) of the said two barras, in each of the three pertenencias aforesaid belonging to the said quicksilver mine of Almaden of Santa Clara, with all the rights and privileges thereunto belonging, as the lawful property of the said Don Diego Alexander Forbes, and his representatives.

And the said Secundino Robles, and José Teodoro Robles renounce all benefit of the laws respecting contracts, purchases, sales and exchanges, and others which might give them the right of recovery of one half of the just price, more or less, and henceforth and forever, release and abandon, for themselves, their heirs, successors and any person whatsoever, all their right of dominion, property possession, title or recovery in and to the said two barras in each of the three pertenencias belonging to the said quicksilver mine, as before expressed in this document, and they renounce, cede, and transfer them to the said purchaser, and his representatives, so that he may take possession of, work, use, enjoy, exchange, alienate and dispose of the same, as he pleases, as his property acquired by just and lawful title, conferring upon him irrevocable power, free "parroca," and general right of administration, empowering him to act as attorney in his own cause. And the subscribing parties to this instrument do hereby bind themselves, with all their goods, now possessed or that may be possessed by them, to the faithful performance of the conditions thereof, and to secure the peaceful enjoyment of the property, hereby conveyed to the purchaser, and all persons holding under him. All of which is submitted to three Judges and Justices, in order that by virtue of their office, and in due form of laws they may record and certify the same, by definite and unanimous decree, in testimony whereof the said parties have executed this instrument, and, not being able to sign their names, have made the mark of Santa Clara before me the Judge aforesaid and in presence of the witnesses, which I duly attest.

IGNACIO ALVISU ⋈.
Auxiliary Judge.

SECUNDINO ROBLES,
JOSÉ TEODORO ROBLES.

AGUSTIN DESFORGES, } Assisting witnesses.
EUSEBIO SALERIDON. }

# OPINION

OF

# HIS HONOR M. HALL McALLISTER,

CIRCUIT JUDGE,

DELIVERED, JANUARY 16, 1861.

THE UNITED STATES
VS.
ANDRES CASTILLERO, } "NEW ALMADEN."

The jurisdiction of this Court in this case is a preliminary question, and must therefore be first discussed.

It is urged by the Government, that if the nature and character of a mine under the laws of Spain and Mexico are considered, it resembles an easement at common law, is a usufructuary interest, and therefore is a "property" which cannot be protected by this Court under the Act of Congress of the 3d March, 1851.

It is urged again, that such Act limits the jurisdiction of this Court to claims of land held in fee simple only; and lastly, it is asserted that no test of the jurisdiction of this Court is found, in inquiring into the question whether a mine owned by a person constitutes him the holder of real estate, or not.

Now, as to the idea that the jurisdiction is limited to the determination of only fee simple estates in land, such construction would render the carrying out the Act of 3d March, 1851, almost impracticable. Neither the owner of land under a colonization grant, nor the holder of a mine under titles from the Mexican Government, could be deemed tenant in fee simple. The former held under a grant fettered in many instances with stringent conditions; among them even one against alienation of the estate. Such was the fact in the Fremont case, and we have met with it in others. The owner of a mine held a peculiar estate under the laws of Mexico, and subject to the provisions of the Mining Ordinances. Neither can be said properly to have held an absolute fee simple estate.

To adopt the construction contended for, that fee simple estates in land are alone protected by the Statute of 3d March, 1851, would impute to Congress an intention in framing the Act to forfeit, or leave to their fate, all estates in land less than fee simple; for a clause in the 13th Section of the Act declares, that *all* lands, the claims to which shall not have been presented to the said Commissioners within two years after the date of the Act, shall be deemed, held and considered as part of the public domain of the United States. 9 Statutes U. S. at large, 633.

The word estate is derived from the latin *status*, it signifying the condition or circumstance in which the owner stands with regard to his property. 2 Blk. 103.

Under the Mexican law, two separate parties might be the owners of different interests in the land, and each recognized as the holder of a distinct estate.

In this case the claimant presents his claim for two different estates in land; the one under a title from the Mexican Government in the form of a grant for land *eo nomine*, the other under a title from the same Government in the form of a mine. In discussing this question, as the objection to the jurisdiction is limited to such portion of the substance of the land only as has been converted to mining purposes, the inquiry will be confined to *it;* nor will the Court consider the proposition urged by a portion of the argument of claimant's counsel, that the mining right being "property," such as is protected by the Treaty of Guadalupe Hidalgo, is entitled to the protection of this Court, under the Act of Congress of 3d March, 1851.

In the view this Court takes of this case, a decision of that question is unnecessary to fix a construction upon the Statute of 1851, upon which the jurisdiction of this Court solely rests.

The Treaty may well be borne in mind when the Court attempts to fix a construction upon that statute from its face, and when the intention of the law makers is to be ascertained, whether a literal and stringent, or a fair and more liberal construction, will best carry out the statute. Such regard to the Treaty, and to that extent on this question, we think salutary.

The object proclaimed by the Act of 3d March, 1851, and in its first section, is the ascertaining the "*private land claims*" in the State of California. The eighth section of the Act requires that each and every person claiming *lands* in California by virtue of *any right or title* derived from, etc. The subject to be adjudicated then is a "*claim to land.*" The *nature* of such *claim*, the *estate* and *interest*, are wholly *unlimited.* It would seem, therefore, from the very words of the statute, that a claim to *land* by *any right* or *title* derived from the Mexican Government, and whether acquired for the purposes of extracting the minerals from it, or for any other purposes to which it could be applied, every such claim would be within the Act. So it would appear from the language of the statute, that a claim under a title or right from the Spanish or Mexican Government to any *estate* or *interest in land*, whether a conditional or absolute estate, whether for term of years, for life, or in fee, is within the statute.

For all the purposes of this case, it is only necessary for this Court to decide, that the fair interpretation to be applied to the Act of 3d March, 1851, is to include all species of property claimed under titles from the Spanish or Mexican Government, which are considered and deemed by the laws of either of those governments, and by the law of our own country, as belonging to that class of property whose "*nomen generalissimum*" is expressly mentioned in the statute.

If *land* be designated in the statute in relation to title, as in this case, every portion which formed its original substance is deemed in the eye of the law a part of the land, the law not recognizing a change of substance by a change of use or name.

A simple license to dig gold or quicksilver is a mere incorporeal hereditament, and would not come within the rule of interpretation; but the *owner* of a mine, under the laws of Spain or Mexico, has a *jus in re*, and not a mere *jus ad rem.* Under that interpretation, he who claims a mine as *owner* under these laws, is, in legal contemplation, claiming land under a title from Mexico, as well as he who claims under a colonization grant.

We think that it has been correctly stated, that "Although the things belonging to each species (land and mine) possess all the attributes of land, being immovable corporeal hereditaments, the name *land* is therefore generic, and, in strict legal acceptation, applicable to both species; yet, in common parlance, and frequently even in legal language, this generic name is used to designate one of the two species, while the other, to designate its species, is called a mine, or by some characteristic name."

"The nomenclature is not, perhaps, perfect, but sufficiently so for all practical purposes, for, while the name *land* is usually applied to one species, from the greater frequency of its use in that respect, its definition (in a legal sense) is so plain that no one can fail to perceive that it includes both, when it becomes necessary to predicate of either the *generic* attributes of land."

But the three thousand varas of surface land, as well as a vein of cinnabar included in this mining claim, are certainly to be considered land.

But, leaving mere verbal speculation, let us ascertain the solution of this question by reference to authority. What, then, are the nature and character of the property held in a mine by its owner under the Spanish and Mexican laws?

We know no better authority to refer to than the celebrated commentator on the mining laws of New Spain. The references are to Heathfield's Translation, 2 vols.

Speaking of a mine, and the indispensable necessity of keeping it at work, Gamboa says, that this being required by law, and being a condition the Sovereign has thought proper to annex "*in granting the right of property*," it must be performed. (2 Gamboa, Heath. Trans., 92, Sec. 18.) Again, he states, in considering the privileges awarded to the miners by the authors he was at the time combatting: "Another circumstance treated by the authorities (authors) as a privilege, is the per mission given to the miner to appropriate nine parts of the produce, paying to the crown a tenth only, as an acknowledgment for giving its subjects a *beneficial* and *direct interest* in this *valuable class* of property." Both Gamboa and his opponents seem to have considered the miner's interest in his property both "beneficial and direct." *Ibid*, p. 157, Sec. 15.

Again: Gamboa makes reference, in a case he is discussing, to the laws of Peru, which directed that upon the death of the proprietor of a mine, his executors shall, if his heirs be in Spain, sell it, "*like other landed property*, within thirty days." *Ibid*, p. 95, Sec. 22.

Under the laws of Mexico, all remedies, whether framed for originally acquiring, maintaining or recovering the possession of immovable or landed property, were held applicable to mines. 2 Gamboa, 258, Sec. 6.

Gamboa, in the 14th section of his Commentaries, vol. 1, p. 20, discusses the doubts which had arisen whether the mines in the kingdom of the Indies were to be regarded as the peculiar right of the crown, or whether they are to be considered as the absolute property of the subject. This he does with his usual ability, and comes to the conclusion that the mines of the Indies "are a right of the Crown, *and that as this right is quite consistent with the property granted to the subject therein, it must follow, beyond dispute, as a consequence of their being made over to the latter; with the power to dispose of them as of anything of his own, that all the incidents* of property must attach in favor of the proprietor, and that, therefore, they (the mines) may be exchanged, sold, leased or alienated by contract, donation, or inheritance; may be given in marriage or charged with a rent, and that interest may be demanded for the purchase-money while remaining unpaid. Ibid, Sec. 25, p. 28.

"But all the above qualities," continues this eminent commentator, "are to be understood as governed by this essential condition: Those to whom the property devolves, by universal or particular succession, must conform to the ordinances and fulfill the obligations thereby imposed, being the law." 1 Gamboa, Sec. 24, p. 27.

He further tells us: "The grant of the Sovereign, therefore, conveys to his subjects a direct and beneficial right of property." This last clause has been translated more literally, using the technical terms employed by Gamboa, thus: "And there passes to the subject this *dominiun directum*, or right of property (á propiedad), and also the *dominiun utile*, by virtue of the gift and concession of the Sovereign, which we hesitate not to name *una modal donacion*."

The learned writer then proceeds to say, that such qualified gift will appear upon considering the rules by which that species of gift is defined by law, that is to say, that it be a free and complete act, which being perfected, a charge attaches on the donee from that time forth (and the being worded as a condition makes no difference), and that upon the failure of the modification limited by the donor in his own favor, or in that of a third person, or the kingdom or republic, the gift determines, as will be seen by reference to various texts and doctors," a reference to which is made in a note. *Ibid*, Sec. 25, p. 28.

These rules Gamboa considers precisely applicable to the second ordinance he is considering, for he states it thereby gives "and makes a grant to his subjects of the property and possession of the mines discovered, or to be discovered, with power to dispose of them as of anything of their own," which amounts to a complete act of gift, no price being paid for the grant, nor for the registry or denouncement of the mine. But the ordinance proceeeds, "observing, both in regard to what they have to pay us by way of duty, and in all other respects, the regulations and arrangements established by this edict in the manner hereinafter mentioned," which is the charge or qualification, and which refers to the payment of the fifth from that time forth, and to the observance of the ordinances which regulate the mode of working the mines, the number of hands to be kept at work in them, their boundaries, and the other matters required to be observed, upon the omission or non-performance of which the gift determines, and the mine becomes liable to be denounced by any one." 1 Gamboa (Heathfield), p. 29, sec. 26.

If any title has been acquired by the claimant—a question hereafter to be discussed—and the inquiry shall arise as to his forfeiture of his title, *it* will be more appropriate to the discussion of such forfeiture than to the question of jurisdiction, as to the matters alleged as ground of forfeiture. We have cited thus fully from Gamboa, although his Commentaries, which have given him so much celebrity, were made upon the Ordinances of 1584, known as the New Code, and are alluded to by a majority of the Board of Land Commissioners in this case as "the celebrated Commentaries of Gamboa on the Mining Laws of Spain, which, although published before the Ordinance of 1783 was adopted, is a work of inestimable value at the present time." Transcript, p. 85. The dissenting Commissioner in the case, also, does not place his dissent in the matter in which he disagrees from the majority of his associates to any want of authority in Gamboa's Commentaries, but upon their alleged misconception of certain passages in that work. *Ibid*, 108. The same favorable testimony is borne to them by the counsel of both parties in this case who cite from and rely on them.

But we rely more on them by reason of the statement, verified by examination, that the "Mining Ordinances of 1783," which were promulgated about twenty years after the publication of Gamboa's Commentaries, adopted his views both as regards the rights of the Crown and the rights of the subject in the mines, and made the law as he said it was:—"a comparison of the twenty-fourth, twenty-fifth, and twenty-sixth paragraphs of the second chapter of Gamboa's Commentaries with the fiftieth of the Mining Ordinances of 1783 will illustrate this."

The caption to this title is, "Concerning the fundamental ownership (*dominio radical*) of mines, of their concession to individuals, and of the duties for which they are to be paid." Mining Laws of New Spain of 1783; (Halleck), p. 222.

The first article declares the right of the Crown in mines. It describes that right by the term *dominio radical*, which conveys a similar meaning with the *dominium altum* of which Gamboa speaks. This we infer from the second article. This is in the words: "Without separating them from my royal patrimony, I grant them in property (*en propiedad*) and *possession* in such manner that they may sell them, exchange them, rent them, donate them, pass them by will, either in the way of inheritance or legacy, or in any other manner alienate the right which in the mines belongs to them on the same terms on which they themselves possess it, and to persons capable of acquiring it."

This article certainly did not intend to separate the mines from the royal patrimony. The *dominio radical* stated in the grant, the *dominium altum* spoken of by Gamboa, and "the rights of sovereignty in the mines," as they are designated by the Supreme Court in the case of Fremont, it was intended not to separate from the Crown; but in the same instrument in which this reservation is made, the royal donor granted the mines to his subjects in property and possession (en propiedad y posecion) in such manner that they may sell them, etc. There can be no doubt that this grants the mines to individuals in property and possession.

The framers of these Ordinances of 1783 undoubtedly adopted the views and opinion of Gamboa, in the sections cited at large from that commentator by this Court especially. (1 Gamboa, ch. 2, Sec. 24, p.27.)

The mine is land in the Spanish, as "fundo" and "bienes raices" and "bienes immobles;" the one translated, is land; the second, *real estate;* the third, *immovables.*

We deem the foregoing authorities, without citing others, sufficient to establish:

1. That the transfer of a mine under Spanish and Mexican law was the granting of "a direct and beneficial right in this valuable class of property."
2. That such property was deemed by the Mexican laws of conveyance, and those as to the remedies to be applied to the recovery of the possession of it, as property in land.
3. That while the *dominio radical* or the *dominium altum* remained in the Crown, the *dominium directum* or right of property (ó propiedad) and also the *dominium utile* were in the subject.
4. That there was no inconsistency between this right of the subject and the reservation to the Crown of the *dominium eminens.*

Having ascertained the nature and character of the property held by the owner of a mine under the Spanish and Mexican laws, the inquiry is: "What view does the common law which obtains in our country take of the property of a mine as one in land?"

This is an important investigation in discussing the question of jurisdiction under the statute. If property in a mine is considered, under the laws of Mexico, real estate because it is land, and if it is so viewed by the common law, these facts will illustrate the propriety of the interpretation this Court has placed upon the statute. Such illustration will have been derived from the laws and acts of the two parties to the Treaty of Guadalupe Hidalgo, to carry out which such statute was enacted.

The venerable father of the common law (Lord Coke) lays down the rule: "By the name of *minera* or *fodina plumbi*, the *land itself* shall pass in a grant, if 'Livery of Seizin' be made, and also be recovered in assize *et sic de similibus*." 1 Co. 6, A.

We learn from any text-writer of modern times on the subject, that an action of ejectment cannot be brought for *incorporeal* hereditaments that lie in grant, except for tithes, and that by statute in England of 32 Henry VIII., Ch. 7.

That ejectment can only be maintained for the possession of a corporeal hereditament, such as land or a mine.

Notwithstanding the difference which exists between the absolute ownership of the gold and silver in the King of England, and the distribution of the property in mines which subsisted in Spain and Mexico between the Crown and its subjects, it is held at the common law that land does not cease *to be* because converted to mining purposes, and grants for copper, lead and other mines have been held to pass estates in lands and be recoverable, as it always had been, by ejectment. Ejectment lies for a coal mine (or any other) upon the principle that it is not to be considered as a bare profit *apprender*, but as comprehending the ground or soil itself which may be delivered in execution. Adams on Eject. 19.

In the case of Stoughton *vs.* Leigh (1 Taunton, 402), an application was made for dower, out of *several mines and strata of lead out of the lands* of the husband, to a Court of Equity; a case was directed by the high Court of Chancery to the Court of Common Pleas of England for its opinion on the case. The counsel for the doweress admitted rather reluctantly in open Court, "that where mines have been actually *wrought* as part of the estate of the husband, they may perhaps be collaterally subject to dower, together with the *rest of his real property*." *Ibid*, pp. 404, 405.

In that case a second argument was prayed on behalf of the heir, which the Court refused, thinking the case *sufficiently clear*.

The Court of Common Pleas certified to the High Court of Chancery in the above case their opinion, arising out of the first and second statements in the case, submitted as follows. Their response to the first statement applicable to this question will be only given. The remaining portion of the case refers to the mode in which the Sheriff should act in the service of an execution against mines.

To the first statement of the case presented, the Court of Common Pleas certified: "That the widow of John Harbury (the deceased) was dowable of all his mines of lead and coal, as well those which were in his own landed estates as also the mines of lead, or lead ore and coal, in the lands of other persons, which had been in fact open and wrought before his death, and wherein he had an estate of inheritance during the coverture; and that her right to be endowed of them had no dependence upon the subsequent continuance or discontinuance of working them, either by the husband in his lifetime, or by those claiming under him since his death." *Ibid*, 409.

Such decision, which solemnly enunciates the principle that the property in a mine is *real estate*, and constitutes a part of the estate to which a widow is entitled at common law, as tenant in dower, affords a conclusive proof that *land* converted to mining purposes remains *land* in substance, and the law therefore considers it real estate.

A few observations on the above case of Stoughton *vs.* Leigh will illustrate to what extent a mine is deemed by the common law *land*. As early as the time of Littleton, a widow was entitled, as tenant in dower, only to a portion of the *lands* and *tenements* of which the husband was seized during the coverture; and such has been the law ever since in every country where the common law has obtained.

The Courts in that case (both the Chancery and the Common Pleas) could not have cut out the heir and awarded dower to the widow out of any property other than *lands and tenements* of which the husband had been seized. Now, it cannot be urged with propriety that a mine is to be deemed a tenement.

The Chief Justice said that "the words (lands and tenements) must receive the same exposition." The Court, though, evidently placed their decision upon the ground that the mines being landed estates were real estate. Apart from any legislation like that of Spain and Mexico, which creates a different ownership of the surface of the soil and of the soil beneath between individuals, land extends downwards to an indefinite extent, and, by the common law, beneath the soil is a part of the land, and belongs to the owner of the surface of the earth above.

The change of the ownership of the intermediate soil to another owner does not change it from its original substance of land, even in Mexico, where the change is made, as we have seen by the review of her laws. Blackstone, discussing the general character and attributes of land at common law, tells us that land has indefinite extent downwards as well as upwards * * * * * * * so that the word *land* includes not only the face of the earth, but everything under it * * * * * * and therefore, if a man grants all his lands, he grants thereby all his mines of metals and other fossils. * * * not but the particular names are equally sufficient to pass them. But *the capital distinction is this*, that by the particular name nothing else will pass except what falls with the utmost propriety under the name used, "but by the name of land, which is *nomen generalissimum*, everything terrestrial will pass." 2 Black. pp. 18, 19.

In the case of Townley vs. Gibson (2 Term Rep. 701), the construction of an Act of Parliament was before the Court; one of the Judges, delivering his opinion, says: "Whether by this Act of Parliament the mines passed to the tenants? That is the question here. The soil undoubtedly passed; now what are the mines but part of the soil?" When a review of the common law teaches us, that by the name of *mine* the land itself will pass; that an action of ejectment is an appropriate remedy to recover possession of a mine as well as land; that mines can be recovered by a widow as part of her dower, although she is entitled to a portion only of the lands and tenements of which her husband had been seized during his coverture; that mines pass by an Act of Parliament, by which the soil passes as part of it; that in a deed, where mines are mentioned *eo nomine*, that nothing but what properly and strictly comes within that term—such as his metals—will pass, but by the name of land which is *nomen generalissimum*, the grant passes thereby all his mines and fossils. When such review gives such results in our country, which harmonize with our view of the Spanish and Mexican law on this point, must not an American tribunal consider, that when Congress used the words "claiming *lands*," in the Statute of 3d March, 1851, they were used in the sense they are understood and interpreted by the laws of this country and of Mexico—the two parties to the Treaty of Guadalupe Hidalgo?

The case of Fremont vs. The United States (17 How. 542), has been cited as a controlling authority on this question of jurisdiction. It cannot be deemed so, without a violation of the rules of judicial construction. In Carroll vs. Carroll's Lessee (16 How. 287), the Court say: "If the construction put by the Court of a State upon one of its statutes (and the proposition is applicable to any Court) is not matter in judgment, if it might be decided in either way without affecting the right brought in question, then, according to the principles of the common law, an opinion on such a question is not a decision. To make it so, there must have been an application of the judicial mind to the *precise* question necessary to be determined, to fix the rights of the parties, and to decide to whom the property in contestation belongs."

Now, the Supreme Court in the Fremont case could have decided either way upon the title of the colonization grant, under which Fremont claimed, without affecting the question before us; and this is what they actually did do, and they in so many words tell us: "The only question before the Court is the validity of the title." What title? It could have been none other than that of the colonization grant, the only title presented to the Court. If the only question that was before them was the validity of that title, how can an authoritative decision upon a totally different question be imputed to the Court? All that was suggested in the argument of counsel for the Government in relation to mines, was referred to by the Court in these words: "And whether there be any mines on this land, and if there be any, what are 'the rights of the sovereignty in them,' are questions which must be decided in another form of proceeding, and are not subjected to the jurisdiction of the Commissioners or the Court by the Act of 1851." (565.) In a word, no claim to landed property known as such under the laws of Mexico and this country as a mine, was before them, and it therefore was not decided upon by them.

The Court does refer, as it seems to us, to the *dominio radical* found in the Title V. of the Ordinances of 1783, the *dominium altum* spoken of by Gamboa, and designates the property reserved by the Crown as "the rights of the sovereignty in the mines." But no decision was made which should control this Court in its action on the claim of an individual to a right in a mine which he alleges he has derived from the Government of Mexico.

The only case in which such question has come before a Court in this country, is that of Delassus vs. The United States (9 Peters, 117). The suit was instituted in the District Court of the United States for the District of Missouri, and carried on appeal to the Supreme Court.

In the language of Chief Justice Marshall (p. 131): "The suit was instituted under the Act of the 26th of May, 1824, enabling the *claimants to lands* within the limits of the State of Missouri and Territory of Arkansas, to institute proceedings to try the validity of their claims."

This case has been cited by counsel for claimant as authority. We do not consider the question was so directly adjudicated as to make it a decision which should control this Court.

It is true, that substantially a lead mine was recovered, and the decree of the Court was in favor of the petitioner's claim as a tract of land; and lastly, Chief Justice Marshall says (p. 142): "The lead mine has been mentioned, but the Act of Congress makes no reservation of lead mines." This leaves this implication, that the term "land" included "lead mines," and that it required an *express* reservation in the Act to exclude it; but the question arose in the case like that in the Fremont case, from the suggestion of counsel, and was not so raised so as to constitute a *res adjudicata*.

The Ordinances of 1783, under which we have heretofore discussed the question of jurisdiction, continued in force throughout New Spain to the time of the captivity of Ferdinand VII, when great changes were made by the general Cortes between 1811 and 1814. The Cortes passed the Act of January 26, 1811. This Act is to be found in Galvan's "Collection of the decrees and orders of the Cortes of Spain, which are *actually in force in the Republic of the United Mexican States*," is translated by Rockwell from the "Printed volumes, published by Authority," and by Halleck from "Note to Article 22, Title VI, Mexican '*Ordenanzas de Mineria*.'" This decree abolished the monopoly of quicksilver reserved by Law 1, Title 23, Lib. 8 of the *Recopilacion de las Indias*, and the right reserved by Article 22, Title 6, of said Ordinances of 1783, of taking *mines* of that metal from the *discoverer*, and working them on account of the *Royal Teasury*, which in the language of the decree, "leaving uncertain the interest of the owner, and taking it out of trade, necessarily restrain people from engaging in the useful and expensive undertaking of discovering and working mines of quicksilver." It consequently modified considerably the tenure by which the quicksilver mines had been previously held. Though this Act made no alteration in the mode of acquiring title, or in the principles of the mining laws regulating mines which previously existed, it certainly enlarged the tenure of the holder of a quicksilver mine, and rendered his right of property more secure and certain.

It is true that this decree of the Cortes, with all their other acts, were annulled by Ferdinand VII, on his restoration in 1814, but the troubles which ensued in Mexico constrained him to re-establish the Constitution on the 9th day of March, 1820.—Galvan's Decretos del Rey Don de Ferdinand VII, p. 284. Subsequently, by decree of April 15, 1820, he declared the "Decrees" of the said general and extraordinary Cortes in full force *through America.*—Galvan's Decretos de Ferdinand VII, p. 292.

Independently of these reluctant decrees, the Courts in this State have held that the decrees of the Spanish Cortes, except so far as they were incompatible with the new order of things, were in full force in Mexico.

"It is true," says one of the members of the Board of Land Commissioners in this case, "that this decree of the Cortes was, in common with all the other acts of that body, annulled on the restoration of King Ferdinand; but it is also true, that this, like the others, was revived by the revolution of 1820, and was in force at the time the independence of Mexico was achieved." He then asserts that the principle above cited has been "universally admitted, and has been so decided repeatedly by this Commission."—Trans. 111.

After the most careful review, the conclusion to which we have come is, that the Court has jurisdiction.

The next question which, like that of jurisdiction, is a preliminary one, will now be disposed of.

It arises out of the objection that the proceedings in California, in obtaining title to and possession of the mine, being before the Alcalde, the whole were therefore void, not having been made before the mining deputation. It is gathered from the record of the proceedings of the local authority in this case, that there was no mining deputation in the department, and that was the only time since the settlement of Upper California, that a mine had been worked in conformity with the laws; and there being no *Juez de Letras* in the second district, the Alcalde of first nomination, etc. The fact of there being no mining deputation in Upper California was thus announced in a public judicial proceeding in December, 1845, the evidence of which has been on record for years in the archives: the petition in this case was filed in 1852, with the documents of title in which the fact was asserted; and in the years which have intervened not a *scintilla* of evidence has been introduced to contradict the statement thus publicly made in a public document some fifteen years ago. The reasons why Mining Judges and Deputies did not exist in California, will be found in the construction in Mexico of the portion of the Ordinances of 1783, which constructed this somewhat complicated machinery of mining tribunals.

Those reasons are such, even if that portion of those Ordinances was not expressly repealed when Mexico achieved her independence, as would authorize the claimant as a discoverer of a mine which gave him an incipient right, and entitled him under the mining laws in full force to denounce, register, and take possession of the mine before the ordinary judges, there being no Mining Judges.

Even the strictest common law rule adopts the axiom, "*Non cogit ad impossibilia*," and a Court acting on principles of equity as this Court does, would violate them by enforcing a forfeiture solely on that ground. We will now inquire into these reasons.

Gamboa tells us that judicial matters, such as registry, denouncement, the giving possession, and so forth, are the province of the Justices and (by way of appeal) of the royal audiences, as we shall more particularly show in the proper place. —1 Gamboa, p. 149, Sec. 15.

In his Commentary, 2d v. p. 286, Sec. 1, he observes, speaking upon this subject: "This ordinance is not observed in the Indies, nor could it be enforced there, without great damage to the public, and particularly to the miners, etc.—*Ibid.* Sec. 1. He then proceeds to discuss the question, p. 288, Secs 5, 6; and on p. 290, Sec. 10, he states, "Such as *denouncements*, insufficient working, boundaries, questions of the right of possession or property, the proving of entries in the register, the removal of the pillars of support, or the embezzlement of bullion; all which belong to the *Chief Alcaldes or Mayors*, (whom he designates, p. 286, Sec. 2.) 'Ordinary Judges,' and by way of appeal to the Royal Audiences."

Now if special Mining Judges did not exist, and the Ordinance of 1783 on the subject was not observed, nor could be enforced in the Indies (Mexico), how could they have obtained in California without special legislation?

Independently of the fact that no special Mining Judges existed, and the provisions of the Ordinance in relation to them were not enforced in Mexico, there are other reasons for the non-existence of them in California.

To authorize their legal existence here, special legislation was absolutely necessary to organize them in a mode essentially different from that prescribed by the Ordinances of 1783.

Those provisions demanded, previous to any legal organization of "Mining Deputations," a state of things which did not exist in California, a country where the first mine that was ever worked in conformity with laws was the one in controversy.

Title 2d of those Ordinances, Section 2, provides the source from whence the Mining Deputies were to receive their election and authority. It prescribes that "all those, who, for more than one year, shall have worked one or more mines, expending on them, as owners thereof in whole or in part, their capital, their labor, or their personal attention and care, shall be enrolled (matriculados) as miners of that place (lugar), and their names shall be entered in the Book of Enrolled Miners, which shall be kept by the Judge and Notary of that Mining place (*Mineria*).—Mining Laws of Spain and Mexico, 1783; Halleck's translation, p. 201, Art. 2.

By the third article of same law it is prescribed that the miners so enrolled, and certain suppliers being miners, the millers (maquideros) and the owners of *Haciendas*, for grinding and smelting in each place (lugar), shall annually assemble in the beginning of January in each year, in the House of the Judge of Mines, to elect persons who are to fill the office of Deputies of said Mining Place (Mineria).—*Ibid*, pp. 201, 202, Art. 3.

By fourth article of said law it is prescribed that each of the enrolled miners shall be entitled to a vote at such elections, and some qualification is then provided for by this section in relation to the voting by the suppliers, millers, and owners of *Haciendas*. *Ibid*, p. 202, Art. 7.

In the seventh article it is provided that the Judge of each *Real* or *Asiento*, (which words are translated by Rockwell, Mine-town or Establishment; Rockwell, p. 35, Sec. 7), and the Deputies of the preceding year, shall preside over and regulate the election; and in case of disagreement, the casting vote is given to the Judge of Mines.—*Ibid*, p. 202, Art. 7.

By the eighth article it was provided that in each *Real* or *Asiento* of Mines, there shall be a Deputation composed of two Deputies.

According, then, to Gamboa, that portion of the Ordinances which related to Mining Deputations was not of force, and *ex natura rerum* could not practically exist in California, for there was no one *Real* or *Asiento* nor no *Reales* or *Asientos* (enrolled merchants in some or any of those places, who, under the Ordinances, were to elect and organize the "Mining Deputations").

It is urged by the Government, that a complete answer is found to all the above suggestions, inasmuch as the ordinance requires the discoverer to present his written application, if there be no Deputation of Mines in the district in which the mine was discovered, to the *nearest thereunto.*

The most reasonable construction to place on these words, is to refer to the nearest mine-town, mining district or establishment within the limits of the jurisdiction of the department within whose borders the mine was discovered. Under the mining laws the origin of the title by denouncement and registry has always been left to the local authorities; and when these words were used in the Ordinances of 1783, the intention of carrying, under any circumstances, a local jurisdiction into a distant tribunal which might exist in a foreign department, is not to be imputed.

In this case the claimant certainly applied to the proper local authority, the Alcalde. In the case of Mena *vs.* Le Roy (1 Cal. 220) the Supreme Court of this State decided that Alcaldes in Departments of California, New Mexico and Tabasco, had, under the laws of Mexico, the powers of Judges of First Instance, where there was no such Judge of First Instance in the district.

In conclusion, on this point, we refer to what Gamboa says: 'It is to be observed that when a question arises concerning a contract for the purchase or sale of a mine, the right of succession, under a will or otherwise, or any point of like nature, it is competent not only to the Mining Judge and Chief Alcalde, but to the ordinary Justices of the Territory, to entertain the suit, and that it is only upon questions arising under the Ordinances, that the jurisdiction, in the first instance, belongs to the Mining Judge. If there be no such Judge, the question must be tried by the other Justices, as may be noticed in the Ordinances of Peru, above referred to."—Rockwell, p. 362.

The last authority we will refer to on this subject, is that of

Peña y Peña. It seems to be a principle in the jurisprudence of Spain and Mexico, that where cognizance of any particular matter is given to a special tribunal not being in existence, the matter reverts to the ordinary tribunal which had jurisdiction of the same kind of matter, if judicial in its character.

Peña y Peña (2d v. p. 53), says: " A special tribunal is destined to take cognizance only of a certain class of causes, or of particular persons. It is called *special* in contradistinction to the *ordinary*, which is established to take cognizance indiscriminately of all classes, causes and persons, so that a *special* tribunal is an exception to the ordinary tribunals; so that some writers on public law call them exceptional tribunals. From this it is inferred, that an exception being extinguished, the general rule remains in force. So, also, a special tribunal being extinguished, all its jurisdiction returns to the ordinary tribunals as to its source, and remingles with them from the very nature of things, without its being necessary to invest them with the authority of the new tribunal." Peña y Peña, 2, p. 371-2.

Such seems to be the principle of the Spanish Law, although it is not one of the common law.

We have heretofore considered the power of the Alcalde to deliver the juridical possession of the mine in the absence of any Mining Judges in California, in view of the Ordinances of 1783, and the construction placed upon them by Gamboa, and that view has induced us to conclude that he had the power to do so.

But the question may be viewed in another aspect. Since Mexico achieved her independence, we believe that her legislation has expressly transferred the denouncement and registry of mines to the ordinary Judges. By the 7th " Article of the Constitutive Acts of the Mexican Federation," passed 31st January, 1824, by the " Second Constitutive Mexican Congress," the Federation was made to "consist of States, and Territories, the *Californias* belonging to the latter class, and remaining directly subject to the Supreme power."—White's Col. vol. 1, p 375.

By the 18th Article, it was provided that the judicial power should be confided to a Supreme Court of Justice, and to such tribunals as may be established in the several States, and by the 23d Article, that "the judicial power of each State shall be exercised by such tribunal as may be established *by its* Constitution, but that the Legislatures of the different States may provisionally organize their interior government; and until that is done, the laws actually in force shall be observed." White's Col. pp. 378, 379.

In Article 123 of the "Federal Constitution of the United Mexican States," established by said "Constitutional Congress" on the 24th day of October, 1824, it was declared, "the judicial power of the Union shall reside in a Supreme Court of Justice, and in Circuit Courts and District Courts." White's Col. p. 404.

From the time, therefore, of the above "Constitutive Act," and the "Federal Constitution of the Mexican States," the whole judicial power became vested in the "Supreme Court of Justice," in the "Circuit," and "District" Courts, and in such tribunals as the Constitution of each State should "establish." From that time, even if Gamboa should be in error in supposing that the portion of the Ordinances of 1783 in relation to Mining Deputations did not obtain, nor could be enforced in Mexico, it is still certain that since the legislation we have referred to, it could not legally exist in California.

The influence which had been exerted by that legislation is evident from the decree of the Mexican Congress of May, 1826, which in the first article prescribes—

Art. 1. "The Tribunal General of Mining must cease, *according to the General Constitution*, in so far as it relates to the Administration of Justice, with which it was charged."—Decree of 28 May, 1820; Halleck's Mining Laws, 409. And whether such Mining Depuations could exist in the States, depended, from the time of the adoption of their respective constitutions, upon the fact whether they were "established," or "designated" thereunder.

The Federal Constitution of 1824 was overthrown in 1836, and the "Constitutional Laws" adopted in its place, but these did not establish *special* tribunals.

Subsequently, with that kaleidoscopic irregularity which distinguishes the movements of the Mexican Government, Santa Anna, having displaced the said "Constitutional Laws," and assumed dictatorial powers under the plan of Tacubaya, on the 27th day of November, 1841, issued a decree creating a *Junta*, to form and present, as soon as possible, a new project for the *re-establishment* of the *Special Tribunals* of Mining, with the modifications which *the present system of government* requires," etc.—Laras' "*Decretos y Ordenes de Gobierno Provisional.*" Halleck's Mining Laws, p. 425.

"The Establishment of Mining," created by the 2d article of the Mexican Congress (Halleck's Mining Laws, p. 409), continued in existence until the 2d day of December, 1842, when by a decree of that date issued by Nicolas Bravo (*provisionally* substituted for Santa Anna), a new regulation was made, *reorganizing* said Establishment of Mining, under the name of the Board for the Encouragement and Administration of Mining (*Junta de Fomento y Administrativa de Mineria*).

By the 10th Article of Title 1st of said Decree it is provided, that the attributes of this *Junta* shall be those which include an economical and faithful administration of the fund mentioned in this decree, etc., in conformity with the regulation which it shall draw up and transmit to the Supreme Government for its approval. In this regulation, there shall, moreover, be determined: 1st, the manner in which quicksilver shall be obtained, distributed, and sold to those who reduce ores, fixing the cases and mode in which the working of quicksilver mines in the Republic is to be supplied, rewarded, or in other ways stimulated and protected.

2d. Everything relating to the redemption of the debt of the endowment fund, according to what may be directed in the respective title.

3rd. The regulation and direction of the Junta itself; and finally, it shall be an attribute and object of its most efficacious solicitude, to promote the encouragement of the business or branch (*ramo*), its funds, and its College (*Seminario*).

The 16th article of the same title authorizes the said Junta to settle the business pending by the extinguished "Tribunal of Mining," and the "Establishment of Mining." The 24th Article, Title 4, of said Decree provides, "The Governors of Departments, in concert with the Departmental *Juntas*, and with the previous approval of the Supreme Government, will establish in each of them the number of Courts of First Instance which are required within them."

Article 25 of the same title directs that "Each Court shall be composed of three Territorial Deputies, *elected in the manner which is prescribed in the old Ordinance of Mining*, and of these three individuals, the first shall be President of the Court, and the other two, associates."

The foregoing decree is wholly translated in Halleck's Mining Laws, p. 434 (Laras' Dec. y Ord. del Gob. Prov. 1842–3. No. 549, p. 221, 229). On the 24th day of May, 1843, Santa Anna having resumed the functions of Provisional President of the Mexican Republic, issued a decree that "In accordance with my intention to *encourage* whatever may contribute to the *national* aggrandizement and *wealth*, and considering as one of the means *most suitable* for that purpose the granting of rewards and exemptions to the important branch of *Mines of Quicksilver*, so necessary for the reduction of the *precious* metals, the *most important branch of the industry* of the Republic, without which the others can make no progress." After this preamble, the Decree, in its first article, prescribes that the Royal Orders of January 13, 1783, November 12th, 1791, of December 6th, 1796, and of August 8th, 1814, with respect to exemption from excise duties (alcabala), granted to articles of consumption in mining, will be observed with respect to mines of quicksilver in the Republic.

Article 2d. No general municipal impost shall be levied upon quicksilver extracted from the mines of quicksilver of the Republic.

Article 3d. Permits quicksilver to be sold throughout the nation without permits, passes, or other Custom House papers.

Article 4th. Provides there is granted to each one of the first four operators who shall extract in one year from the mines of the Republic 2,000 quintals of quicksilver, a premium of $25,000.

Article 6th. Exempts all operatives in mines of quicksilver from all military service and all personal taxes. (Laras' *Dec. y Ord. del Gob. Prov.* 1842–3. Translated in Halleck's Mining Laws, p. 452, 453.)

On the 5th July, 1843, Santa Anna issued another Decree, having the same object in view—the encouragement of quicksilver mines. (*Ibid*, 1843. Halleck's Mining Laws, p. 454, 455.)

In conclusion, on this point, we consider that it has been shown by the preceding observations, that according to the views of Gamboa, that portion of the Ordinances of 1783 which related to "Mining Deputations," were not enforced in Mexico (New Spain)—that they could not be legally organized in California by reason of there never having been "*Reales*" or "*Asientos*" there, and, as a consequence of none such having existence in Mexico prior to her independence, they could not in California,—that Gamboa lays down the rule, that in the absence of Mining Deputies the ordinary judges may act—that a similar principle is asserted by Peña y Peña—that it is proof that no Mining Deputations existed in California; on the contrary, that the alcaldes acted. Such is the testimony of Mr. Larkin, the United States Consul at Monterey.

In conclusion on this point, "no Courts of First Instance" were ever created in Upper California under the decree of Nicolas Bravo, of December 2d, 1842. Such fact, if it ever existed legally, would be proved and must be to have had the "previous approval of the Supreme Government," and that the election had been made in the manner which is "prescribed in the old Ordinance of Mining," which was the only mode in which such tribunal could be legally constituted—that is, the members must be elected by the miners of each "*Real*" or "*Asiento*," not one of which existed in Upper California.

The Court cannot consider the objection to the jurisdiction of the Alcalde who delivered the juridical possession of the mine an available one.

The next question to be considered is the genuineness of the documentary title presented by the claimant.

There are two classes of this title.

The first consists of documents which are connected with the proceedings which took place in California in relation to the mine.

The other is the evidence of the action of the Supreme Government of Mexico, on which the claimant relies as a ratification and confirmation of the title to the mine, and as curing all defects, if any such exist in it.

It is alleged by the Government that both classes of the documentary title, and each one of them, whether executed in California or Mexico, are forged, and consequently void.

The number of witnesses called to testify in this case, the protracted examinations to which they have been subjected, the mass of immaterial facts which have been elicited, have swollen the transcript to four volumes, amounting to upwards of three thousand printed pages, and has had the effect of presenting to our attention about nine hundred pages of briefs.

In exhibiting such a case the Court is like a man who stands by an immense magazine of wheat. He may take a handful and hold it out to view, but he cannot exhibit each grain in the mass to the eye of any purchaser.

All that is practicable to do is to take a general view of the testimony, save where minuteness to ascertain the weight of testimony to prove the authenticity or genuineness of documents where forgery is alleged.

We shall first consider the evidence given in relation to the documentary title given to the claimant by the local authorities of California, then turn to that connected with that which was obtained by claimant in Mexico.

There are three links in the chain of the claimant's title. The first two are the registry of Castillero in his two communications addressed to the Alcalde, dated respectively November 22d and December 3d, 1845.

Pico, the Alcalde who signed the Act of Possession and gave juridical possession of the mine to Castillero, proves the signatures of the latter to those applications. José Noriega and Antonio Suñol, the attesting witnesses to the Act of Possession, both swear to the genuineness of Castillero's signatures, being acquainted with his handwriting, and having seen him write.

The third link in the chain of claimant's title is the Act of

Possession. The Alcalde, Pico, who signed it, and delivered the juridical possession of the mine, and the two witnesses José Noriega and Antonio Suñol, each and all swear directly each to his own, and the signatures of the two others. The testimony of these witnesses is direct and positive, and if the documents are forged or antedated, each and all are guilty of perjury. Now, the testimony of Antonio Maria Pico has been on the files of this Court in this case nearly three years, and that of the two attesting witnesses, José Noriega and Antonio Suñol, have been five years. No attempt has been made to impeach their testimony by witnesses against their character or their want of reputation for veracity.

So far from such attempt having been made, it appears from the transcript that each and all of these witnesses have been called and examined by the parties in this case at different stages of it, each in its own behalf.

They, then, who have testified as to the genuineness of these documents, stand unimpeached, and must be treated by this Court like all others who stand in the same attitude. So long as the law deems them competent, and the Court finds their testimony not disproved, it must act upon a belief in it. In this case, however, a strict invocation of that rule is not necessary. The forgery or antedating of documents is a fact which is to be proved by those who allege it. Now, the most careful review of the evidence in this case has induced this Court to believe that the testimony of the witnesses is confirmed by other testimony from various quarters—by individuals, by facts and events so nearly simultaneous with, and following so immediately, the proceedings of the local authorities in California, that they cast their shadows upon them.

Those events and facts are proved by the Mexican Archives under the charge of the Surveyor-General of the United States, from the official correspondence of the time, and the judicial records of this State.

Before reference to them we proceed to a witness who was not a party to, nor attested either document. José Fernandez was *Sindico del Juzgado* at one time, at another a second Alcalde. He proves as directly the signatures of Pico, the Alcalde, and those of the two attesting witnesses to that document, as they proved their own. "I know this document," says the witness, "saw it twice, once in 1845, in Court, afterwards when second Alcalde." He further states, "he was Secretary to Alcalde Pico; that this document was handed to him by Gutierrez, who wrote the body and paid him his fee of $3.50."

He is asked, "When handed to him by Gutierrez, what did you do with this document?"

He replied: "It remained there in the Court." He states, "he was in charge of the Archives." We will now refer to some facts.

Alcalde Pico, in the concluding clause of the Act of Possession, after stating the grant by him of three thousand varas to Castillero, declares: "*This* Act of Possession being attached to the Expediente deposited in the Archives under my charge."

Pico's term of office expired one or two days after these proceedings, and he was succeeded by Chavolla as Alcalde. On such occasion, under the law and usages, an inventory of all papers and effects in the Juzgado is taken and signed by the outgoing, and a receipt given for them by the incoming Alcalde. Such inventory produced from the Archives of the City of San José, by the Clerk of that City, Chapman Yates, on the 30th January, 1858, is filed in this case, and it designates, among numerous other papers, one "*Posecion de la Mina de Santa Clara, á D. Andres Castillero.*"

This record of possession must be the one preserved by the Alcalde in the Archives of his Court, and when the old Alcalde system was, in 1850, replaced by the Municipal Authorities of the City of San José, it passed into the Mayor's office, whence, in January, 1851, it was taken to the office of the County Recorder of Santa Clara county and filed, where it has remained to the present time.

Unless these records are forged, and got clandestinely introduced upon the records (of which there is no proof), they confirm the truth of the attesting witnesses to the documentary title. The next circumstance which confirms that truth is this: Under the Mining Laws, the Ordinances of 1783 prescribe, that after the written statement of the discoverer shall be noted in substance in the book, for his security, there be given to him, *as his corresponding title*, a *copia autorizada* of all proceedings in giving possession. The written statements or representations of Castillero in registry were not returned to him, but remained in the Alcalde's office. He, however, received certified copies of them on the 13th January, 1846, signed by Pedro Chavolla, Alcalde, and by José Suñol and Pedro Sainsevain, as attesting witnesses.

The *Copia Autorizada* was delivered to Castillero. This document, which is a copy of the expediente, has been filed in this case.—Transcript, p. 2693.

The history of this document, so far as the evidence goes, is that one Robert Walkinshaw, at the time acting as the agent of Alexander Forbes, part owner and sole lessee of the mine, placed in the hands of a professional legal firm in the City of San Francisco, in January, 1853, this *Copia Autorizada*, to be used in relation to some litigation which had arisen in relation to the possession of the New Almaden mine. It remained in the office of those gentlemen, when it was delivered back to Walkinshaw with other papers, and a receipt taken for them.

These facts are established by Mr. Hall McAllister, one of the said legal firm, and Mr. Reese, in their depositions. —Trans. 2698, 2712.

Walkinshaw, on receiving this document, with the others, from Mr. McAllister, handed them with others to his agent, John Young, with whom he deposited all his papers when he left this country, to which he never returned, as he died in Scotland in April, 1848, and Mr. John Young became the sole executor of his last will and testament. On receiving the papers Mr. Young enveloped and labeled them "Papers relating to disputed *barra* between Walkinshaw," etc.

The time when, and the circumstances under which, this document was discovered, are detailed by the depositions of John Young and Thomas Bell.—Trans. 2684, 2696.

To prove the identity of this *Copia* the Alcalde, Antonio Maria Pico, was examined in July, 1860. He swears that the Act of Possession in this document was signed by him, "Antonio Suñol and José Noriega; these latter signed in my presence as witnesses." He also testifies: "I have no doubt that I delivered this document to Castillero, because I see my receipt thereto for twenty-five dollars, my fee. The body of the document is the handwriting of Gutierrez, and bears my signature, which was placed on the day of date."

In this *Copia* there are two copies, purporting to be such, of the two representations of Castillero to the Alcalde of 1st Nomination. Each of these is signed by Castillero, Pedro Chavolla, Alcalde Pico, and two attesting witnesses, P. Sainsevain and José Suñol. The Alcalde testifies that he is acquainted with the signatures of all of them, and that they are genuine. José Suñol is dead. Pedro Chavoya proves his own signature and those of P. Sainsevain and José Suñol. He was Alcalde at the date, and signed the documents at their respective dates. Pedro Sainsevain proves his own signature, that of Pedro Chavolla and José Suñol.

The document in the *Copia* of the act of possession, the third link in the chain of claimants' title, is the document which Alcalde Pico, as we have seen, has sworn to be genuine, and he has no doubt he delivered it to Castillero, was presented to the witness, José Noriega, one of the attesting witnesses. He testifies the handwriting of the body of the document is that of Gutierrez. "It bears the genuine signature of Antonio Maria Pico, Antonio Suñol and myself; we all signed it at the same time, and in each other's presence, I presume on the date of its date. I have no reason to suppose it was not." He then states, in answer to the inquiry, that the receipt from Antonio Maria Pico to Castillero for twenty-five dollars is in the handwriting of Gutierrez.

At the end of many years, on the procurement of this testimony, the parties in interest, with the single exception of José Suñol, who had died, have been able to invoke every witness who was a party either to the original record or its certified copy.

The earliest act of Castillero, as the evidence informs us, was to communicate to Governor Pio Pico, under date 10th December, 1845: "The mine has been denounced by me, and, between a few, we have formed a company, etc." He also sent a sample of the quicksilver and says: "There is such abundance of quicksilver that eight arrobas of ore give one of metal." In this letter he expresses a wish that the vacant lands near our works be conceded to cut wood, and asks for an order to place him in possession of the Island of Santa Cruz, which had been granted to him by the Supreme Government.

This letter was transmitted by Governor Pico through the Minister of Exterior Relations, with the sample of quicksilver, to the President of Mexico, and he requests his Excellency may be made aware of, and satisfied with, so happy a discovery.

On the margin of this letter is the following order by the Minister: "April 6th, 1846. Received and noted with satisfaction, and with respect to the other matters contained, let him inform attentively as he may think fit."

The letter of the Governor of California, communicating to the Supreme Government the letter of Castillero, giving the discovery of the mine and its denouncement, was dated 13th February, 1846.

The answer made under said order to the Governor is in these words (Trans. p. 1806): "His Excellency, the President *ad interim*, learns with satisfaction, by the letter from Señor Castillero, which your Excellency sent with your official of 13th February last, the important discovery which has been made in that department. His Excellency having seen the sample of that ingredient cited in said letter, and which your Excellency sent me by Don José Maria Covarrubias, I have the honor to say this to you, by supreme order, in reply to the said communication, and with respect to the other matters referred to in Señor Castillero's letter, that Government will please report attentively what it deems convenient."

Now, all this correspondence between the Governor of the Department of California and the Supreme Government of Mexico in relation to the discovery and denouncement by Castillero, unless it was forged and clandestinely introduced into the archives, has been filed among them, since within a few days after the proceedings of the local authority had placed Castillero into juridicial possession of the mine.

These communications between Castillero (voluntarily sought by him) on one side, and the Territorial Government and Supreme Government on the other, and the approval of both of the discovery and denouncement of the mine, is certainly another circumstance tending to confirm the authenticity of the documents as sworn to by the witnesses.

If Castillero had anything to do with this alleged forgery, crime took an extraordinary course with him, for it impelled him as soon as possible while the event was recent, to give to the public authorities an opportunity of ferreting out his crime, before the dust of the future should have settled upon his foot prints.

Five days after writing to the Governor about the mine, Castillero makes a second communication under date of 15th December, 1845. He supposes that his Excellency may not have received his previous letter, and he again informs the Governor of the discovery of the mine. This letter is also in the Mexican archives.—Statement of Hopkins, Trans. 3068; proved by 13th answer of Governor Pio Pico, Transcript, 2533.

Now if this letter has not been forged and clandestinely introduced into the archives, the presumption is that it must have been sent to the Governor at the time it bears date, and such also tends to confirm the testimony of the witnesses.

But the proceedings in giving possession of this mine were not concluded or done in the dark; one of the Mexican functionaries gets hold of them. On the 31st day of December, 1845, Manuel Castro, Prefect of the Second District, makes an official communication to the Secretary of the Departmental Government, that Don Andres Castillero had denounced, and is now working, a quicksilver mine found in the jurisdiction of the town of San José Guadalupe on private property. This letter of the Prefect Castro was answered, the blotter of answer is in the archives; Transcript, 2551. Proved by answer 10th of Pio Pico, Transcript, 2533; Hopkins' statement, 3068.

Having thus satisfied ourselves that the witnesses who have sworn to the genuineness of the documentary title obtained by the petitioner, so far from having suspicion thrown upon their testimony, are confirmed by record evidence from the Mexican archives now in charge of the Surveyor General of the United

States, we will proceed to one or two additional species of testimony.

Capt. John C. Frémont testifies that he paid a short visit to the New Almaden mine; he left it about the 24th January, 1846. This must have been about twenty-four days after the juridical possession of the mine had been given. He visited it in company with Capt. Hinckley, who introduced the witness to the owner, Castillero, who showed him about, and the excavation from which he had taken the ore, showed him two or three heaps of the ore and gave him some specimens, some of which he brought away.

Before visiting the mine, the witness states he had conversed with Capt. Leidesdorff with regard to purchasing the mine. When there, "I spoke slightly with Castillero on the subject, and Mr. Hinckley also said something to him at greater length tending to the same end, but Castillero was not at all disposed to converse about selling. About this time, I think, Castillero was engaged in building a house below in the valley, to be used for the occupation of himself or workmen. I learned from Castillero that he held the mine under a denouncement, and then I, for the first time, became acquainted with the Spanish system of acquiring mines by denouncement."

In an official letter of Thomas O. Larkin, written as Consul of the United States, at Monterey, to the Minister of the United States, at Mexico, under date of the 3d April, 1846, among other things, he states that Don Andres Castillero is going as Commissioner to Mexico from the Military Commander of California, Gen. José Castro. He concludes his communication thus: "Near the town of San José, eighty miles from Monterey, Don Andres Castillero has discovered a quicksilver mine; the ore produces from sixteen to sixty per cent.; I have seen him, from an old gun barrel, in thirty minutes, run out about thirty per cent. in pure quicksilver. This must be a great advantage to California."

On the 4th of May, 1846, Mr. Larkin, as such Consul, addressed to the State Department a long report upon the mineral resources of California. Certain extracts are certified by Lewis Cass, and under the seal of the Department of State, to be true copies of the original dispatches of Thomas O. Larkin, U. S. Consul at Monterey, dated 4th May, 1846, which are to be found in the State Department.—Transcript, 2657.

The Consul communicates to the Department, that "From the town of San José, and near the Mission of Santa Clara, there are mountains of quicksilver ore, discovered by D. Andres Castillero (of Mexico), in 1845, which the undersigned has seen twice produce twenty per cent. pure quicksilver, by simply putting the pounded rock in an old gun-barrel, one end placed in the fire, the other in a pot of water, etc. * * * There appears to be no end to the production from these mountains. Working of the quicksilver is but now commenced, under great disadvantages, from not having any of the materials generally used in extracting that material, etc."—Trans. 2657.

In the same communication Mr. Larkin states what in substance Castillero told Fremont as to the mode of acquiring under Spanish laws a title to a mine by denouncement. Mr. Larkin states that "By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the *nearest authorities*, and denounce any unworked mine; the authorities will, after the proper formalities, put the discoverer in possession of a certain portion, which I believe is according to its extent. The possessor must thereafter occupy and work his mine, or some other may denounce against him," etc.

There are various other official communications, but enough of this species of evidence has been cited. Various others will be found in the Transcript.

If we turn from the record evidence derived from the Archives of Mexico, and that from the official correspondence of a Consular Agent of the United States, to the judicial records of California, we will find historical evidence of the genuineness of the proceedings to which the witnesses have sworn. In March, 1847, in the suit of G. C. Cook vs. James Alexander Forbes and others, the complaint was that Andres Castillero, James A. Forbes and others, were working on the land of plaintiff contrary to law, praying that they be removed. The parties having appeared, the case was continued until the mine was surveyed. Two men made a report, and the case was dismissed. If there were no registry, no act of possession, how could there be a mine in existence to survey?

On the 14th August, 1847, James Alexander Forbes, then British Vice Consul for California, writes to John Burton, Esq., Justice of the Peace of San José, that two persons have commenced digging a pit by the direction of G. Cook, within the limits of the *juridical possession of the said mine.* * * * "Permit me to refer you to the documents which exist in your office, upon which was founded your conviction of the justice of your decision in relation to the claim of Mr. Cook in March last, and to request you will be pleased to adopt such measures for protecting the rights of the owners of the said mine, and of those who are legally interested in the same, as you may deem most conducive to that end."—Trans. 810.

This letter was produced by Chapman Yates, Clerk of the City of San José, from the archives of that place, on the 30th January, 1858 (Trans. 769), and proved by the witness McCutchen (767.)

Subsequently, on the 5th May, 1847, James Alexander Forbes, in a letter to Mr. Alexander Forbes, alludes to the "*juridical possession which was given of the mine by the local authority of this jurisdiction,*" and also of "*the three thousand varas of land given in that possession as a gratification to the discoverers.*"—Trans. p. 842.

Weekes' amended possession, given 21st January, 1848, refers *to the original act of possession*, and declares that "*the right and title of the mine to the mine and land granted as a reward in the original act of possession, shall remain valid.*"

This circumstance, while it confers no title on the claimant, being the act of one who, without the consent of both parties, had no authority, is however the recognition of a *de facto* magistrate of the genuineness of the proceedings to which the witnesses in this case have sworn.

In the action between Walkinshaw vs. Forbes, complaint was filed 18th October, 1849, in which plaintiff claimed "*one-eighth part* of the mine by title derived under the original act of registry."

The mine was denounced on 6th October, 1849, by Mr. Horace Hawes, for *abandonment* and *insufficient registry*, and the mine is described as situated on Berreyesa's rancho, and as known *in its original title of registry as the Mine of Santa Clara.*

In the pleadings of plaintiff it is alleged its last possessors were Andres Castillero, Alexander Forbes, James A. Forbes, Robert Walkinshaw, and the two Robles.

Alcalde May's proclamation, on 23d October, 1849, made in relation to the suit, citing parties to appear, describes it as the quicksilver mine situated in the District of San José, known and designated, *in its original act of registry*, as that of Santa Clara, and now known by the name of New Almaden.—Trans. p. 297.

Now, a great portion of the evidence relied on to sustain the allegation of forgery and antedating of the documentary title of the petitioner, consists of the letters which passed between James Alexander Forbes and other parties in interest, filed by the Government, and which were before the Circuit Court on the argument for injunction, and some letters interchanged between James Alexander Forbes and Alexander Forbes, explanatory of those filed by the Government. Among these numerous letters from various parties in interest there is *one* letter alleged to have been written by Alexander Forbes to James Alexander Forbes, under date of March 28, 1848, which is the only letter where a positive assertion is to be found that forgery or antedating had been actually committed.

Nor is the fact asserted in THIS letter alluded to in any other part of the voluminous correspondence. We refer to it now simply in connection with the documentary titles obtained by Castillero in California.

The letter of 28th March, 1848, speaks a language different from that uttered in any other. The sentences which do so are these: "Were I not already so deeply interested in this negotiation I would never think of investing another dollar in it, but this interest renders it necessary to have the control of all the shares, in order that I may dispose of the whole whenever an opportunity may offer, and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, *the documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans.* This unfortunate irregularity cannot be easily repaired, and serious objections might be made to our new Act of Possession."

Now, the charge of antedating in this letter, if the Court could believe in its authenticity, apply to only such documents as were obtained in *Mexico* by Castillero, and hence the fact that the charge is not by the letter applied to such as were obtained elsewhere, is one to be considered when determining the truth of witnesses who have sworn directly to their genuineness in California.

The Court, in view of foregoing considerations, must take the authenticity of the documentary title obtained there as satisfactorily proved.

We turn, now, to the documentary title obtained in Mexico, which loses its importance, because, satisfied as the Court is with the proofs in this case of the authenticity of the documentary title obtained from the local authorities of California, and as the title held under them is sufficient to sustain the confirmation of the claim to the title to the mine, no aid is requisite from the action of the Supreme Government to sustain it, save as to the three thousand varas granted by the Alcalde.

No action of an Alcalde can grant to a party such an amount of surface land as "*pertenencias*," or for any other purpose. He, whatever the President can do, has only power to give such extent of "*pertenencias*" as the mining laws allow.

A *discoverer* of one or more mineral hills (*cerros*) absolutely new, may acquire, in the principal vein which they may select, as much as three *pertenencias* continued or interrupted.

As *discoverer* the Alcalde had the power to assign to Castillero three "*pertenencias*" as such.—Halleck's Mining Ordinances, Art. 1; Trans. 54.

Castillero formed a copartnership on the 8th December, 1845, with the two Robles', José Castro, and Padre Real for the working of the mine, and thus working in partnership, the Alcalde had the power to assign to Castillero *four* additional *pertenencias.*—Ordinances of 1783, p. 252; Halleck's Mining Ordinances; Trans. 54.

Thus, seven *pertenencias* is the largest amount an Alcalde is authorized to assign as such, and to *grant* land to any extent was utterly beyond his jurisdiction.

As the appellate Court may take a different view of the evidence of the documentary title obtained in California, and it is made necessary, under the view this Court takes of the action of the Alcalde in relation to his (the Alcalde's) grant of three thousand varas, that we now refer to the documents of title obtained by Castillero in Mexico, we will now do so.

It has been before observed, that the allegation of forgery and antedating as to them, mainly rests upon the letters written between James Alexander Forbes and some of his associates in interest.

Both of the judges on this bench have heard the nature, character and legal effect of those letters as evidence, elaborately argued on two occasions, once on the discussion of the motion for an injunction in the Circuit Court of the United States for this Judicial District, and on the present trial of title in this Court. Everything has been said, and heard by them from both sides, on the question, which learning and research could invoke. With the very elaborate arguments presented to them on that point, it is deemed needless to travel in detail through the numerous letters offered in evidence on this point. They are all set forth in the Transcript, and open to the appellate tribunal, who, after an examination of them, can correct any error committed by this Court in the conclusion it has come to, upon the character and legal effect of all the letters on which the allegations of forgery and antedating in this case rest.

A careful perusal of these letters has satisfied the Court that, with the exception of the letter of 28th March, A. D. 1848, which James Alexander Forbes swears he received from Alexander Forbes, there is nothing in them which even tends to prove that forgery or antedating had been committed. In other words, there is no proof afforded that the documents presented by claimant are the result of either.

They do show that James Alexander Forbes was *willing* to have titles forged and antedated, for the purpose of curing what he deemed irregularities and defects in the original title.

They also prove that he actually suggested to some of his associates the importance of prompt action in the premises, and complained of their delay. This suggestion was made, at one time, by a memorandum left with one of his associates, and at others by letters to one or two of them.

Now, the *willingness* of an owner, or of all the owners, to better their title by forgery and antedating, will not defeat their original title if sufficient to pass the estate.

The question presented to the Court, in cases where forgery is alleged, is whether the titles produced are the fruits and results of such forgery.

In the United States *vs*. West's Heirs (22 How. 315), the Attorney General for the Government contended that a provisional or equitable grant, which may be converted into a legal title, upon the contingency of the approval by the Departmental Assembly, and the performance of other conditions, must be regarded as wholly abandoned, when the conditions are not complied with, and another and a different claim set up under a forged title.

West, the petitioner, died during the pendency of the proceedings before the Board of Land Commissioners; the case was brought up to this Court, which confirmed the claim for a league and a half.

The Supreme Court say on appeal: "We have only to say that the fraudulent attempts to enlarge the grant were made after California had been ceded to the United States; and though the proof of it is undeniable, and was an attempt to dafraud the United States, that cannot take away from the wife and children of West their claim to the grant, which was made to him before California had been transferred by treaty." The Court, therefore, confirmed the claim for one and a half leagues, about the genuineness of which there was no doubt.

Now, in this case, throughout the whole of these letters, there is no evidence to prove either forgery or antedating by any one, even James Alexander Forbes. The only exception in the whole correspondence is the letter of the 28th March, A. D. 1848, which Forbes swears he had received from Alexander Forbes.

We have given a copy of this letter, in which the following language is used: "and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, the documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans."

From the evidence set out in the Transcript, we believe this letter to be a forgery. The *loss* and *contents* of the original are proved by James Alexander Forbes and Robert Birnie, the former the master spirit and the latter his instrument.

We shall not attempt to go into the details of all the numerous facts which have forced upon the Court the conclusion that the letter of 28th March, 1848, is fabricated, but refer only to a few circumstances.

Forbes, the witness, is impeached by nine witnesses, all of whom resided in the county of Santa Clara, where the witness did. Some of these knew him in 1846, some in 1847, and some in 1850.

This letter of 28th March, 1848, alleges that all the documents procured by Castillero in Mexico, were obtained "long after the occupation of California by the Americans."

A portion of the letters in evidence in this case were purchased by one Henry Laurencel, who, it seems, had some interest in the event of this suit, from James Alexander Forbes, after he had sold out his interest in the mine, and had become hostile to his former friend, Alexander Forbes, for the sum of twenty thousand dollars.

These letters so purchased were deposited at a banker's in this city, subject to the joint order of Forbes and Laurencel, but were brought into this Court by process of this Court, and filed here by the Government.

Subsequently other letters, explanatory of these, and between the same parties, were brought into Court.

The attempt by the production of these letters on the part of the Government, was to prove that forgery had been committed with regard to the title papers, or some of them, in 1850, in accordance with a memorandum made and left by James Alexander Forbes in Tepic in 1849.

This theory was disaffirmed by the letters subsequently filed by the claimants, particularly by the letter of James Alexander Forbes, on 5th May, 1847, to Alexander Forbes, in which he tells the latter of his having seen the copy of the two-league grant, signed by Castillo Lanzas, ordering the Governor of California to put Castillero in possession of the land, and speaks of the juridical possession of the mine of three thousand varas as a gratification. Trans., 842.

Now, when James Alexander Forbes sold for *twenty thousand dollars* the letters filed by the Government, they were sold for the purpose of proving forgery and ante-dating. Where was the letter of 28th March, 1848 (if in existence), at the time of the sale of these letters by Forbes to Laurencel?

It is the only one which gives an express statement of forgery, and is the most important in the whole correspondence.

The account of his reasons when in selling certain documents for a pecuniary consideration, which, for the purpose of enhancing the value of the evidence sold to Laurencel he did not include this original letter among those he sold, are inconsistent.

Forbes, in his answer, in the latter part of it, states in his 197th answer (Trans. 895): "If this letter had been in my possession, or rather, accessible to me, I would have presented it with the others; but it had been mislaid, and I had forgotten where I had put it."

In reply to question 199: "While you were making selections from your correspondence for Mr. Laurencel's inspection and for sale, did it occur to you there was such a letter in your possession as this of the 28th March, 1848?"

The witness had stated that he had *sold* no documents to Mr. Laurencel, but "he paid me for a specific use of those papers."

After reiterating his denial as to a sale, he answers the question as to his recollecting the letter. He says: "I certainly did recollect of the existence of the letter alluded to, and that, having received it a long time before the dates of the correspondence which I allowed Mr. Laurencel to use, I had laid the letter in question aside among some other papers, and I was unable to lay my hands upon it when the aforesaid correspondence was submitted to the inspection of Mr. Laurencel.—Answer 199, Trans. 896.

The attention of the witness was then called to the fact that among the papers sold or delivered for a special use to Laurencel, there were seven letters prior to the letter of 28th March, 1848. His answer is, in the latter part of it: "My answer (200) alluded to those letters which were considered of the greater importance in that correspondence, which were comprised in the dates I have mentioned, 1849 and 1850." And in his answer 201, he says: "In my said answer 199 I had in view the dates of those letters of that correspondence which were considered of the most importance." Now, what paper could he consider more important than the one of 28th March, 1848?

He searched, he says, for that letter when he sold the use of the papers to Laurencel. When asked, "Did you at the time mention to Mr. Laurencel that you had received such a letter?" he replied, "I did not."—Trans. 897, Ans. 205.

In his answer 443 (Trans. 943), he assigns as his reason, and says: "I will *now take occasion to state what was my real* object in retaining that letter in my possession. I knew that the counsel himself had gone to the city of Washington, attended by William E. Barron, for the purpose of getting a bill passed for the taking of testimony in Mexico; and if they should not be successful in obtaining the passage of such a bill, the witnesses would be brought here for the purpose of supporting the title to New Almaden, and after such testimony should have been given in this Court I was determined to exhibit that letter to the authorities of the United States."

He was asked "whether he ever wrote to Mr. Alexander Forbes, requesting any explanation of the expressions in that letter, or to Castillero, requesting some information as to the title?"

The witness answers, he never did, and he considered the attempt useless, inasmuch as he believed the last act of possession was obtained for the purpose of remedying anterior defects in the title (Answer 371, Trans. 919.) In answer 374 he says. "I made no inquiry with regard to the matter set forth in that letter, for the reason already stated, namely: that I considered it next to impossible for me to obtain such information, and more especially as I had been already informed by Mr. Alexander Forbes that in case everything else failed we should fall back upon that possession."

The last reason he assigns for making no inquiry about the letter of 28th March, 1848, was, it stated an important fact which he considered would never be made the subject of correspondence, neither on the part of Mr. Castillero or Mr. Forbes, even had there been a less precarious mode of conveying such correspondence from Mexico to California. Can this witness be deemed to have given a clear account of this letter which he secreted, and made no inquiry for years until June, 1858, a period of ten years from its date, when it is produced by a copy; Forbes swearing the original was stolen from his carpet-bag on the 30th June last?

When asked by counsel for claimant, "Do I understand you to say that on the 30th of June last, and after the conclusion of your examination before Judge Hoffman, and after you had suffered Birnie to make a copy of that letter, the said letter was stolen from your carpet bag at your lodgings, at the Railroad House in this city?" This was on the evening of 30th June, 1858, that Birnie made the copy.

Forbes answered: "That letter was in my possession up to nine o'clock in the evening. I had occasion to leave my lodging for a short time; for security I took that letter out of my coat pocket and put it into my carpet-bag, locked my room door and went up as far as Montgomery Street. I was absent half an hour or more; on my return I found my room door locked as I had left it; and on retiring to bed I had occasion to go to my carpet-bag, when I found that letter was missing."

This is an improbable story, coming from a man who is proved by the correspondence as not only willing to have forged title, but urging his suggestions upon his associates to fabricate it.

There is improbability in the story, as he tells it, as to the manner in which he lost it.

The witness deemed it an important document, and he reserved it *as* his real object, as he tells us, to deliver it to the authorities of the United States, in the event that witnesses from Mexico should be brought here to testify. Why should the character of the letter, as true, depend upon that fact?

It is improbable that a document deemed so important should be left in a carpet-bag in a large public house, and left in a carpet-bag, as the witness swears, for "security."

We shall no further pursue the facts spread out in the Transcript to establish the forgery of the 28th March, 1848, so far as James Alexander Forbes is concerned. His coadjutor, Robert Birnie, takes the stand. Sixteen witnesses, old neighbors of Birnie for four or five years, who knew him well and his reputation, say it is so bad they would not believe him on his oath. Whoever desires to arrive at a knowledge of Birnie's reputation has only to read the testimony of one of these witnesses.

The general fact sworn to by him that he was not to be believed on his oath, is confirmed by all the rest. That witness is Nathaniel Jones, and his testimony to be found in the Transcript, p. 2769.

Mr. Jones is a farmer; held the office of Sheriff in 1850 and 1851; was Public Administrator a short time after; was then elected Supervisor of the County; is the Corresponding Secretary of the Contra Costa Agricultural Society, and Vice-President of the Bay District Agricultural Society, representing Contra Costa county. This witness swears he has lived in the neighborhood of Birnie for some four or five years. He would not believe him on his oath.

On his cross-examination this witness testifies: "It is not from any single act of his, but it is from his want of occupation, and the universal belief among the people that he swears falsely and procures false evidence in land cases; he is utterly worthless, and a loafer."

Now such was the coadjutor of Forbes, who copied the letter of the 28th March, 1848, on the night of 30th June, 1858; who swears he did so, and he swears the letter he copied was one directed to James Alexander Forbes, dated ("I believe") 28th March, 1848, from Monterey.

He swears to every thing about the letter that Forbes did about his copying, and also he identifies the original letter which he copied as that of Alexander Forbes.

He can say nothing about the stolen letter, as no one was present save Forbes and the carpet bag. But Forbes could not return the favor Birnie had done him.

On his cross-examination, Birnie deposed that the first notice he had to attend as a witness, "was from a subpœna to appear instanter. I came over in the boat yesterday with Mr. Randall, the Deputy Marshal, Mr. Forbes and Mr. Laurencel were in company with the Deputy Marshal. I went to Mr. Forbes and asked him the object of this subpœna so suddenly. He told me that it was to testify about the copy of the letter I got from him," etc. Answer 36; Trans. 861, 862.

Forbes was called some two days after the examination as a witness, and he knew that Mr. Randall, the Deputy Marshal, if he did not tell the truth in despite of his friend Birnie would bring out the truth, as he Randall was cognizant of the falsehood of Birnie; he, Forbes, therefore actually told the truth, and falsified all that his friend had sworn to. "I went," says Forbes, "on our arrival at Oakland or soon thereafter, at the request, or rather by *his consent*, thinking it would be less disagreeable to Birnie to speak to him before the subpœna was served, as the *subpœna* called for his appearance *instanter*." Ans. 35; Trans. 876.

"I told him," says the witness Forbes, "simply, that the United States Marshal was there and had a *subpœna* for him; that he would not be required to go to San Francisco until the following morning, provided he would be ready to go at 5 o'clock in the morning. I then left to see the Marshal, and informed him that Birnie would be on board in the morning." So that what Birnie had deposed to was expressly falsified by Forbes, from the fact of the Deputy Marshal's presence.

Escaping from this forged letter, we will look briefly to the testimony adduced by claimant to sustain the genuineness of the documentary title obtained in Mexico.

Great delay in the administration of justice in this case has taken place, from the fact of the tenacity of the Mexican Government in adhering to the law or regulation inhibiting the use of the great seal to evidence transactions done in Mexico in foreign countries.

The inability of claimant to clothe the evidence he had to procure in a form to be received in the courts of this country under existing laws, has had the effect of making this case drag along at a very slow pace. They have had the means, however, to put an end to further delay, and by the exertion of them to bring their witnesses from their homes in Mexico to give their testimony, and testify personally to the genuineness of the documentary title which the claimant obtained from the Mexican Government. The impression generally has been entertained that titles may be easily forged, and that the Government of Mexico was approachable by clandestine means.

The correspondence of which so much has been said, which was filed by the Government in this case, was naturally calculated to fortify that impression. That correspondence did establish to some extent the settled purpose of one of the parties to have papers antedated and forged, and that one or more of the other parties did not promptly repudiate his suggestions, which the Court consider may have been the result of many motives into which it is unnecessary to inquire, under the view entertained and enunciated by this Court, of the nature, extent, and legal effect of that correspondence as evidence to prove forgery or antedating. The record shows that an application was made by Eustace Barron and Castillero to Castillo Lanzas, while Minister of Relations, to authenticate copies of various documents in the public offices of Mexico relating to the Almaden Mine, with the great seal of the Republic. The application was refused, upon the ground that the uses to which the great seal may be put are defined by law and do not embrace the authentication of copies of public documents. One of the witnesses examined in this case was Lanzas himself, and he gives the laws which regulated the use of the great seal (Trans. 2237.) See the letter of Castillo Lanzas giving the reasons why the President denied the use of the great seal save for the special purposes designated by law (Trans. 2384). Now, it strikes the Court, if the precision and tenacity of the Mexican Government about the great seal are so great that it would not yield to the intercessions of Andres Castillero, he certainly could not have possessed such influence as has been imputed to him to obtain a forgery of documents in all the public offices through which his title passed. This Court has decided that the only evidence produced to prove a fabrication of these documents is the forged letter of 28th March, 1848, and the proof which has been produced to prove the authenticity of these documents is as strong as it can be made. We must come to the conclusion that the archives of the Mexican Government must have been forged, and the eleven witnesses sworn in this country under its law, and examined in the presence of her magistrates, have perjured themselves. The deposition of John Forsyth, United States Minister in Mexico, is in the Transcript, 1111. The following motion in relation to it was passed by this Court:

"THE UNITED STATES
vs. } No. 420.
ANDRES CASTILLERO.

On motion of Messrs. Peachy and Yale, of counsel for claimants, and by consent of parties, it is ordered by the Court that the deposition of the Hon. John Forsyth, remaining under the seal of R. B. Owen, United States Commissioner, be and the same is hereby published." Trans. 1110.

In his deposition, Mr. Forsyth deposes, he went first to the office of the *Junta de Mineria* in company with the British Consul, John P. Brodie of California, agent of the claimant, and others, and where was produced from the archives of said office an expediente, which, being carefully compared with a copy in the hands of the said Pardo and Brodie, proved to be absolutely alike and correct in every respect, and to that copy he made a certificate dated the 4th day of August, 1858.

"On the 30th July, 1858, I was present in the *College of the Mines* with the same parties, when an expediente was produced from the archives, which was compared, etc., which copy was certified by me on the 4th day of August, 1858. On 29th of July, 1858, I was present at the office of *Foreign Rela-*

*tions*, when and where the Chief Clerk of the Section of Europe produced from the archives of said office an expediente which was compared, etc., and to that I certified on the 4th day of Aug. 1858. On the same day I was present at the office of the *Ministry* and *Police*, when the Chief Clerk of said office produced from the archives of said office an expediente in the presence of the same parties, which, on being compared," etc.

"On the 30th July, 1858, I was present at the office of the Escribano, or Notary, Don Juan Navarro, where and when said Navarro produced from the archives of his office a book formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly-leaves in the beginning, and the index at the end) of one hundred and twenty leaves, and titled '*Año de* 1846, *Protocolo de Instrumentos del Escribano Don Nazario Fuentes.*' In the presence of the same persons, certain original instruments, contained in said book, were examined, and being compared unto a copy found to be correct and similar, with the exception of two slight omissions, which were certified by the Notary on the same day, and to that copy I certified on the 4th day of August, 1858. These original documents were found in the several offices where they appropriately belonged, and were produced by the officers having the custody of them; and I saw nothing whatever to cause me to doubt that their being genuine originals. I, as Minister, certified each of the copies hereinbefore mentioned, and the facts set forth in those certificates are true, and the certificates are in accordance with the laws of Mexico."

Mr. Forsyth further deposes that the Government will not allow the great seal of Mexico to be attached to copies of such documents, nor will they allow the originals to be withdrawn. "And the manner in which the copies herein mentioned have been authenticated is the only way in which such copies can be authenticated."

Now, all these expedientes, in the archives of the *Junta of the College of the Mines*, *in the Ministry of Foreign Relations*, in the office of the Ministry of Government and Police—four of the public offices and departments—must have been forged in each one of them, and introduced clandestinely into the archives of each. And the same must have been done in relation to the original documents produced from the archives as sworn and certified to by Mr. Forsyth from the archives of the Escribano. Now this is what is most improbable to do without detection.

The claimants have offered the testimony of the three members of the *Junta de Fomento* in the year 1846, namely: Don José Vicente Segura, Don Maria Flores and Don José Maria Bassoco. The testimony of the first two was taken in Mexico, and that of the testimony of some eleven other witnesses was taken in San Francisco, and proves the genuineness of the documentary title obtained by Castillero; we shall limit ourselves to their testimony.

The following witnesses were sworn in San Francisco, and examined: José Maria Bassoco, before the District Judge; Manuel Couto, who was a Clerk in the *Junta de Fomento* in 1846; remained Clerk until the *Junta* was displaced by the *Administracion del Fondo* in 1853, and since then has remained Clerk in that Administration. He copied Castillero's proposals to the *Junta*. The testimony of Don José Maria Lafragua, Minister of Foreign Relations under President Salas, in the latter part of 1846, proves the *expedientes*.—Trans. 15.

Professor Balcarcel was a Member of the Faculty of the College of Mines in 1846; was present at the meeting of the Faculty when the result of the assay of quicksilver was ordered to be printed.—Trans. 1865.

Another witness, Antonio del Castillo, Member of the National College, kept the minutes of the proceedings of the result of the assay; deposited the specimens sent by Castillero in 1846, in the Cabinet of Minerals.—Trans. 1935.

It is useless to pursue this detailed inquiry into the testimony. It is set out in the Transcript, and direct and positive to the genuineness of the documents obtained by Castillero, in Mexico, in 1846.

The witnesses are eleven in number who have been examined in this country, and they stand free from any impeachment.

In addition to the testimony of Mr. Forsyth, and the eleven witnesses from Mexico, who testify to the genuineness of the documents obtained by Castillero in this city, there is added a document of some significance.

The witness Couto was asked on the cross-examination—"You say, that all these things were done by the *Junta?*" Answer of witness—"I do." "You know they were done by them?" "I do." "Was there a record kept of them—of the discussions of the *Junta* on the subject of such applications?" Answer of witness was—"The result of each day's deliberations was written down in a book, and signed by the gentlemen of the *Junta*. This record was called the book of the *Actas*." "Where is that book now?" Answer—"In my possession, in the office in Mexico. These books are not allowed to leave the office." "Were not the final resolutions of the *Junta* on the subject of any application extended more formally than in the *acts* or journal of their proceedings, to which you have referred?" Answer—"This book of the *acts* is a formal record. The first and last sheets of the book are stamped. The book is stamped in the stamp-paper office, and the pages are all numbered in that office before it is stamped, so that it is the same as if each page was stamped. The same was paid to the stamp office as if each leaf were stamped. The *Administrator de Papel Sellado* certifies on the first page of the book the number of pages in it. This book undergoes all this preparation before it is used by the *Junta*."

"Is this the only book in which the final resolutions of the *Junta* were recorded?"

Ans.—"Yes."

"Why did you not bring a copy of the acts of the *Junta* upon his petition with you, that being as you have said, a mode by which the *Junta* executed contracts and assumed obligations?"

Ans.—"Because my business here was only to prove my own signatures, and to prove that the dates upon the documents in the expediente of which I have spoken were the true dates of those papers, and to prove that they have been in my custody."

The result of this examination was to induce the taking measures to get the *actas* from Mexico, and they will be found in the Transcript, 1682. Here is a whole year's business of the mining body, their proceedings, day after day. Session of 6th May, 1846, there is an entry, stating that Don Andres Castillero appeared and made a verbal report regarding the discovery, denouncement, and actual condition of the quicksilver mine situated in the mining district of Upper California. The Junta resolved that Señor Castillero should present his indications in writing.

Session of 14th May, 1846. "From the Ministry of Justice, of date 9th, acknowledging receipt of the official letter, in which was communicated to it the discovery of the mine of quicksilver in Californias."—Trans. 1684, 1688.

Session 18th May, 1846. "In the third he informs, that of the one thousand two hundred and seventy quicksilver flasks existing in the negotiation, there are only a very few having flaws, and that they ought to be worth three dollars each per piece. Let this difference be represented to Señor Castillero, and to the Government, when his propositions are approved." Trans. p. 1690."

Session of 25th May, 1846. "An official letter from His Excellency the Minister of Justice, dated 20th, approving the propositions of Don Andres Castillero, which the Junta had transmitted to the Supreme Government, and informing that he had sent to the Ministry of Government the petition for two square leagues of land (sitio de ganado mayor) as a colonist, upon his mining property."—Trans. 1694.

"The Junta resolved that the proper judicial agreement be drawn up immediately, and that application be made for the five thousand dollars, on Mazatlan or Guadalajara, to which Castillero agreed; and finally, that by the mail of Wednesday the proper orders be sent to Tasco, that the administrator deliver to the order of Señor Don Tomas Ramon del Moral all the quicksilver flasks in good condition in the store-houses there, at the rate of two dollars."—Trans. p. 1694.

Session 29th May, 1846.—"It was also resolved, in conformity with the report of the Controller's Office, that twenty-five dollars be paid to the notary Calapiz, for the proceedings in the instrument of agreement, which had been made with

Don Andres Castillero, to assist his quicksilver enterprise in the mine of Santa Clara in Upper California, embraced in the official order for the suspension of all payments in this Branch."—Trans. p. 1697.

These "*actas*," where we see from day to day entries of facts made at the proper dates to meet the acts of Castillero to procure his title, harmonize with the balance of the testimony to negative the idea of forgery or antedating, or that all the documents procured by Castillero in Mexico were all obtained long after the occupation of California by the Americans.

The questions the Court will now discuss are:

1. Whether the claimant has proved satisfactorily a ratification by the Supreme Government, of the act of Alcalde Pico, granting to him three thousand varas of land at the time he delivered to him the mine.

2. Whether the claimant openly and fairly submitted that transaction to the executive supervision, in the propositions he made.

These are important inquiries, in the solution of which, so far as this Court is concerned, the destiny of these three thousand varas depends; for if it be not ascertained beyond reasonable doubt that the grant of the Alcalde was as clearly and fairly presented in the propositions as the other things proposed, or that there is not a direct and distinct ratification of the Alcalde's act, the transaction is a nullity and has no legal existence.

In Castillero's communication to the *Junta de Fomento*, under date of 12th May, 1846, submitting his views as to a contract respecting a mine he had discovered and denounced, he submits various details; among them, he states that he had denounced and taken possession "not only of the said mine of Santa Clara, but also of the extent of three thousand varas in all directions from that point."

The statement of all he had to say as to his past acts and future views having been made, he closes with these words: "My propositions, then, are the following—"

Then follow nine propositions.

The *seventh* only, will now demand our attention.

The original communication of Castillero, with its various propositions, were sent by the *Junta* with their recommendation in favor of it, through the Minister of Justice to the President, who, therefore, had them before him.

The result of his action in the premises is the written order on the margin of the communication he had received from the *Junta*, recommending Castillero's propositions to his approval. It is in these words: "Granted *in the terms* which are proposed; and with respect to the land, let the corresponding order issue to the Minister of Relations for the *proper measures of his office*, with the understanding that the Supreme Government accedes to the proposition."

It is contended that the above order approves *in all its parts* the agreement. Such is the construction placed upon the order by the Minister of Justice in his letter communicating to the President of the *Junta de Fomento* the result of the action of his Excellency the President, under date of 20th May, 1846.

Counsel for claimant places as comprehensive a construction on the order as did Mr. Becerra, the Minister of Justice. He states: "*All* that is proposed is granted, *the two square leagues among other things*."—Mr. Peachy's Brief, 5.

Such are the interpretations placed upon the order of the President by those two gentlemen. The construction to be placed upon this little document now rests upon this Court; if it be erroneous, it is gratifying to feel that there is an appellate tribunal to correct such error.

As to the interpretation of the Minister of Justice, if his only object is to give his inferences and his interpretation of what was done by the President, his course may, in the estimation of many, be deemed correct; but it must strike some, that in the performance of his official duty as a subordinate officer, where large interests were concerned, it would have been as well to issue the order of his superior so that it might speak for itself, without placing his own construction on it. In doing so, he has introduced language not to be found in the order. The words "*in all its parts*," have been seized upon by all who, interested, have written or spoken about the title, and its ratification by the Supreme Government of Mexico, drawing their inference from those words, and the coloring thrown upon the order by them, when in fact no such words exist in the order.

That part of the interpretation of the learned counsel for claimant, which considers the language operates to convey the two square leagues, we will consider hereafter. The inquiry at present is exclusively as to the three thousand varas of surface land.

Castillero was not an illiterate, ignorant man; the evidence shows he was well informed and educated. He was familiar with the mining laws. Colonel Fremont testifies that in the early part of 1846, he obtained from Castillero all the necessary information which he (Fremont) was able to use for his individual benefit subsequently, in obtaining a mining title at Mariposa. It is reasonable to believe, that one so generally intelligent and cognizant of the mining laws, knew precisely what an ignorant Alcalde was doing at his suggestion, as it is reasonable to believe it was, as he was present, and it was done for his benefit. Castillero must have known that in the annals of his country there was no precedent for an Alcalde to grant three thousand varas to a miner, either as "pertenencias," or by way of grant.

It is important, in justice to the President and to all parties in interest, to look with care when such important interests were entrusted to him, to see, when he bound his country and himself, to what extent he did so. It cannot be urged that the interpretation of a subordinate of a Government of the legal document of his superior, is to be conclusive on this Court in the construction of it. We have cited the construction placed upon the order by one of the counsel for the claimant. The first part of it is in these words: "All that is proposed is granted." We do not differ in this from the learned counsel. We merely add the negative to his affirmation and add: "All that is *not* proposed is *not* granted."

We now turn to the proposition of Castillero. He had in his communication to the *Junta de Fomento*, in the statement he had made in it, preliminary to his propositions, informed that body he had "denounced and taken possession not only of said mine of Santa Clara, but also of an extent of three thousand varas in all directions from that point."

Thus far he as an honest man acted; but he looked to his interests, as we shall see.

By the minutes of the *Junta*, it appears that he appeared before them personally, and gave a verbal account of his discovery, and having been requested to make a written statement, he handed, on 12th May, 1846, his written propositions.

These propositions were either prepared or drafted by Castillero, or under his eye. Conversant as he was with the mining laws, he must have known what a gross violation of the ordinances the Alcalde had committed in granting him three thousand varas, which he stated in his communication to the *Junta de Fomento* he had denounced. Now, there is no ground known to the mining laws on which a denouncement could be made of three thousand varas as the appurtenance to a mine.

The statement of Castillero is not only without proof, but is negatived. In the act of possession the reason averred by the Alcalde for delivering the juridical possession of the mine was, that the time between the denouncement and this date had expired. This is the only time the word "denouncement" is used in the act of possession. After stating the delivery of the mine, he says, "I have granted three thousand varas."

Now the assertion of Castillero that he had denounced these three thousand varas, is falsified by the very record on which the title rests which is presented to this Court for confirmation. No man, shrewd and educated like Castillero, makes a false statement, deliberately in writing, without some motive. We can only gather that motive from his subsequent conduct. Now, the principal object of Castillero in invoking the action of the Supreme Government was to procure their ratification of the title to his mine, so as to secure it from any attack that might be made by reason of any serious irregularity that may have been committed in the proceedings; or from want of power in the Alcalde, there being no Mining Deputation in California. Another object was to procure pecuniary means by way of a loan, and the prompt use of retorts, cylinders, and other apparatus to work his mine. These were his principal objects, and with his knowledge of the gross violation of the ordinances which had been committed, he feared that an insertion of the grant by the Alcalde in his proposals, and asking a ratification of his possession under it, would jeopardize or defeat his whole application. He determines, therefore, to insert in the preliminary part of his written statement the Alcalde's grant, and so word his proposition as to possession, that if an unrestricted ratification was given, he might claim under it the land as the subject of the grant as well as that of the mining title.

His seventh proposition, the only one of the nine which asks for the approval of possession, is in these words: "The *Junta* shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities of California, in the same terms as I now hold it." Not one word is used that conveys an idea of the grant for three thousand varas, or the possession of it. Why was not an approval of the possession of those asked? Was it an inadvertence? It does not look like one. Castillero, if he intended this proposition to cover the land he held as well as the mine, could not be deemed acting inadvertently. He actually converts two separate and different acts of the Alcalde into one and the same transaction; it confounds two different transfers of different species of property, conveyed and regulated by different systems of law. It asks, if so intended, and if not intended why claimed, three thousand varas of surface, together with a mine, "*in the same terms as I now hold it.*"

The statement that he had *denounced* this land must have been introduced from a desire to aid the effort made in the seventh proposition in converting the two different transactions into one. Now, if Castillero intended to effect his object of obtaining the approval of the Government in this mode, it was a fraud; if it was done through inadvertence, and he only in fact intended to propose for an approval of the possession of the mine, the grant gives him no right to the three thousand varas. The possession of them was never confirmed. To prove the separate character of the two acts, and that Castillero only proposed the approval of the possession of the mine, we submit the following reasons:

As we consider the views expressed by one of the counsel for claimant, as to the character of the delivery of the mine and the transfer of the three thousand varas, as correct, we shall cite them: It seems that in the year 1848, Mr. Alexander Forbes applied to Alcalde Weekes to grant an increase of "*pertenencias*" to the owners of the Almaden Mine, as provided by the ordinances. Upon this, the counsel for the Government objected: "Why, if the original Act of Possession, dated 30th December, 1845, had been in existence in January, 1848, by which the Alcalde granted a mining possession of the three thousand varas in every direction from the mouth of the mine, should Alexander Forbes have prayed the Alcalde to grant an increase of '*pertenencias*' in 1848, as provided by the Ordinances? For three thousand varas, measured in every direction from the mouth of the mine, includes many more "*pertenencias*" than the *seven* which Alcaldes are authorized to grant when a newly discovered mine is worked in partnership." To this objection the counsel replies: "A careful examination of the Act of Possession given by Pico in 1845, discloses the fact that the Alcalde gave possession of the mine, *and also* granted to Castillero three thousand varas in every direction from the mouth of the mine. He first declares that he gives juridical possession of the mine known by the name of Santa Clara, and then proceeding to enumerate several reasons for what follows, he *grants* to Castillero three thousand varas, etc., so that the giving juridical possession of the mine was *one act*, and the granting of three thousand varas was *another act*, both of which were recorded in the same instrument, which is usually called the Act of Possession. What, then, did he mean by the mine? What was its extent? Evidently he intended by the mine such a number of '*pertenencias*' as the discoverer of a mine in a new hill was entitled to by the ordinances, which would be *three* if he worked the mine alone, and *seven* if he worked it in partnership with others."

The distinction between the *judicial* possession of the mine and the grant of three thousand varas, is very explicitly, says the counsel, stated by Castillero in his proposals to the *Junta de Fomento* on the 12th May, 1846. There he says: "Wherefore I have denounced and taken possession, not only of the said mine, but also of three thousand varas," etc.

Now, what we consider is, that Castillero himself being personally conversant with the difference between the possession of the mine and the possession of the land, seeks to sustain his title to the latter upon a grant of the Supreme Government as a ratification, and to which he is not entitled, as he did not propose it for ratification in his seventh proposition, or in any other.

Among the nine propositions submitted by Castillero to the *Junta de Fomento* is the eighth, which is in these words: "It shall also represent [to the Supreme Government] the advantage of there being granted to me, *as a colonist*, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings."

We have seen that the written communication by Castillero, with his nine propositions annexed, were transmitted by that body to the President, with their commendation of the petition of Señor Castillero. That the petition was before the President, with its various propositions, together with the recommendation of the *Junta.* On the margin of this communication from that body the grant for two leagues of land is to be found, as alleged.

Before giving the language which is relied upon as a grant of two leagues of land, the Court will advert to the announcement made of its interpretation by Mr. Becerra of the action by the President, under date 20th May, 1846, which was the first announcement that was made to D. Vicente Segura, President of the *Junta.*

Mr. Becerra wrote that "His Excellency has been pleased to approve, *in all its parts*, *the agreement* made with that individual." Where is the agreement to which Mr. Becerra alludes?

Castillero had made no agreement with the *Junta de Fomento.* All he did do, he tells us at the end of his proposals: "The subscriber submits this *request* to the deliberation of the *Junta*, which, if accepted, may be made into a formal contract and made legal in the most proper manner."

The communication of the *Junta* was not in form or substance a petition. Petitions are not made from one department to another of the same Government. In the exercise of their powers under the mining laws, the *Junta* exercised their right to recommend the petition of Castillero to the Supreme Government.

There was no agreement before the President; but there was a recommendation of the *Junta*. What they sent for his approval, the only petition made by any one, was the *petition of Castillero* in relation to which the *Junta* say in their letter: "In this view, the *Junta*, in sending up to your Excellency *the petition of Señor Castillero*, has no hesitation of recommending it very efficaciously," etc. Now to what petition did the President accede, and what did he grant? He must have referred to Castillero's petition, the only one before him, and the word *grant* must be of things in the terms proposed by Castillero in his propositions.

On one of the papers before him (the recommendation of the *Junta*), is an *acuerdo* or written order signed with the rubric of the Minister of Justice. It is in these words: "May 20, 1846. Granted in the terms proposed; and with respect to the land, let the corresponding order issue to the Minister of Relations for the proceedings so far as his office is concerned, with the understanding that the Supreme Government accedes to the petition."

It is strenuously urged, that among the nine things proposed, all being proposed are granted, and that the two square leagues among the rest are conveyed.

Now, all that Castillero asked the Junta to recommend to the Supreme Government in his eighth proposition was a colonization grant. His proposal was, in terms, to grant him two leagues *as a colonist.*

This was all the President did; it was all that Castillero proposed. To consider that the word "granted" applied to *all* the propositions of Castillero, and conveys and transfers all property in each, is to do violence to the language, and to annihilate an axiom of almost universal prevalence—"*Expressio unius, est exclusio alterius.*"

The word "granted" applies to all that is proposed, which is not excluded. But after using that word, it excepts the land, and thus qualifies that word in relation to the land. After the word "granted," in the terms proposed, the language as to the land is, "and *in respect to the land*, let the corresponding order issue to the Minister of Relations for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition."

Becerra, the Minister of Justice, in his communication to Vicente Segura, President of the *Junta de Fomento*, states the *agreement* made with Castillero had been approved in all its parts; also states (and it is the only reference he makes to the land) "that on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to issue the proper orders respecting which is contained in the 8th proposition for the grant of lands in that Department."

The Minister of Justice sent a copy of this letter to Castillo Lanzas, the Minister of Relations, and says: "I have the honor to transcribe it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which His Excellency the President *ad interim* has thought proper to accede, there be granted to him as a colonist two square leagues upon the *land of his mining possession.* Your Excellency will be pleased to issue the orders corresponding."

Lanzas, the Minister of Relations, on the 23d May, 1846, at Mexico, addresses a communication to the Governor of the Department of California.

He premises what he has to say to the Departmental Governor, with a copy of the letter which Mr. Becerra, the Minister of Justice, had written to the *Junta* on 20th May, 1846, and sent one to him, and a copy of the letter which he, Lanzas, had received from the Minister of Relations, and then Lanzas concludes to the Governor in the following language: "Wherefore, I transcribe it to your Excellency, in order that under what is *prescribed by the laws and dispositions upon colonization*, you may put Señor Castillero in possession of the two square leagues which are mentioned."

Now the interpretation by Lanzas of the *grant* was correct. Castillero proposed for a grant as a colonist, in his eighth proposition. It was such, and was the only one proposed that the Supreme Government had granted. The grant was viewed by the Minister in its true light, a colonization grant; he did not direct the Governor to place Castillero in possession, but stated that he had transcribed to His Excellency in order that under what is prescribed *by the laws and dispositions upon colonization, you may put Castillero in possession of the two square leagues* which are mentioned.

In the recommendation made by the *Junta* in favor of his application for land, they declined to express any opinion.

It was, in fact, a subject with which they had nothing to do. The origin of title to mines, and of the granting of lands, and the regulations of them, belonging to two different systems of law; and those laws to the administration of different tribunals. The colonization decree of 1824, and the regulations of 1828, made under that law, had given the granting power to the Governors of departments, subject to the approval of the department, and in special cases to the Supreme Government.

The Minister of Exterior Relations and Government was the functionary through whom the President communicated with the Governors of the departments, and hence the order in this case to the functionary having charge of the granting power where the land was situated, and where the provisions made by the Colonization Decree of 1824, and the regulations of 1828, made for the protection of the rights of third parties, which by the local authorities could be more practically enforced than in Mexico.

Here ends the Expediente of the two square leagues of land. A grant was never issued, nor was a solitary movement made by the Governor towards one, nor a survey of the land made, or possession of it given by any Mexican functionary.

The letter addressed to the Governor of California by Castillo Lanzas, was dated in Mexico, May 23d, 1846, some ten days *after* the 13th May 1846, the day the Congress of the United States declared by resolution, and the President announced by proclamation to the people of the United States, that war existed between the United States and Mexico by virtue of the commencement of actual hostilities on the part of the Republic of Mexico.

The Supreme Court of the United States say: From the capture of Monterey on the 7th July, 1846, till the surrender of Los Angeles, and the organization of a Territorial Government by Commodore Stockton, under the United States, there were about six weeks. * * * In the Act of 1851, and the decisions of this Court, that day is referred to as the epoch at which the power of the Governor of California under the authority of Mexico to alienate the public domain terminated.—U. S. vs. Pico, 23 How. 321.

The case of the United States vs. Castillero (23 How. 464), has been cited as a controlling authority in this. If it be in fact so, it will be the duty of this Court so to consider; but in its opinion, it cannot be so regarded, without violating clear principles of judicial construction.

In the case of Cohens vs. Virginia (6 Wheaton, 264), the canons of judicial construction are thus laid down by Chief Justice Marshall: "It is a maxim not to be disregarded, that general expressions in an opinion are to be taken in connection with the case in which those expressions are used. If they be beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit, *when the very point is not presented.* The reason of this maxim is obvious. The question actually before the Court is investigated with care and consideration in its full extent; other principles which may seem to illustrate it, are considered in relation *to the case decided;* but their possible bearing or relation on all other cases is seldom completely investigated."

Now, apply these rules of judicial construction to the case cited.

For years the granting of lands situate in the Department of California, and up to the time of the acquisition of this country by the United States, were regulated by the Colonization Law of 1824, and the Regulations of 1828, of Mexico. Provisions which she deemed called for by her colonization policy, and conditions and terms having for their object the protection of the rights of third parties, were embodied in them.

Among them, one of vast importance confided the granting of lands to the local authorities—the Governors, or, as they once were termed, "Political Chiefs," subject to the approval of the Departmental Assemblies, and, in cases specially provided for, to the action of the Supreme Government.

This was the uniform, almost universal law. This Court is asked to decide in this case, where no grant from the Governor was ever placed upon the record, where no grant by that functionary was ever made, where no "*informe*" was taken, where no solitary provision of the law made for the protection of third parties was observed, to consider the *decision* of the Supreme Court in the above case, which enunciates the principle "that the Colonization Law of Mexico of 1824 and the Regulations of 1828," do not apply to "*islands*" situate on the coast, a *decision authoritative* in this case. If it is to be so treated, this Court will violate all the principles of judicial construction, and decide that *whether or not islands on the coast are subject to the Colonization Law and Regulations* is the "*very point presented*" *in this case, which is, whether those laws and regulations apply to colonization grants of lands in the interior of the country.*

In the case of the United States vs. Osio (23 How. 273), the Supreme Court decided, that an "island" situated in the Bay of San Francisco, not claimed under the Colonization Law of 1824 or Regulations of 1828, but under certain special orders issued to the Governor by the Mexican Government, and the Governor issued a grant under them, the *power* of the Supreme Government to grant the *island* was deemed undoubted; but the claim to it was rejected on other grounds.

At the same term (23 How. 464), between the same parties now before the Court, after making a statement of the petitioner's title, the Court in that case discuss the question of the character of the property claimed. They say (p. 465) "*islands* situated on the coast, it seems, were never granted by the Governors of California or by any of her authorities, under the Colonization Law of 1824 or the Regulations of 1828. From all that has been exhibited in cases of this description, the better opinion is, that the power to grant the lands of the 'islands' was neither claimed nor exercised by the authorities of the Department prior to the twentieth day of July, 1838, as was satisfactorily shown in one or more cases heretofore considered and decided by this Court.

"On that day (July 20, 1838), the Minister of the Interior, by the order of the Mexican President, addressed a communication to Governor Alvarado, authorizing him, *in concurrence with the Departmental Assembly*, to grant and distribute the lands of the desert islands adjacent to that Department, to the citizens of the nation who might solicit the same. * * * * *

"Grants made by the Governor under the power conferred by this dispatch, without the concurrence of the Departmental Assembly, were simply void, for the reason that the power, being a special one, could only be exercised in the manner prescribed. It was so held by this Court in United States vs. Osio, decided at the present term, and we are satisfied that the decision was correct."—*Ibid*, 466.

But the grant in this case (say the Court), was not made under the general authority conferred by that dispatch.

On the same day, the 20th July, 1838, a dispatch of a special character was addressed by the same Cabinet Minister to the Governor.

"By the terms of the communication the Governor is informed, that the President, regarding the services rendered by the claimant, etc., has directed the Minister to recommend strongly to the Governor *and the Departmental Assembly*, that one of the islands, such as the claimant might select, near where he ought to reside with the troops under his command, be assigned to him, before they proceed to grant and distribute such lands under the general authority conferred by the previous dispatch."

It is upon the following remark of Mr. Justice Clifford, upon the facts stated by him above, that reliance is placed to show that the case is decisive upon the question before this Court on a colonization grant. "Beyond question," says Mr. Justice Clifford, "the legal effect of that second communication was to withdraw such one of the islands as should be selected by the claimant from the previous order, and to direct that it be assigned to this claimant." And the following remark is also relied on, which will be found on page 469: "Emanating as the dispatch did from the Supreme power of the nation, it operated of itself to adjudicate the title to the claimant, leaving no discretion to be exercised by the authorities of the Department."

On what was based the assertion of the doctrine the Court had above enunciated? Why, upon the decision made that the granting of "islands" on the coast had never been claimed, nor the power over them exercised by the authorities of the Department; and that the power of granting "islands" was in the Supreme Government, and to which the colonization laws and regulations did not apply.

There is nothing in this case to justify the idea, that if the Court had decided that those laws and regulations DID apply to islands, they would have decided as they have done; and by so doing, thus impute to them a decision which would sanction the repeal by the President of Mexico of all the colonization laws by an act embodied into an order for the violation of them.

Such was not the action of the Court.

Having decided that the Colonization Laws and Regulations did not apply to "islands," they administered to them those laws which in their opinion did.

Now, Spain was an absolute Government, but at the same time a government of laws, and the absolutism of the monarch consisted in the concentration in his person of all the powers of Government, executive and legislative. He could, therefore, change the law at pleasure, but while the law continued in force, he was as much bound by it as was his subject; and any act done by him in contravention of *existing* laws should be disregarded by the Judiciary.

By one of the decrees made as early as the year 1369, it was provided: "*Royal Letters or Warrants* that may be granted contrary to law or contrary to our judicial system, invalid and not to be executed."

This is the caption of the decree which was issued by Henry II, at Tors. The decree itself provides, "That sometimes it happens, that by personal importunities, or in some other manner, we grant Royal Letters or Warrants contrary to law or contrary to our judicial system, by the present decree we ordain that such Royal Letters or Warrants shall be of no value, and shall not be executed, although they may contain a clause *that* they may be complied with, notwithstanding any privilege, order, or ordinance to the contrary."—*Novisima Recopilacion*, Book III, Law 11.

In the year 1448. John II, at Valladolid, issued a decree with the following caption:

"Royal orders to dispossess any person of *his property*, without being first heard and sentenced, invalid and not to be executed." This is the caption.

The Decree itself prescribes: "If it shall happen that we have given, or shall give any Royal Letter *that any* be dispossessed of his property, or public office, and should it be given to others, it is our will and command that such letters may be respected, but not to be executed; and as it is never to be understood that we take property from any person without being first notified and sentenced, and care must be taken that *the laws of the kingdom must be complied with in all* such cases, and the same to be strictly observed in every particular as they are written, etc. * * * * * But if any one in a public office commits any notorious malpractice, the same being certified up to us, the letters we thereupon may give, we command they shall be complied with."—*Ibid,* Book III, Title IV, Law VI.

To repeal a system of laws and regulations made under them, which have prevailed for a series of years "*in* writing," and have become a rule of property in the acquisition of it, from the Government, without any legitimate exercise of the right of previous repeal, is not a principle to be recognized by this Court as existing in a government of laws, unless the appellate tribunal shall so decide. This we do not consider that Court has yet done. In the case cited as controlling this; they have decided that the Colonization Law of 1824, and the Regulations of 1828, "did not apply to islands," and this is all they have decided. We return now to what is called the grant. "If this grant is anything that passes title, it is a colonization grant." Such a one the petitioner applied for in terms, "as a colonist." Such an one, the President, therefore, in the "*acuerdo*" granted, when he directed, with respect to the land, "let the corresponding order issue to the Minister of Exterior Relations for the corresponding measures of his office, with the understanding that the Supreme Government accedes to the petition."

Mr. Becerra, the Minister of Justice, tells the President of the *Junta de Fomento* what kind of grant it was, if we did not learn it from the eighth proposition of Castillero, and the fact displayed on the marginal title by the direction of the President, that the grant to become one must take the course that all colonization grants of lands must take to be valid; that is, must be made under the then *existing* laws.

Mr. Becerra, in his communication of 20th May, 1846, to Castillo Lanzas, transcribes for the latter a copy of foregoing letter he had written on same date to the President of the "*Junta*" to the end "with respect to the petition of Señor Castillero, to which His Excellency the President *ad interim* has thought proper to accede, that there be granted to him, *as a colonist*, two square leagues *upon the land of his mining possession.* Your Excellency will be pleased to issue the orders accordingly."

Lanzas addresses in Mexico, in obedience to foregoing orders, a communication to the Governor of the Department of California, and concludes his letter in these words: "wherefore I transcribe this letter [the copy of which he had received from Mr. Becerra, the Minister of Justice] to your Excellency, in order *that under what is prescribed by the laws and dispositions* upon colonization, you *may* put Señor Castillero in possession of the two square leagues which are mentioned."

Now, this order for two leagues, from the President down to the last functionary, had been treated as a colonization grant, and none other can it be considered; as such it must have applied to it the laws and regulations which govern such, or it is invalid to pass title.

This Castillo Lanzas dispatch was issued, as we have seen, on the 23d May, 1846, in Mexico, so short a time before the day when, by the decision of the highest judicial tribunal in our country, the power of the Government of Mexico to alienate any of its public domain had ceased to exist (23 How. 321). There could not have been a sufficient time within which to place Castillero in possession "in conformity with the laws and dispositions upon colonization."

The condition of California is portrayed by James Alexander Forbes at the time he held an interest in the claim in this case, and was on friendly terms with his associates, in his letter of the 5th May, 1847: "This Departmental Government [he writes to Alexander Forbes] is completely '*acefalo*;' that is to say, it has no Mexican head, or Governor; in consequence of which, the possession of the two *sitios*, ordered by the dispatch of Señor Castillo Lanzas, has not been obtained, nor cannot be obtained, nor even mentioned without imminent risk of opposition on the part of the American Government in this Department."—Trans. 843.

And yet the Government made as much speed as it well could do. On the 20th May, 1846, the alleged grant was made; on the same day it was transmitted by the Minister of Justice, Mr. Becerra, to the Minister of Exterior Relations, and the dispatch drafted in less than three days from the date of the alleged grant. All was vain; the Government found she had undertaken to alienate a large body of land, the *possession* of which she could not deliver under either the laws of colonization or any other.

That the Lanzas dispatch is no grant—that the Supreme Court has confirmed no one claim under what purported on its face to be a colonization grant—and no grant was given, where not a single provision of the law or regulations on colonization had ever been complied with—this Court has been unable to find; and if it existed, the learning and untiring research of the numerous counsel in this case would have detected such. In the case of The United States vs. Osio, and of The United States vs. Castillero, both claimants had grants from the Governor. The title of the claimant in the latter case is thus described by the Judge who delivered the opinion: "All of the documentary evidences of title produced in the case are duly certified copies of originals found in the Mexican Archives, as appears by the certificate of the Surveyor-General, which makes a part of the record. * * They consist of a special dispatch from the Minister of the Interior of Mexico addressed to Governor Alvarado, the petition of the claimant for the same, and the *original grant to the petitioner*, signed by the Governor, and countersigned by the Secretary of State of the Department." The grant was made by the Governor in 1859.

The case of the United States vs. Osio was rejected, mainly on the ground that the granting power was not exercised in strict conformity to the general dispatch from the General Government under which he acted.

The Castillero case was decided in favor of the claimant, on the ground that the Governor acted in strict conformity with the special dispatch on which he based his grant.

They gave precedence in both cases to the action of the Supreme Government in the granting of "*islands*" over the Departmental Governors, as the colonization law and regulations did not apply to them.

We cannot consider The United States vs. Castillero cited as controlling this case. There are some curious features here, apart from those already alluded to. Considering this document in any light, it must be regarded as inchoate and imperfect. It left the President's hands in a direction given to all colonization grants.

The Secretary of Foreign Relations drafted the order to the Governor of California, and closed his communication with these words: "Wherefore I transcribe to your Excellency, in order that in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues mentioned."

This seems to be plain enough. If the land is not found, and cannot be delivered—if the condition of the country is such that the grantor has lost the power of consummating the contract and delivering the land—it is difficult to perceive how either equitable or legal principles interpose to demand relief in equity in a case where such claim is not legal.

By the insertion by Mr. Becerra, the Minister of Justice, in his letters of the action of the President, we find the land located by Mr. Becerra on the *mining possession of Castillero*. As the mine is described in the act of possession as *situated on the rancho of the retired sergeant José Reyes Berreyesa*, it follows that the location of two square leagues upon the lands of Castillero's mining possession must injuriously affect the rights of a part at least of another man's land for the use of that other. While we admit the power of the Supreme Government to take the land of one and give it to another, under the laws of Spain and Mexico, for mining purposes, and on the terms they prescribe, we cannot acquiesce in its power to take from its owner his lands for any purpose not authorized by law.

This Court have decided in this case, that the three thousand varas granted by the Alcalde to Castillero, was an unwarrantable exercise of authority on the part of the Alcalde. We regarded, however, the merits of the claimant as both discoverer of a mine of quicksilver, and as working it in copartnership; and the Court so considering, concluded to award him the highest number of "*pertenencias*" allowed to any discoverer and partner in working a mine.

The "*pertenencias*," as to mines, are regulated by a separate body of laws, and the Court has awarded the claimant the highest number that those laws concede.

It considers, therefore, that it has gone as far as any equity demands in such a case.

# OPINION

OF

# HIS HONOR OGDEN HOFFMAN,

DISTRICT JUDGE,

DELIVERED, JANUARY 17, 1861.

THE UNITED STATES
VS.
ANDRES CASTILLERO, } "NEW ALMADEN."

The claimant in this case asks the confirmation of his title to,

1st, A mine of quicksilver situated in Santa Clara county, and called the mine of "New Almaden," including three thousand varas of ground measured in all directions from the mouth of the mine.

2d, Two square leagues of land, situated upon the land of the above-mentioned mining possession.

It is objected that this Court has no jurisdiction to decree a confirmation of the former claim. The objections relied on by the United States are two:—

1. That by the Act of 3d March, 1851, the jurisdiction of this Court is confined to cases where the interest claimed is a fee simple interest, or such as in equity should be converted into one, and that such interest was not held by the owner or grantee of a mine by Mexican law.

2. That the subject matter of this claim is not "*land*," within the meaning of the act.

The first objection is not only wholly unsupported by the words of the Act, but it is inconsistent with the sense of justice and the sacredness of treaty stipulations which we must presume to have actuated Congress.

1. The Act declares that every person claiming lands by virtue of *any* right or title derived from the Spanish or Mexican Governments, shall present his claim, etc.

There is thus no specification as to the *nature* of the claim, except that it must be to "*land*," nor of the *estate* or *interest* claimed. It may be leasehold or freehold, conditional or indefeasible, for years or in fee.

2. That such estates constitute property, in its fullest sense, will not be denied.

If, then, claims to such estates in lands cannot be presented for confirmation under the Act of 1851, or if presented are to be rejected, this species of property in land is not merely unprotected, but by the terms of the Act it is confiscated; for the 13th Section provides that all lands, the claims to which have been finally rejected, or which shall not have been presented within two years, shall be deemed held and considered as part of the public domain of the United States.

It cannot, therefore, be imputed to Congress that it meant to declare all lands public property the claims to which were not presented, and at the same time restrict the right of presenting claims to a limited number of cases, thus ignoring and confiscating all rights of property in land but those of a particular description, when all were equally sacred under the laws of nations and the stipulations of the Treaty.

3. But even if the jurisdiction of this Court were limited, as supposed, the estate of the owner of a mine under the Mexican and Spanish Ordinances was of at least as high a degree as a determinable fee at common law, and the concession of a mine conveyed to him full property in the very substance of the mine.

As, however, the nature of the mine owner's estate in a mine cannot be considered without examining and ascertaining what was the nature of a mine itself, and whether it constituted "land," as that term is used in the common law, and in the Act of Congress, the point will be treated of in considering the second objection to the jurisdiction of the Court.

2. Is a mine *land* within the meaning of Act of Congress?

"By the civil law," says Gamboa, "all veins and mineral deposits of gold and silver ore, or of precious stones, belonged, if in public ground, to the Sovereign, and were part of his patrimony, but if on private ground, to the owner of the land, subject to the condition that if worked by the owner he was bound to render a tenth part of the produce to the Prince as a right attaching to his Crown. It subsequently became an established custom in most kingdoms, that all veins of the precious metals, and the produce of such veins, should vest in the Crown and be held to be a part of the patrimony of the King or Sovereign Prince. That this is the case with respect to the Empire of Germany, the Electorates, France, Portugal, Arragon and Catalonia, appears from the laws of those countries, and from the authority of various authors."—1 Heath. Gamboa, 15.

The reasons for attributing to the Sovereign this right of propperty in a part of the soil of the land of his subjects, it is not necessary to recapitulate; but that the distinction between the ownership of the surface, and that of the mines or minerals beneath, it was recognized at a very early period, appears from the law of the Partida, which declares that the property of the mines shall not pass in a grant of the land by the King, although not excepted out of the grant—and even if included in it, the grant shall be valid as to mines only during the life of the King who made it; and a similar rule prevailed in England with respect to mines of the royal metals, which alone were held to belong to the Sovereign by prerogative.

The distinction thus drawn between the right of property in the surface, and that in the minerals beneath, is founded on the essential difference in the qualities of the various substances of which the earth is composed. It has accordingly been recognized in the jurisprudence of all nations.

In Spain, as we have seen, mines do not pass in grants of land (fundos) by the Sovereign, unless particularly mentioned. (1 Heathf. Gamb. 132.) To the same effect is Solorzano, (Pol. Ind. lib. 6, ch. 1. No. 17,) who says: "So that, although private persons may allege and prove that they possess such lands (tierras) and their appurtenances by special gift and concession of the Prince, no matter how general may be the words in which the grant is made, this will not of itself be of any avail or advantage to them for acquiring or gaining thereby the mines which may be discovered in the lands, unless it is so specially provided and expressed in said grant;" and Colmeira, (Der. Adm. Esp.) observes: "Jurisconsults and Publicists agree in the opinion that it is proper to distinguish in the soil (en el suelo) the right of property in the superficies (de la superficie) from that in the depth (del fondo). Truly, the man who acquires a piece of land, gives not the least labor nor advances the smallest capital in consideration of the riches (las riquezas) which it may conceal. He examines its fertility, its situation, its extent, and all the circumstances which determine its value as a building-lot or agricultural land, but he does not take into account the mines which, perchance, it may conceal in its bowels. There is not, then, the least relation between the proprietor (of the land) and the subterranean matter from which any right can be deduced."

So, Lares, a Mexican author, in his Derecho Administrativo, p. 93, remarks: "The law, then, has not recognized property in the mine to be in the owner of the soil, but has made the property in the mine to consist in the grant which the Nation makes to him who registers or denounces it conformably to the ordinance."

By the French law of 1810, the same distinction is recognized, and all mines of gold, silver, platinum, lead, mercury, etc., are declared not to belong to the owner of the soil, but to be governed by the Mining Laws (Teulet's Sup. to Codes, Verb. Mines). "From the moment" (says the author last cited) "when a mine shall be conceded even to the proprietor of the surface, this property shall be distinguished from that of the surface, and thenceforth considered a new property," and, Le Guay, in his Thesis on Mining Legislation, says he "agrees with Mirabeau in the proposition that any legislation which does not recognize two species of property, one in the surface of the earth, and the other in its depth, would be absurd"—p. 125.

In his work on the General Jurisprudence of Mines, M.

Blavier observes: "It is a truth which has been admitted for a long time, that the preservation and prosperity of mines depend essentially on the adoption of a system of laws calculated to reconcile the interests of the public with that of those who work them. * * * It is these conditions which the governments of ancient and modern states have sought to fulfill in admitting, nearly all of them, that the Sovereign alone has the right to dispose of the public property in mines, or to confer on others the useful enjoyment thereof."

This regalian right, or right reserved by the whole state to dispose of subterranean property as public property, independent of the private ownership of the land which conceals it, seems to have been recognized in Germany from the earliest periods; (Cancrin. Dr. Pub. des Mines en Allemagne, p. 2); and M. Blavier remarks: "It is, therefore, not surprising that this regalian right should have been confirmed by nearly all the governments of the northern countries."

But it is unnecessary to multiply authorities in support of a principle so universally recognized.

From the foregoing citations it is clear—

1. That the grant or ownership of the superficies or land which contains the mine, confers no right of property to mines in the bowels of the earth, or even on its surface; and

2. That this property in the mines is, by common consent of almost all modern States, deemed to be vested in the State represented by the Sovereign, and is a regalian right. Indeed, it would seem that these two propositions are sufficiently demonstrated by the fact that mining ordinances exist in almost every State possessed of considerable mineral wealth; for those ordinances are but the dispositions made by law for the exercise of this regalian right, or right of property in all mines, whether in public or private land.

Having thus established that the right of property in mines is wholly distinct from the ownership of the soil, and that the former remains in the Sovereign, notwithstanding the possession of the latter by a private person, we proceed to inquire—

1. Did this right to the mine constitute a right to "land," as that term is used in the Acts of Congress?

2. If so, did the miner by registry and denouncement acquire an estate in "land," and what was its quantity and quality?

These two inquiries, though in form separate, are nevertheless intimately connected; for the nature of the subject matter of the right of property reserved by the Sovereign, can best be ascertained by inquiring what was the subject matter of the estate conveyed to the subject by registry and denouncement, as also the quality and quantity of such estate. "For how," as remarked by Lares, "can the nation grant that which it has not; or how can it give to one person what belongs to another?"

It will be shown that minerals owned by a title wholly independent of the property in the lands in which they are situated, still form a part of the land itself, and constitute land in the strictly legal acceptation of that term at common law. Independently of authority, it would seem clear that, it being admitted that "various sections of the soil divided horizontally" (1 Eng. Law and Eq. Rep. 249) may belong as separate properties to different persons, the sections which are beneath the surface must constitue "land," as much as those which are upon it. The vein of ore or the bed of coal is "land," as fully and completely as the superficial earth, and he who owns the former owns *land* as much as he who owns the latter. On this point the English authorities are agreed.

Nor is the application of those authorities to the question under consideration at all affected by the circumstance that, in England, the regalian right to mines is held to extend only to mines of the precious metals; for the owner of lands in which mines of the base metals are situated, having alienated to one person the mine, but reserved to himself or alienated to another the lands in which the mine is found, the question whether the owner of the mine is an owner of "land," would be presented precisely as if the severance of the two rights of property had originally existed, and the several properties derived by separate grants from the Crown.

"When the mines form part of the general inheritance, they will, of course, be transferred along with the lands without being expressly mentioned in the conveyance; but when they form a distinct possession or inheritance, a title to them must be established, without reference to the general title of the lands in which they are situated."—Bainbridge on Mines, p. 4; Rockwell, p. 536.

In the latter situation, "they still, of course, retain the qualities of real estate, and will be transferred by conveyances applicable to the particular disposition of them intended to be made."—*Ibid.*

They are capable of livery and being made the subjects of ejectment.—Cro. Jac. 150.

"By the name of *minera*, or *fodina plumbi*, the land itself shall pass in a grant if livery be made, and also be recovered in an assize."—Co. Litt. 6 a.

It is held that mines do not lie in grant, but pass like other hereditaments by livery of seizin.—Chetham vs. Williamson, 4 East, 476; 2 Barn. and Cress. 197.

When a reservation in a deed of feoffment is made in favor of the grantor of mines, no livery is necessary, for the grantor will never have been out of possession; but when the exception is in favor of a stranger to the legal estate, livery cannot be dispensed with.—Co. Litt. 47 a.; 1 Ad. & Ell. 748.

In numerous English cases, the distinction is clearly drawn between a mere license to dig and carry away ores, in land of which the possession is retained by the grantor, and a demise of the mine itself, by which an estate in the land is created; nor is it necessary, to constitute such an estate, that the grantee acquire any right or interest in the surface—for minerals are capable of forming a distinct inheritance in the lands of which they are a part, and consequently, an actual estate may be both created in, and restricted to, any specified kind of minerals.—19 Vesey, 158; 4 East, 469; 2 Barn. and Ald, 724; Bainbridge on Mines, 3, 55, 124, 141, 170.

In Stoughton vs. Leigh, 1 Taunt. 403, it was held, that a grant of a stratum of coal in the land of another is a grant in fee simple of a real hereditament, and that the widow of the grantee was dowable of all the mines of her husband, as well those which were in his own landed estates, as the mines and strata of lead, or lead ore and coal, in the lands of other persons.

In Wilkinson vs. Proud *et als.*, 11 Mees. and Wels. p. 33, it was held that a right to a given substratum of coal lying under a certain close is a right to land, and cannot be claimed by prescription. But a bare right to dig and carry away coal in another man's land may.

An action of ejectment, an assize, a common recovery trespass, an action for use and occupation, and almost all the legal remedies applicable to "land," can be maintained at common law with respect to a *mine*. But they do not lie for an incorporeal thing.—Ad. on Eject. p. 18–20; Co. Litt. 6 a; Bainbridge on Mines, p. 141; 2 Barn. and Ald. 737; 4 Barn. and Ald. 401; 2 Strange, 1142.

The case of the Queen vs. the Earl of Northumberland, Plowden, 310, is relied on by the counsel of the United States to show that in England the right of the King to royal metals in the lands of a subject is a merely incorporeal right or easement, like rights of common, way, estovers, and the like.

But it is not so said in the case. It is merely said, that as the subject may acquire by usage, title or interest in the freehold or inheritance of the King, as common, way, estovers, etc., so the King may possess by prerogative a title or interest in the freehold of the subject. It is not said that the title or interest of the King in royal mines is identical with the title or interest of the subject, who has a right of common, way, estovers, etc., in the King's lands.

If the private owner of the inheritance can, by his grant, sever the right of property in the soil from that in the mine, and vest the ownership of the former in one person, and of the latter in another; and if the mine so owned is "land," it is not easy to perceive why, when the severance is effected by law, and the King is the owner of the mine, he should not also be deemed the owner of "land"; and this, whether the royal right is confined, as in England, to a particular description of mines, or extends, as in Spain, to all mines.

That this was not meant to be decided in the case in Plowden, is clear; for no question was made as to whether the right of the King was a corporeal or incorporeal hereditament, and the judgment of the Court was, "that all ores of gold and silver in the lands of subjects, whether the mines thereof be opened or unopened, with power to dig in the lands of the subjects for the same, and to carry them away, with all other incidents thereto, *belong of right to the Queen.*"

From the foregoing authorities, it is abundantly clear, that the law of England is not guilty of what Mirabeau calls the absurdity of refusing to recognise two species of property, one in the surface of the earth, and the other in its depth.

That in the case of royal mines, the property in the mines remains in the Crown, distinct from the general ownership of the land in which they are situate, and in the case of base mines, the general owner may sever by his own grant the property in the mines from the property in the lands. But in both cases, the mine or strata of minerals form part of the land itself, and are *land* in as strictly legal a sense as the non-metalliferous portions of the soil.

Having thus seen that a property in veins of metals is a property in "*land*," notwithstanding it is entirely independent of the property in the soil which contains them, and that it is so regarded, whether the severance between the two species of property be effected by the grant of the Sovereign to whom royal metals belong, or by the owner of the inheritance, who, by the law of England, was the owner of the base metals within his lands, we will next inquire what was the nature of the estate which was acquired by registry and denouncement under the Spanish and Mexican laws.

This inquiry will necessarily involve a consideration of the nature of a mine under those laws; for it is admitted, as urged by the counsel of the United States, that an estate in a mine may closely resemble an estate in land, while the subject matter of the two estates may remain essentially different.

It will, therefore, be shown not only that the estate of a mine-owner is nearly identical with a fee simple conditional estate in land, at the common law, but that the subject matter of that estate, viz., "a mine," as defined in the Ordinances, is "*land*" in the strictest sense, as proved by its intrinsic nature, and by the application to it in Spanish and Mexican laws and treatises of terms which describe and express what is understood in our jurisprudence by the word "*land*."

In the earlier periods of the Spanish Monarchy, it was established as a principle of Castilian law, that all mines found in the Royal Seignory belonged to the Crown. All persons were prohibited from working them except under royal license.—Part. 3, tit. 28, law 11; Nov. Recop. lib. 9, tit. 18, law 1.

In 1387, permission was given to every person to work mines found within his own inheritance, or in that of other persons with their permission.—Nov. Recop. lib. 9, tit. 18, law 2.

And as early as 1526 and 1551, a general royal license was given to work mines discovered in the Indies, on giving an account thereof to the Governor, and payment of a certain proportion of the products to the Crown.—Recop. de las Ind. lib. 4, tit. 19, 61, 14.

On the 10th January, 1559, Philip II, by a law promulgated on that day, extended to all mines of gold, silver and quicksilver found within the kingdom, whether on royal land or on those of lordships, or of the clergy, or in public, municipal, vacant or private lands, the right of ownership which had previously been vested in the Crown, as to mines found within the Royal Seignory; and all mines of the three metals named were declared "to be resumed and incorporated in the Crown and royal patrimony of the King," excepting only such mines of gold or silver, as had, under previous grants to individuals, been begun to be worked, and were then actually worked.—Nov. Recop. lib. 9, tit. 18, l. 3, Halleck's Mining Laws, pp. 6, 15; Rockwell, 113, 116.

The reasons for this act of high sovereignty are set forth in the preamble of the law. They are chiefly founded on the policy of stimulating the discovery and working of mines, by giving to all subjects of the Crown the right of discovering and acquiring the ownership of them in limited parcels, in order that thereby this source of national wealth might be developed, instead of being locked up, as theretofore, in the hands of a few, who did not or would not develop it.—Rockwell's Gamb. Comm. p. 127; Nov. Recop. lib. 9, tit. 18, l. 3, Halleck's Trans. p. 6–11.

It thus became an established and fundamental principle of the Spanish law, that all mines of gold, silver, quicksilver and other metals, whether found on public or private lands, belonged to the Sovereign.—Rockw. Gamb. 126, 127; Solorzano Polit. Ind. lib. 6, cap. 1, No. 17; Ordenanzas de Mineria, p. 68; Ordinances of 1783, lib. 5, art. 1; Ordinances of 1584, lib. 6, tit. 13, l. 9.

To carry into effect the policy thus inaugurated, ordinances were established in 1584 (called by Gamboa the Old Ordinances), which continued in force until August 22d, 1783, when the New Ordinances, as they were called by Gamboa, were enacted.

By these new ordinances, all former edicts and ordinances were revoked, so far as they were opposed to the provisions of the new law, except the provisions of the law of 1783, so far as they treated of the incorporation into the royal patrimony of the gold, silver and quicksilver mines of the kingdom.

The second article of the New Ordinances is as follows:

> "And in order to benefit and favor our subjects and natives, and all other persons whatsoever, even though foreigners to these our kingdoms, who may work or discover any mines of silver already discovered, or to be discovered, we will and command that they shall have them, and that they shall be their property in possession and ownership, and that they may do with them as with anything their own, observing, as well in regard to what they have to pay by way of duty to us, as in all else, what is prescribed and ordered in this edict." Halleck's Trans. p. 70.

By the laws of the Indies, the Emperor Charles and King Philip II. had made a similar grant to all their subjects, whether Spaniards or Indians (except certain officers), authorizing them to work the mines freely and without impediment, and "making them common to all persons, wheresoever situate;" provided, that the Indians should not be injuriously treated, and that no other parties be prejudiced. 1 Heathf. Gamboa, p. 20, Book IV. Lib. XIX, law 1; Recop. de las Indies, Halleck's Trans. pp. 130, 140.

From the very ample terms of these grants a doubt arose, says Gamboa, whether the mines were still to be regarded as the peculiar right of the Crown, or whether they were to be considered as the absolute property of the subject.

On the one side, Don Mateo de Lagunez and Cardinal de Luca were of opinion, that as all mines in the Indies had been declared "*common*," and all persons were at liberty to try for them, wherever situate, it was to be inferred that the mines were no longer vested in the Crown, and that the effect of the Ordinances was precisely the same as if the mines had been made private property (*particulares*), as they may be by concession and privilege.

This opinion Gamboa combats, and after discussing the question at length, concludes that the mines remained a right of the Crown and annexed to the royal patrimony, and that the laws made the vassals "*participants*" of this right; not giving them the private and absolute property to use at will, but in subjection to the Ordinances; and that although the laws concede to them the ownership and property (dominio y propiedad), it is by "participation," and not by absolute translation (por participacion y no por translacion absoluta); the supreme right of property (alto dominio) remaining in His Majesty.

"The correct opinion then seems to be," says Gamboa, "that the mines remain attached to the Crown (que S. M. mantiene en su corona las minas), and that the King, not being able to work them himself, has admitted his subjects to a share of them (dio parte á los vasallos), under various restrictions and subject to various liabilities."

The opinion advocated by Gamboa appears to have been adopted in the Ordinances of 1783, in which many of the suggestions of Gamboa were embodied.—(Gamboa, cap. 11.)

The first two articles of Title V of that Ordinance are as follows:

"Art. 1. Mines are the property of my Royal Crown, as well by their nature and origin as by their reunion, declared in Law IV Lib. XIII Book VI, of the Nueva Recopilacion.

"Art. 2. Without separating them from my royal patrimony, I grant them to my subjects in property (*en propiedad*) and possession in such manner that they may sell them, exchange them, rent them, donate them, pass them by will, either in the way of inheritance or legacy, or in any other manner alienate the right which in the mines belongs to them, on the same terms on which they themselves possess it, and to persons capable of acquiring it."—Halleck's Trans. p. 222.

It was under these last Ordinances that the rights of Castillero were acquired; but as they adopted the views of Gamboa as to the Ordinances of 1584, his Commentaries on the latter, and definition of the mine-owner's estate acquired under them, are of controlling authority in the interpretation of the Ordinances of 1783.

In Section 24, p. 19, Gamb. Comm. Heathf. Trans. pp. 27–8, he observes: "Having established then the regalian right of His Majesty in the mines, and that this right is entirely consistent with the right of disposition and property (con el dominio y propiedad) of the subjects, it is indisputable, that as a consequence of their passing to the latter with power to dispose of them as their own (como cosa suya) all the incidents of "*property*" (propiedad y dominio) must attach in favor of the proprietor, and that they may therefore be exchanged, sold, leased or alienated by contract, donation and inheritance, may be given as a portion in marriage, or may be charged with a rent, and that interest may be demanded for the purchase-money while remaining unpaid," etc., etc.

"There passes, then, to the subject the direct dominion or property, as also the right to the use (dominio directo ó propiedad, y tambien el util), by virtue of the favor and grant of the Sovereign—which we hesitate not to call a gift on conditions (una modal donacion), as will appear upon considering the rules by which that species of grant is defined in law: that is to say, that it be a free and complete act, which being perfected, a charge attaches on the donee from that time forth (and the being worded as a condition makes no difference), and that upon the failure of the modification limited by the donor in his own favor or in that of a third person, or of the kingdom or republic, the gift determines, as will be seen by reference to various text and doctors."—Ch. 11, Sec. 25.

Throughout the Commentaries of Gamboa, the estate of the mine owner in the mine is called the "dominio y propiedad;" and in Sec. 15, ch. xxi. he says: "Another privilege treated of by the authorities above alluded to, is that of appropriating nine parts of the metal, paying only the tenth to the King as an acknowledgment of his having shared with his subjects the direct and superficial ownership (de aver participado á sus vassallos el *dominio util y directo*), of so valuable a kind of property (*de tan preciosos fundos*).

We have already seen that the "alto dominio" of eminent domain is reserved by the King, by virtue of which and of the conditions on which the grant is made, a new grant may be made if the first be forfeited by breach of the conditions, viz., the payment of the fifth, and the observance of the Ordinances, which Gamboa calls the modo, or gravamen with which the donation is charged, and which make it a "donacion modal." —Chap. 11, Art. 26.

From the foregoing citations the nature of the estate in the mine acquired by registry and denouncement under the Spanish laws, might seem sufficiently clear.

It will, however, not be inappropriate to show what in Spanish law is the meaning of the various terms which are used in the Ordinances, and by Gamboa, as descriptive of his estate. Those terms are, "propiedad," "propiedad y posesion," "propiedad y usufructo," "propiedad y utilidad," "plena propiedad," "dominio," "pleno dominio," "dominio absoluto y perpetuo," "dominio directo y util."

"Propiedad," is the right to enjoy and dispose freely of things which are ours, so far as the laws forbid not. Commonly, the dominion which is not accompanied by the usufruct is called "propiedad," or "nuda propiedad," and the dominion which is accompanied by the usufruct is called "plena propiedad."—Escriche's Dict. verb. "Propiedad."

"Dominio," is the right or power to dispose freely of a thing, if the law, the will of the testator, or some agreement does not prevent.

It is divided into the full, and the less than full—"dominio pleno y menos pleno."

"Dominio pleno y absoluto," is the power which one has over anything to alienate independently of another—to receive its fruits—to exclude all others from its use.

"Dominio directo," is the right a person has to control the disposition of a thing, the use (utilidad) of which he has ceded.

"Dominio util," is the right to receive all the fruits of a thing, subject to some contribution or tribute, which is paid to him who reserves in it the "dominium directum."—Escriche's Dict. verb "Dominio;" Alvares' Institutes, vol. ii, pp. 23–33.

It appears, therefore, that the words which the laws and commentators apply to the miner's estate, viz., "propiedad y usufructo," "plena propiedad," "pleno dominio," "dominio directo y util," etc., are descriptive in the Spanish law of the highest estate or right of property in land which the subject can acquire.

It would seem to be higher than any right of property in land enjoyed in England; for, says Blackstone, "A subject has only usufruct and not the absolute property of the soil;" or, as Sir Edward Coke expresses, "he hath the '*dominium utile*,' but not the '*dominium directum*.'"—Comm. book 2, ch. 7.

The ownership of the subject in the mine remains, however, subordinate to the dominium altum, or eminens, or dominio alto of the Crown.

But this is merely the right tacitly reserved by the Government or sovereign authority of a State, and to which all individual rights of property are subject, to take possession of the property in the manner directed by the Constitution and laws of the State, whenever the public interest may require.—Per Ch. Walworth; Beekman vs. Saratoga R. R. Co., 3 Paige R. p. 45.

The fact that the estate of the mine owner may be forfeited or determined by a failure to comply with those of the Ordinances which impose that penalty, *i. e.* by breach of the conditions subsequent attached to the gift, in nowise affects its nature as an estate in fee.

Every estate held by feudal tenure was subject to forfeiture for breach of the conditions on which it was granted. Nor were these conditions always expressed in the grant; for every act of the vassal which amounted to a breach of his allegiance, or the tie which bound him to his lord, operated a forfeiture of the land.

In a grant of a mine the principal conditions, the breach of which worked a forfeiture, were, 1st, the payment to the

Crown of its proportion of the products; and 2d, the working it according to the laws.

If no breach of these conditions occurred, the estate of the miner would continue forever.

It therefore closely resembled a conditional or determinable fee at common law (1 Prest. on Est. 480). The number of cases where, by the Ordinances of 1584, the mine was declared forfeited (perdida), was no less than fifteen, but many of these causes of forfeiture were totally abolished, and the rigor of the laws was essentially mitigated by the Ordinances of 1783, and subsequent laws.

The decree of the Cortes of Spain, of January 26, 1811, exempted the miners of quicksilver from the payment "of all *duties*, even including *the duty* of the fifth, or the proportion *which* the miner is bound to pay;" and annulled "all dispositions which opposed free trade *in said* mineral, and the security of *absolute and perpetual* ownership (dominio absoluto y perpetuo) of the miner; provided, that in managing and working them, he observe the general rules established on the subject."

In the communication from the Secretary of the Regency, transmitting to the Royal Tribunal General of New Spain this decree, he says:

> "Under this date I notify your Excellency, that the prerogative of Seignory, which from remote times the Vice-Royal Treasury has reserved to itself with respect to mines of quicksilver, has been annulled by the General and Extraordinary Cortes, in consequence of the resolution and manifestation of the Council of Regency, enacting at the same time that the said mines shall be worked under the same rules and ordinances as those of gold, silver and other metals, and that their possessors shall preserve their ownership and usufruct (propiedad y usufructo), and in no case shall they be obliged to alienate them to the State—giving them permission moreover to sell their products to any one who will pay the highest price for them. This measure affirms in a manner *inviolable* the ownership (propiedad) and profits (utilidad) of this kind of real estate (de talis juicas), and dispels the reasonable fears which prevented individuals from taking them under their care."

It would not be easy to find words to express more strongly the notion of a permanent and inviolable right of property, than the language of this decree and communication.—Orden. de Min. pp. 79–82; Halleck's Mining Laws, pp. 381–385.

One of the principal causes of forfeiture established by the Ordinances of 1584, was the failure to work the mine for four successive months. But even this provision, so necessary to secure the great object of the Crown in conceding the mine, viz., the development of the mineral resources of the country, was regarded as highly penal, and therefore to be strictly construed. It was thus easily evaded, for by working the mine for a few days every four months the forfeiture was avoided. This defect was remedied in the Ordinances of 1783, which declared that the omission to work for eight months, whether successive or interrupted, in any one year, should forfeit the mine; but the Judge before whom the mine was denounced, was authorised to admit, in addition to the excuses allowed by the former law, any "other just causes which, combined with their former merit, might render the miners worthy of equitable consideration."—Halleck Trans. 244; Ord. of 1783, Art. 15; Heathf. Gamboa, p. 80–86.

Some of the other causes of forfeiture were for the breach of directions in the Ordinances clearly necessary for the security of the mine or of the operatives—such as removing the pillars or supports of the mine, or in other ways neglecting to comply with the rules of the Ordinances, or the directions of the competent authorities, as to their security and preservation, and their better working.—Ord. of 1783, Arts. 7, 10, 11, 12, 13, 14, 15; Halleck's Trans. 242 *et seq.*

In some cases these forfeitures were only imposed after repeated offences (Art. 10), and all the facts were to be judicially ascertained in appropriate proceedings.

From the foregoing it results, that although "the observance of the Ordinances" was in strictness a condition of the concession, yet in fact the forfeiture of the mine was a punishment or penalty imposed for violations of salutary and necessary rules, incurred in but a limited number of cases, and when no equitable considerations existed for mitigating their rigor.

A determinable fee, however, determined by the act or event expressed in its limitation, usually beyond the control of the tenant, and the occurrence of which could not be imputed to him as a fault, still less as a violation of law.

The annexing of conditions subsequent to grants, seems to have been a policy by no means peculiar to Spanish jurisprudence with regard to mines. It was intended to provide a security for the attainment of those objects which formed the consideration for the grant.

These, in colonization grants, were generally occupation and cultivation. In Florida and Louisiana, the settlements were made under a preliminary concession or warrants of survey, and on the fulfillment of the conditions, the final or perfect title was issued.

In Mexico, however, under the law of 1824, and the regulations of 1828, a perfect title issued in the first instance, but charged with conditions as to occupation and settlement; and the grant provided that "if the grantee failed to comply with the conditions, he should lose his right to the land, and it might be denounced by another."

I am unable to perceive any substantial difference between the estate of the colonization grantee and that of the mine owner. Both were liable tc denouncement and forfeiture for noncompliance with the conditions expressed in or annexed by law to the grant; and in both cases, equitable excuses could, in general, be received for the omission.

In the California land cases, the existence in the grants of conditions subsequent has never been regarded as presenting any obstacle to their confirmation—where no forfeiture had accrued and been judicially ascertained under the former Government.

Having thus ascertained the nature of the mine owner's estate in a mine, we are next to consider what was the nature of a mine itself, considered as a subject of property.

From the quality of the estate, and the fact that it possessed all the incidents of an estate in *land*—that it was alienable, devisable, and inheritable—that it could be leased, charged with a rent, mortgaged, and given as a portion in marriage, etc., it might reasonably be concluded that the Spanish law, like the English, regarded the mine as "*land*." But all doubt is removed by recurring to the terms which were applied to it. It is a "fundo," or land (1 Gamb. ch. v, sec. 5 : id. ch. xxi, sec. 15). It is "bienes raices," or real estate (id. ch. xvii, sec. 22). It is "bienes immobles," or immovables (id. ch. xxiii, sec. 6). All the rules relating to petitory and possessory actions for lands are applied to it (ch. xxiii, secs. 1, 6, 19); and in these cases the proceeding may be for the ore, or merely to substantiate the right of property in the mine (sobre los metales ó puramente sobre la propiedad).—ch. xxiii, secs. 20, 21.

The fact that a judicial delivery of possession was authorized to be made, indicates that the thing to which the title or right of property had attached was a corporeal hereditament. It is laid down by Alvarez (Inst. v. 11, p. 23 *et seq.*) as an axiom of the civil law, that "only things corporeal can be delivered, since only these can be transferred by corporeal act from one to another." And this corresponds with the rule of the common law, that corporeal hereditaments pass by livery of seizin, while incorporeal hereditaments lie only in grant.

As the Ordinances gave to the miner the right of property in and possession of the mine, the judicial delivery of the mine, after the title *to* the thing had been acquired by denouncement and registry, vested the mine owner with the right *in* the thing, and gave him the *full* dominion—the title to and the right in the thing, the right to dispose of it, and the right to use—*dominio directo y util.* It is unnecessary to pursue this discussion further.

No one, I think, who examines the Ordinances and the Commentaries of Gamboa with care, can avoid the conclusion that the mine owner, by denouncement and registry, and the delivery of the possession to him, obtained, under the Mexican law, a right to and property in the mine, and that the mine so acquired consisted of the very substance of the minerals of which it was composed—was a corporeal hereditament like a mine or stratum of ores in the English law, and was land in the strictest and fullest sense of the term.

The case of Frémont *vs.* the United States, 17 How. 565, is relied on by the counsel of the United States as sustaining his objection to the jurisdiction. In that case the Court say: "In relation to that part of the argument which disputes the right on the ground that the grant embraced mines of gold and silver, it is sufficient to say, that under the mining laws of Spain, the discovery of a mine of gold or silver did not destroy the title of the individual to the land granted. *The only question before the Court is the validity of the title.* And whether there be any mines on this land, and if there be any, what are the rights of sovereignty in them, are questions which must be discussed in another form of proceeding, and are not subjected to the jurisdiction of the Commissioners or the Court, by the Act of 1851."

It will be seen, that the only question before the Court was whether the fact that mines of gold and silver had been discovered on land which had been previously granted under the colonization laws, destroyed the title of the individual to the land granted. It was of course held that it did not. Whether there were any outstanding rights of sovereignty in such mines, and, if so, what was their nature, and in what sovereign they were vested, the Court declared itself without jurisdiction to determine.

But it was not decided, nor could it have been intended to be decided, that a private grantee of a mine under Mexican law could not present his claim for confirmation under the Act of 1851. That question was not before the Court. And even if the language is to be construed as extending to a right to a mine acquired under Mexican law by a private individual, and is not to be restricted, as its terms imply, to rights of sovereignty outstanding in the United States or the State of California, it must be regarded as *obitar dictum*—not necessary to the determination of the case, and relating to a question which did not and could not have been presented by it.

A similar decision of the point presented for determination had already been made by the Supreme Court in Delassus vs. The United States (IX Pet. 117). The claim in that case was, like that of Fremont, for the confirmation of a concession of a tract of land. It differed from the case of Fremont in the circumstance that the motive of the petitioner in soliciting the grant was declared to be to make explorations for lead mines.

But the Court held that the concession was for land; and as all claims for lands were submitted to its jurisdiction, without any reservation in the Act of Congress of claims for lands containing lead mines, a confirmation could not be withheld.

In Fremont's case the same objection—viz., that the land granted contained mines—was taken, and the Court held that that circumstance did not impair the validity of the grant, or divest its jurisdiction over it as of a claim to land. Such, it seems clear to me, was the whole scope and effect of the decision.

The nature of a *claim* to a mine, as distinguished from the right of an agricultural grantee to the surface, and the jurisdiction over such a claim confided to the Commissioners by the Act of 1851, were not considered, or intended to be decided.

My conclusions, then, on the question of jurisdiction, are—

1. That the jurisdiction of this Court is not restricted to those cases where the estate claimed in lands in California is a fee—or such as in equity should be converted into a fee.

2. That even if it were, the estate of a mine-owner in a mine is, under Mexican and Spanish law, a fee with conditions subsequent; closely resembling that of a grantee under the colonization laws.

3. That by the common law of England the ownership of the surface may be vested in one person, and that of a mine, or substratum of mineral, in another; and that the latter is "land," in its strictest sense.

4. That by the Spanish and Mexican laws a mine considered as a subject of property, and distinct from the ownership of the surface, is "land"—or rather, that terms are applied to it in those laws which are the precise equivalents of the common law term "*land.*"

And that therefore this Court has jurisdiction to ascertain and settle a private land claim to a mine, the title to which is derived from the Spanish or Mexican Governments, as of a claim to "*land.*"

Having thus ascertained that a mine is "*land*," and that the estate of the mine-owner closely resembled a conditional fee at common law, we will next briefly inquire by what proceedings and in what manner that estate was acquired.

Such an inquiry naturally precedes an examination into the genuineness of the alleged title to the mine, and the determination of its legal effect if found to be genuine.

In Art. 4, Tit. VI, of the Ordinances of 1783, entitled "Of the modes of acquiring mines—of new discoveries, registries of veins, and denouncement of mines abandoned or forfeited," is as follows:

> "Those mentioned in the preceding articles must appear with a written statement before the Deputation of Mining of that Territory, or the one nearest if there should be none there, stating in it their names and those of their partners, if they have any; the place of their birth, their residence, profession and employment; and the most particular and distinguishing features of the place (*sitio*), hill (*cerro*), or vein, of which they ask the adjudication. All of which circumstances, and the hour at which the discoverer presents himself, shall be noted in a book of registry, which the Deputation and Notary (*Escribano*) of Mines, if there be one, shall keep, and this being done, his written statement shall be returned to the discoverer for his due security, and notices shall be fixed to the doors of the church, Government houses, and other public places of the town, for due information. And I order that within ninety days he shall have made in the vein or veins of his registry, a pit (*poso*) of a vara and a half wide, or in diameter, and ten varas down, or in depth; and that as soon as this is done, one of the Deputies shall personally go, accompanied by the Notary, if there be one—and if there be none, by two assisting witnesses and a professional mining expert of that Territory—to inspect the course and direction of the vein, its width, its inclination to the horizon, which is called *echado* or *recuesto*, its hardness or softness, the greater or less firmness of its sides, and the species or principal indications of the mineral—taking an exact account of all this, in order that it may be added to the corresponding part of its registry, with the evidence (*fé*) of possession, which shall immediately be given in my Royal name, measuring to him his *pertenencias*, and causing him to fix stakes (*estacas*) in his boundaries, as will hereafter be mentioned; which being done, there will be delivered to him an attested copy of the proceedings as a corresponding title.

"Art. 5. If during the ninety days any one shall appear pretending to have a right to said discovery, he shall have a brief hearing in Court, and it shall be adjudicated to the one who best proves his claim; but if he appear after that time, he shall not be heard."

Art. 7 provides, that when a question shall arise as to who is the first discoverer, he shall be held such who shall have first found metal in the vein—and in case of doubt, he who shall first have registered it.

It is well said by one of the counsel for the claimants, that the object of the various Mining Ordinances of Spain was to stimulate and promote to the utmost extent the discovery of mines and the development of their riches.

The means adopted to stimulate *discovery* were to give to the discoverer the mine he might discover—the State reserving for itself a small part of its products. The means by which the development of the riches of the mine was secured, consisted in making the continuance of the right of property dependent on working it to the extent and in the manner prescribed by law.

Discovery, therefore, was recognized by those laws as the real foundation of the right, and the true consideration for the grant of property in a mine.

Gamboa considered the discoverers of mines as entitled even to greater encouragement than the inventors of useful arts (Heathf. Gamb. 1, p. 259), and in all the Mining Ordinances of Europe the right of the discoverer is recognized by the promise of a grant of the mine as a reward for the discovery.

In the *Sala Mejicana* (vol. 2, p. 58), discovery is declared to be one of the modes of acquiring mines, and it is recognized as a species of occupation, and as constituting a source of title, like the finding of a buried treasure, precious stones, and the like.

In the jurisprudence of Spain and the continental nations, discovery, with regard to mines, as a source of title and consideration for the grant, corresponds with occupation and cultivation under our own pre-emption laws with regard to vacant public lands; and in all the claims to lands in Florida and

Louisiana, submitted to the Supreme Court, the fact of settlement, under a contract for or with a just right to expect a title, has been regarded as a valuable consideration secured by the State, and creating an equitable obligation to confer the title.

But this inchoate right created by discovery must be perfected in the manner prescribed by law.

It is therefore required that the mine be registered; and without registry, says Gamboa, no mine could be lawfully worked, and it remains liable to be registered by any other person—the form of the ordinance not having been complied with. (Chap. V, sec. 3.) The reasonableness of this regulation, he remarks, is evident. It is not necessary to recapitulate the various arguments by which he vindicates its policy and necessity.

As the revenue was interested in a portion of the product of the mine; as the public policy required that an account should be taken of so important a part of the national wealth; as the mine-owner, from the moment of registry, became subject to laws designed to secure the development of the mine he had discovered; for these and other reasons, it was indispensable to provide a mode in which the discovery should be formally made known to competent authority, and the right of the discoverer judicially declared and defined. Registry is, therefore, said by Gamboa to be the fundamental title, or the base of the title (el titulo fundamental de las minas), and the attributive cause of the subject's right of property in it; for the Crown has conceded the mines, and made them common, subject to this burden or condition (gravamen.)—Ch. v, sec. 2.

And in other places, he speaks of registry as "el titulo fundamental de el dominio de las minas."—Ch. xi, sec. 2; ch. vii, sec. 3.

The registry, however, did not constitute the *title* to the mine in the sense of being itself a concession or grant.

The registry, or formal declaration of the discovery in the manner prescribed by law, was the fulfillment of the condition imposed, in the general grant by the Sovereign, on the discoverer of mines, and on its performance the law itself annexed the title as the legal consequence of discovery and registry.

It still remained subject to further conditions—some to be performed before a formal delivery of possession could be given, and some to be perpetually observed under penalty of forfeiture.

The registry was therefore required to be made before a judicial tribunal, and not before an administrative officer, who, like the Governors of California, might exercise a discretion as to whether or not the concession should be made. The declaration of the ownership of the discoverer was termed an "adjudication," and even after registry, and at any time during the period allowed the person registering for digging the pit, any person pretending to have a right to the discovery, was entitled to a hearing "*in Court*," and the mine was *adjudicated* to him who best proved his claim.

In sec. 14 of chap. V, Gamboa states that "registries of mines in the Indies are not to be made before royal officers, but before the justices of the Department alone; and the oath of the discoverer, that he will bring in to be stamped all the gold and silver, etc., is to ensure the due levying of duties, and is not to be made upon the registry of a mine, *the title to which comes under the cognizance of the justice.*"

In section 15, he says: "But *judicial matters*, such as registry, denouncement, the giving possession, etc., are the province of the justices, and, by way of appeal, of the royal audiences."

In sec. 24, he defines registry to be "any judicial order, or proceedings (autos ó diligencias) which authenticate and afford evidence of some judicial act."

The whole proceeding thus seems to have been the judicial recognition and declaration of a previously existing right, asserted and established in the manner required by law, rather than the creation and conferring of a title which had no previous existence.

Thus, Gamboa, in speaking of the necessity of registering says: "And therefore, the discoverer, *if he would preserve his right*, should give notice of his discovery, and make himself known."—Ch. V, 4.

So, in sec. 17 of the same chapter—"If, after the expiration of the term of twenty days, some other person should come forward and register, the discoverer loses *his right*, this being the penalty he is liable to pay for his culpable default, in neglecting to register *his mine*, and thus frustrating the ends of the Ordinances; for a mine which is worked without being registered, is not properly to be called a mine, and does not merit the name, even though it should yield good ore.

"The Ordinances give the name of mines to such only as are registered, because the registry is the fundamental title (el titulo fundamental) to every mine; and because the omitting to make registry evinces a vicious intention to dispose of the ore or silver clandestinely, in fraud of the right of the Crown, and to put impediments in the way of other individuals who might wish to take mines upon the same vein, or at the same spot."—1 Heathf. Gamb. p. 150.

In neither the Ordinances of 1584, nor in those of 1783, is mention made of any title paper to be delivered to the party, containing, in terms, any grant or concession of the mine.

His "statement" is, by the Ordinances of 1783, to be returned to him, after its contents have been duly noted in the register, "for his security;" and when he shall have dug his pit he is to be put in possession, if no adverse claim be interposed. But the only evidence of his title consists in the judicial ascertainment and record of the fact that he declared his discovery in the form required by law, which being done, the law itself gave the title on the conditions fixed by the Ordinances.—When the pit had been dug, and judicial possession given, the 4th Article of the Ordinances of 1783, directed, as we have seen, that an authorized copy of all the proceedings (de las diligencias) should be given him as his corresponding title (como titulo correspondiente). To perfect and secure the right to a mine, registry was, in all cases, indispensable. In making it, all that was necessary was "to manifest the person, the place, and the ore." But if the mine had previously been worked, and was denounced for abandonment or other cause of forfeiture, a preliminary proceeding called a denouncement was required. This was in the nature of an accusation against the former owner, charging him with having left the mine unworked, or having come within some other ground of forfeiture. Upon this question a summary judgment was had, after notice to neighbors, proclamation, etc. If the mine was declared forfeited, the denouncer was, nevertheless, obliged to register it and go through the same proceedings as the discoverer had done.—Heathf. Gamboa, ch. v, secs. 21–22, p. 153.

That the discoverer of a mine was recognized by the law as having acquired a right to it even before registry, is further shown by the terms of the twentieth Ordinance of 1584, which enacts that, "No person shall presume to register, or to enter in the register a mine which is not *his own property*, under the penalty of one thousand ducats," etc.

Among the cases mentioned by Gamboa, to which this law applies, is that of a person other than the discoverer of the ore registering a mine before the expiration of the twenty days allowed by the Ordinance to a discoverer for registering his mine.—1 Heathf. Gamboa, p. 156–8.

The discoverer is thus treated as the true owner of the mine, until, by failing to register within the time prescribed, his rights are lost; and the registry of the mine within that time by any person in his own name is considered and punished as a fraudulent attempt to acquire the property of another, like a similar act by the mortgagee of the mine, or by the curator or tutor of a minor, and other cases mentioned by Gamboa.

From these and many other provisions in the Ordinances, and passages in the Commentaries of Gamboa, the nature and effect of registry is unmistakably manifested; nor can our views of it depend upon the meaning we attach to a single phrase of Gamboa (el titulo fundamental), as to the correct translation of which a question was raised at the Bar.

The foundation of the right to a mine was discovery. But this right was lost unless the discoverer made known the fact before the judicial tribunal authorised to receive such declarations. The proceeding for the purpose was entirely *ex-parte*, and consisted merely of a production of the ore, a description of the place where it was discovered, and the person of the discoverer. These facts being duly made known and recorded, the title passed by operation of law, unless within the time limited some one having a better right appeared.

The foundation of the denouncer's right was in principle the same.

Having brought to the notice of the court, and established that a mine was abandoned or had been forfeited, the law gave him the right to register it in his own name, like a new mine, except that not being an original discoverer, the mining space (pertenencias) to be assigned to him was more limited.

The registry cannot be regarded as the base of the title to the mine, in the sense that without registry a right of property could, in no case, be asserted to it; for as we have seen, even after registry by an alleged discoverer, and after he had dug his pit, obtained judicial possession, and even had his pertenencias measured, any one pretending to have a right to the discovery, could within ninety days from the date of the registry assert his claim and procure the mine to be adjudicated to him; but where no objection was interposed, and the person registering was the true discoverer of the mine, the causing it to be registered, or the formal declaration of his discovery, was the fulfillment of the condition established by law upon which his inchoate right as a discoverer became a perfect right of property (although until the pit was dug he was not entitled to a judicial delivery of possession, nor could he alienate the mine). And the register itself, or the record of the procedure, became his fundamental title *paper*, or *evidence of his title*, for it established judicially the fact of the discovery, and the fact that he had declared it as required by law.

I have thus endeavored to arrive at a clear conception of the nature and effect of the registry of a mine, and of the rights of a discoverer, that we may be the better able to judge of the validity of the alleged registry by Castillero, and correctly to estimate the equitable or inchoate rights he may have acquired as the discoverer of a new mine.

Having premised this much as to the rights of a discoverer, and the nature, objects and effect of a registry, we will now particularly consider the provisions of the articles under examination.

It will be observed, that to effect a registry, and to entitle himself to the judicial delivery of possession of the mine, the only acts required of the discoverer were: 1st, his appearance before the deputation, with a written statement of the facts necessary to be set forth; and 2d, that he should within ninety days thereafter, make a pit in the vein of his registry of the required dimensions.

The noting in the book of registry of the contents of the statement, the hour at which the discoverer presented himself, the notices for due information, etc., were acts to be performed by the Judge or Deputation. It would seem that any injurious effect on the discoverer's right by the omission of the first of these formalities, was intended to be provided against by the direction that the written statement should "be returned to him for his due security," and it is presumed, with a certificate annexed of the fact and time of its presentation.

We learn from Gamboa, that in 1727, the Viceroy Marquess of Casa Forte issued an order, dated at Mexico, commanding the royal officers and justices to send an account of the mines within their several districts, whether at work or abandoned, etc.; and in case they should have no book of registry for the mines which might have been registered there, to form one with all possible dispatch, that an account might thus be obtained of all the mines in the kingdom, from which a general book might be made up, etc. "But we are not aware," says Gamboa, "that this order, so agreeable to the spirit of the Ordinances now under consideration, and so important to the interests of the revenue in a public, and of the subject in a private point of view, was soon carried into effect." We find here no intimation that the failure of the officer to enter the registry in a book in any way impaired its validity, and this, notwithstanding that the Ordinance he was considering (art. xix.) expressly requires the Mining Administrators of each district to keep a book in which all registries made in such district were to be entered, and for this purpose the miners were required to send authenticated copies of such registry to that officer.

Gamboa goes on to observe, that "the original proceedings (diligencias) ought *not* to be given into the custody of the owners until the registry, etc., be made in the proper book; for otherwise these important instruments would be exposed to the contingencies alluded to above, and very serious difficulties may arise in subsequent dealings in ascertaining whether the registry or denouncement was made with due solemnity, the time and manner of making it, the greater or less antiquity of the mine," etc.

This suggestion appears to have been adopted in the Ordinances of 1783, which provide, as we have seen, that the contents of the statement and the hour at which it was presented, shall first be noted in the book of registry, and the statement then returned to the discoverer "for his due *security*."

The registry having been effected, the working of the mine could lawfully be commenced at once; and within ninety days the pit was required to be dug. As soon as this was done formal possession could be given.

If, however, the party who had registered the mine failed to do this, his rights were, by the Ordinances of 1584, forfeited, and the mine might be denounced by and adjudged to another. As, however, from the nature of the vein, a pit of the depth of three estados might be wholly unnecessary, or the hardness of the rock, the caving in of the pit, the breaking out of springs of water, etc., might prevent the digging of the pit within the time limited, it was provided by the Ordinance, that the justice, on an application made to him, and an investigation, might dispense with this requirement of the law, or enlarge the time for its fulfillment, as might be necessary.

In the Ordinances of 1783, the penalty of forfeiture is not in terms imposed for the omission to dig the pit within ninety days. It is presumed, however, that a breach of so positive and important a provision of law would, if without excuse, under the later Ordinances have rendered the mine liable to denouncement.

By Art. 4, of the Ordinances of 1783, the pertenencias of the mine were required to be measured, and the stakes fixed in the boundaries at the time possession is given.

By the Ordinances of 1584, the miner was not obliged to do this until cited by some neighboring miner "who asked for stakes." Ten days were then allowed him to select the ground he might prefer, or, using our mode of expression, to *locate* his pertenencias—subject, however, to the condition that his original pit of possession, or fixed stake, should be within the limits of the boundaries he might select. If he failed to make his selection within ten days, his boundaries were established by the Justice. But this designation of his pertenencias was not final; for he might at any time afterwards, on discovering the true course of the vein, etc., apply to have his stakes bettered (*mejorar las estacas*), and his boundaries might be altered in any way not injurious to the neighbor, between whose mine and his own the boundaries had already been established.—1 Heathf. Gamb. pp. 297, 8, 325; 2d Heathf. Gamb. p. 10.

The frauds and litigation to which this practice gave rise, led Gamboa to suggest that every one should, by positive ordinance, be required to set out his boundaries at the time possession was given, under pain of incurring the forfeiture of the mine and of being *ipso facto* deprived of it, even though not denounced by any other party.—2 Heathf. pp. 10, 11.

This suggestion was adopted in the Ordinances of 1783, except that the omission to set out the boundaries at the time possession is given was not declared to forfeit the mine, *ipso facto*.

But, notwithstanding this establishment of boundaries, the miner could improve the location of his stakes (mejorar las estacas) or change his boundaries by the authority of the deputation of the district, provided it could be done without injury to his neighbors, who were to be summoned and heard in the matter.—Ord. of 1783, Art. 11, Halleck's Trans. p. 236.

It thus appears that the giving possession was, under the Ordinances, a formal proceeding, like a livery of seizin, of which the measurement of pertenencias, or the establishment of boundaries, did not of necessity form a part; and that although these acts were required to be done by the Ordinances of 1784, their omission did not forfeit the right of property acquired by the registry; still less does it appear that their performance was a condition precedent to the vesting of the title.

In all cases where land was granted under the Mexican colonization laws, a formal judicial delivery of possession was in strictness required. But it has never been held by the Supreme Court, that this formality was necessary to vest the title or right of property; and in the majority of cases passed upon by this Court it was not given. In its own nature, it was an act which supposed the existence of a title acquired, but had no effect in conferring one; that having already been done by the concession or grant. I see no reason to make any distinction between the judicial delivery of possession of an agricultural grant and that of a mine, or for considering that the omission of that formality would be fatal to a right of property already acquired in the one case more than in the other.

We shall see, however, when we examine the proofs in this case, that the Alcalde, accompanied by witnesses of assistance, gave to Castillero judicial possession of the mine he had discovered, as well as of three thousand varas in all directions from it, which he undertook to grant him; that no pertenencias were measured or stakes fixed, but that Castillero had already commenced working the mine and had dug a pit, the precise dimensions of which do not appear; that he continued in possession, and working his mine, with the full knowledge, not only of the authorities of the Department to whom he made known his discovery, but of the American Consul, and the inhabitants generally; and that this possession has been retained by his assigns and representatives to this day.

I proceed to consider the evidence as to the registry of the mine by Andres Castillero, and having ascertained what was in fact done by him, to determine its validity and effect.

The documents relied on by the claimants as constituting the registry of the mine of New Almaden are:

1st. A written statement by Andres Castillero, addressed to the Alcalde of the First Nomination of the Pueblo of San José, dated Nov. 22, 1845, setting forth his name, office and residence, and the fact that he had discovered a vein of silver with a *ley* of gold on the land of the retired sergeant José Reyes Berreyesa, which he desired to work in company. He therefore requests the Alcalde to fix up the proper notices in order that his right might be made sure when the time for giving the judicial possession should arrive.

2d. A second statement addressed by Castillero to the same officer, and dated December 3d, 1845, setting forth that on opening the mine previously denounced by him he had taken out, besides silver with a ley of gold, liquid quicksilver. He therefore asks the Alcalde to unite this representation to the previous denouncement and to place it on file.

3d. The act of juridical possession. In this document the Alcalde recites:

> "There being no Mining Deputation in the Department of California, and this being the only time since the settlement of Upper California that a mine has been worked in conformity with the laws, and there being no Juez de Letras, (professional judge) in the Second District, I, the Alcalde of First Nomination, citizen Antonio Maria Pico, accompanied by two assisting witnesses, have resolved to act in virtue of my office, for want of a Notary Public, there being none, for the purpose of giving juridical possession of the mine known by the name of Santa Clara, in this jurisdiction, situated on the land of the retired Sergeant José Reyes Berreyesa, the time having expired which is designated in the Ordinance of Mining for citizen Don Andres Castillero to show his right, and also for others to allege a better right between the time of denouncement and this date; and the mine being found with abundance of metals discovered, the shaft made according to the rules of art, and the working of the mine producing a large quantity of liquid quicksilver, as shown by the specimens which the Court has; and as the laws now in force so strongly recommend the protection of an article so necessary for the amalgamation of gold and silver in the Republic, I have granted three thousand varas of land in all directions, subject to what the general Ordinance of Mines may direct, it being worked in company, to which I certify, the witnesses signing with me; this Act of Possession being attached to the rest of the expediente, deposited in the Archives under my charge; this not going on stamped paper because there is none, as prescribed by law.
>
> Juzgado of San José Guadalupe, Dec. 1845.
>
> ANTONIO MARIA PICO.
>
> Assisting witnesses—ANTONIO SUNOL,
> JOSE NORIEGA."

These documents are produced from the Recorder's office of Santa Clara county. They were found in the Mayor's office at that place in 1850, by Capt. H. W. Halleck, and by the Mayor transferred to the Recorder's office, where they now remain. It appears that a large portion of the archives or papers belonging to the former Alcalde's office in San José, were deposited in the Mayor's office of that place, a knowledge of which circumstance induced Capt. Halleck to institute a search in the latter place, which resulted in the discovery of the document.

The Expediente thus produced contains several papers besides those enumerated above. These papers will hereafter be referred to.

In investigating the genuineness of these documents it will be convenient to consider—

1st. The proof of the signatures attached to them;

2d. The evidence tending to establish that the documents were executed at the time they bear date, and were filed or archived in the Alcalde's office—and,

3d. The proofs which show that, in fact, the mine was discovered and denounced, and the judicial possession given, as stated in the Act of Possession.

The Act of Possession is signed by Antonio Maria Pico, as Alcalde, and by José Noriega and Antonio Suñol, assisting witnesses. All these persons have been sworn, and testify to the genuineness of their signatures, and that they were affixed on the day the instrument bears date. The genuineness of these signatures, and that of Castillero, is also proved by other witnesses.

I do not understand that the fact that the instruments were signed by the parties whose names they bear, is seriously questioned, as all of them, except Castillero were produced, and testified not only to their own signatures, but to the facts which the documents recite. The theory of the Government which supposes these statements to be false, must admit their readiness to affix their names to antedated documents.

The real questions, therefore, are *when* were these documents prepared and signed, and *when* were they placed in the Alcalde's office?

2. On this point we have, as before stated, the evidence of

Pico, the Alcalde, and the two subscribing witnesses, Suñol and Noriega.

We have, also, the testimony of José Fernandez, who was Sindico del Juzgado and Escribano of the Court in 1845. This witness not only swears to the handwriting of the documents and the genuineness of the signatures, but states that he saw the Expediente in 1845, when it was brought to him by Gutierrez, in whose handwriting the body of the decree is. He also swears that he saw it again in 1849, among the archives of the office, he being then second Alcalde.

James W. Weekes, a witness called by the Government, testifies that he saw the Expediente in 1846–7, when Burton was Alcalde, and in 1848, when he was himself Alcalde. He is unable, however, positively to identify the Expediente now produced with the "little book" which he saw in the office when Burton was Alcalde. This witness, in 1848, certified at the request of Mr. James Alex. Forbes, to a copy of the Expediente. The copy was prepared by James Alexander Forbes, from a document handed to him by Alexander Forbes of Tepic (who was then in California), not from the original in the Alcalde's office. The certificate of Weekes, that it was a faithful and literal copy of the latter document, was obtained, but no comparison was made of the copy made by Mr. Forbes with the original; the witness supposing, as he states, that it was correct. The copy thus certified to by Weekes differs from that found in the Alcalde's office in several particulars, which will hereafter be noticed.

The claimants have also produced the original inventory of papers and effects in the Alcalde's office, which, as was customary, was on the 1st of January, 1846, signed by the outgoing Alcalde, Pico, and receipted by the incoming Alcalde, Chavolla.

This document is produced by the Clerk of the City of San José. It was found amongst other papers which had accumulated under the government of the Alcaldes of the Pueblo, and which now form part of the Archives of the City. The signatures and rubrics of Pico and Chavolla to the inventory are proved; and the document itself is in the handwriting of José Fernandez, the Escribano or Secretary of the Juzgado.

In this inventory, amongst nearly a hundred entries of papers and records, and of the smallest objects belonging to the office—such as candlesticks, old knives, tables and benches—is found a note of a document entitled "Posecion de la mina de Santa Clara á Don Andrés Castillero."

No attempt has been made to impeach the genuineness of the signatures to this document, nor is it said that there is anything in the handwriting of the important entry in question, or in its position on this list, which could suggest the idea of a possible interpolation. Unless this entry be forged, it would seem conclusive evidence that a document of the kind described was on file in the Alcalde's office on the 1st January, 1846.

Another inventory, of a similar kind, made on the 10th day of November, 1846, about nine months subsequently to the former, has been produced by the United States from the Archives of San José.

In this inventory, no entry of the document in question is found. If the lists were in other respects similar, the omission of this one item might possess much significance. But the two lists seem to be different in many particulars; and though some of the entries are alike in both, several which appear in the first are wanting in the second. That all the papers mentioned in the first inventory must have existed on the files of the office, and should have been noted in the second inventory, is evident. When, therefore, we find not only the "Posecíon" of the Mina de Santa Clara, but several other documents, omitted in the second inventory, we necessarily conclude that the latter was prepared in the loose and inaccurate manner in which the public business of such offices was usually conducted in those primitive times.

A striking illustration of the incompleteness of the second inventory is presented by the evidence offered by the United States. Three documents are produced from the Archives of San José, purporting to be orders by the Alcalde for the publication of the denouncements of mines—one on the lands of Justo Larios, another on those of José de J. Vallejo, and a third on the rancho de Ojo de la Coche. These orders are dated in April, March and June, 1846. I find no one of them noted in the inventory made in the succeeding November. And yet, both the documents and the inventory are produced as genuine by the United States.

I can see nothing, therefore, in the omission of the entry of the possession of the mine of Santa Clara in the second inventory which, in the absence of any suggestion that the handwriting or the color of the ink of the entry in the first inventory differs from those of the rest of the document (as would be the case if it had been interpolated after any considerable interval), or that the position of the entry on the list would have rendered such an interpolation possible, should weaken the force of the evidence afforded by the inventory that a document, purporting to be the possession of the mine of Santa Clara, was on file in the Archives of the Alcalde's office of San José on the 1st January, 1846.

3d. As to the proofs which show the facts of denouncement, judicial possession and working of the mine about the time indicated by the documents.

We have already seen that the subscribing witnesses, the Alcalde and José Fernandez, testify to the fact that the possession was given as described by them.

It is shown, however, by evidence which is uncontroverted, that in December, 1845, and early in 1846, Castillero and his partners were notoriously known to be working a mine of quicksilver, of which they claimed to be the owners by denouncement. That these facts were made known to the Governor of the Department, and by him communicated to the Supreme Government. That they were known to the United States Consul, and by him communicated to his own Government, and also to a Cabinet Minister of the Government of the Sandwich Islands, with whom he corresponded, and by whom his letter was published in a Hawaiian newspaper of the date of July 25th, 1846, a copy of which is produced. That the mine was in December, 1845, worked by Indians under the superintendence of Chard, an American employed by Castillero, who is produced as a witness, and whose employment continued until about the middle of 1846. That in December, 1845, it was visited and examined by Col. J. C. Frémont, to whom Castillero, who claimed to own it, explained the Mexican mode of acquiring titles to mines by denouncement and registry, but declined some overtures for its purchase made to him by Frémont.

Other allusions to and recognition of the possession and grant of three thousand varas, in letters, judicial proceedings, etc., at a late period, but previous to the supposed date of their fabrication, will subsequently be considered.

Among the documents alleged to have come from the City of Mexico, traced copies of which are exhibited, was a communication from Pio Pico, Governor of the Californias, to the Minister of Relations, dated February 13, 1846. In this letter Governor Pico states that he incloses a letter from Don Andres Castillero, apprising him of the important discovery of a quicksilver mine, and transmitting a sample of the quicksilver. He therefore begs the Minister of Relations to bring it to the superior knowledge of His Excellency the President, etc.

On the margin of this letter is the usual note, stating its reception on the 6th April, 1846, and that it is noted with satisfaction, etc. The letter of Castillero alluded to in the foregoing, dated 10th December, 1845, is also produced from the Mexican Archives. On searching the Archives in this City, for records of this correspondence, there was found the borrador, or office copy, of the letter from Pio Pico, and a letter from Castillero—not the one inclosed by the Governor in his communication to the Minister of Relations, for of that, he states in that communication, he sends the original; but a subsequent letter, dated December 15th, 1845. In this letter he states: "I have the satisfaction of informing you, if you have not received my other letter through the Prefecture, that I have discovered," etc., repeating substantially the contents of the former letter, which had, in fact, been received and inclosed to the Minister of Relations. It is not disputed that these documents are in the Archives. The borrador, or draft, of Pico's communication to the Minister, is in the handwriting of Olvera, who was Secretary of the Assembly at the time.

There was also found, at the same time, by Mr. Hopkins, the Keeper of the Archives, amongst those records, a letter from

Manuel Castro, the Prefect of the Second District, to the Secretary of the Departmental Government, dated December 31, 1845. In this letter he states that "Castillero has denounced and is now working a quicksilver mine;" and after felicitating the Secretary, and through him the Governor, on so beneficent a discovery, he adds that he incloses a petition by Castillero for two square leagues of land adjacent to his mine. A borrador, or draft of the reply by the Secretary to this letter is also found in the archives, but it appears to have been cancelled by black lines drawn transversely.

The handwriting and the signatures of these documents are proved by Pio Pico, who also states his recollection of having dispatched J. M. Covarrubias with his letter of the 13th February, 1846, to the Minister of Relations, and the bottle of quicksilver sent to him by Castillero.

The testimony of Pico on this point is corroborated by that of José M. Covarrubias, who swears that he left San Pedro in the schooner Juanita, Capt. Snook, on the 14th February, 1846, taking with him the Governor's dispatch, Castillero's letter, and a bottle of quicksilver, all of which he delivered on his arrival at Mexico to the Minister of Relations, Mr. Castillo y Lanzas. Files of the "Diaro Oficial," the Government newspaper, published in Mexico, and of the "Monitor Republicano," and the "Republicano," also published in Mexico, are produced, and under the heading of marine news there are found notices of the arrival of the "Juanita," Capt. Snook, at Mazatlan, on the 2d March, 1846, twelve days from San Diego; of her departure on the 12th of the same month from Mazatlan for San Blas, having on board as passengers José Maria Covarrubias and others.

It cannot, therefore, be doubted that the letter of Castillero of the 10th December, 1845, a traced copy of which is produced from the Mexican Archives, was, in fact, sent to Governor Pico, and by him transmitted in February, 1846, to Castillo Lanzas, Minister of Relations, together with the dispatch, the borrador of which is found in the Archives in this City, and a bottle of quicksilver.

There are also produced by the claimants two letters from Castillero to M. G. Vallejo, of Sonoma.

In the first of these, dated December 2d, 1845, Castillero says: "While waiting for the time of my departure, I have employed myself as a miner, having extracted from the same vein quicksilver, silver, and gold, in surpassing quantities."

In the second letter, dated December 21, 1845, he, amongst other things, informs Vallejo that he has found such abundance of quicksilver that he has extracted twenty pounds of it from twenty arrobas of ore, etc.

These letters are produced and proved by Gen. Vallejo. I do not understand that the genuineness of Castillero's signatures to them is disputed. As Castillero left California in the spring of 1846, and has never returned, they must have been written about the time they are dated, unless we suppose they have since, and after an interval of many years, been written in Mexico, antedated, and sent on to Vallejo to be produced by him—a supposition which the contents of the letters and the allusions in them to personal matters and contemporaneous events of slight importance render wholly inadmissible. There is also produced, by the claimants, a copy of the *Polynesian*, of the date of July 25th, 1846, which contains a letter from G. P. Judd, the Minister of Finance of the Hawaiian Kingdom, to the editor of the newspaper, inclosing a letter received by the Minister from Thos. O. Larkin, U. S. Consul at Monterey, dated June 24, 1846. In this letter, which is also published in the *Polynesian*, Mr. Larkin informs Mr. Judd of the discovery of a quicksilver mine, seventy miles north of Monterey, and states, that in 1845, "a Mexican being in the vicinity examined the rock and immediately denounced the place before the nearest Alcalde, and then made known what it contained. The owner, with a priest, in a small and imperfect manner has commenced extracting the metal." After describing the process adopted by them, he adds: "They obtain about fifteen per cent. of the metal."

The receipt of this letter in the Sandwich Islands is sworn to by the editor and publisher of the newspaper. He is wholly unimpeached. The fact that it was published in the newspaper on the day alleged, is sworn to by a gentleman of San Francisco, who read it, and whose attention was particularly drawn to it. A copy of the paper is produced and filed. From among the papers of the late Mr. Larkin is produced, by his son, the reply of Mr. Judd to his father's communication. The reply is dated July 20, 1846. It acknowledges the receipt of Larkin's letter of the 24th ultimo (June) with a specimen of the ore, and it states that he had sent it to the editor of the *Polynesian* for insertion. The handwriting and signature of Mr. Judd are proved by persons intimate with him.

It has already been mentioned that files of several Mexican newspapers, published in 1846, have been produced by the claimants. In the "Diario del Gobierno de la Republica Mexicana" of the 27th December, 1846, we find credited to the "Espia de la Frontera," a newspaper not produced, a notice of the account given in the "Polynesian" of the 24th July, of the discovery of a quicksilver mine seventy miles north of Monterey, and the same notice purporting to be taken from the same paper, the "Spy of the Frontier," is found in the "Republicano" of the 9th December, and in the "Monitor Republicano" of the 6th.

It is unnecessary, however, to dwell on these incidental corroborations; for the fact of the reception of Larkin's letter by Mr. Judd, and its publication in the *Polynesian* cannot be doubted.

The claimants have also produced from the files of the State Department at Washington, extracts from official despatches of Mr. Thos. O. Larkin to the then Secretary of State. These extracts are certified by Mr. Cass, November 28, 1859.

The first dispatch of Mr. Larkin is dated May 4, 1846.

The extract produced states that—

> "Near the Mission of Santa Clara there are mountains with veins of quicksilver ore, discovered by D. Andres Castillero, of Mexico, in 1845, which the undersigned has twice seen produce twenty per cent. of fine quicksilver, etc. * * * * * * * * By the laws and customs of Mexico respecting mining, every person or company, foreign or native, can present themselves to the nearest authorities and denounce any unworked mine. The authorities will then, after the proper formalities, put the discoverer in possession, etc. * * Up to the present time there are few or no persons in California with sufficient energy or capital to carry on mining,

although a Mexican officer of the Army, a Padre, and a native of New York, are on a very small scale extracting quicksilver from the San José Mine."

There is also produced from the consular book of Mr. Larkin a dispatch addressed by him to the American Minister at Mexico, dated April 3, 1846.

After mentioning the intended departure of Don Andres Castillero from this port (Monterey) in a few days, for Acapulco, on board the Hawaiian barque Don Quixote, as Commissioner to Mexico from Gen. José Castro, and that he would arrive in Mexico by the 25th or 30th of this month (April), Mr. Larkin says: "At the town of San José, eighty miles from Monterey, Don Andres Castillero has discovered a quicksilver mine. The ore produces from fifteen to sixty per cent. I have seen him, from an old gun-barrel, in thirty minutes run out about thirty per cent. in pure quicksilver. This must be a great advantage to California." In a letter to Capt. Montgomery, of the U. S. Ship Portsmouth, dated May 2, 1846, Mr. Larkin communicates to that officer substantially the same information.

These extracts from Mr. Larkin's correspondence are important, not only as showing that the mine had been discovered, and was being worked in the spring of 1846, but that the mode of acquiring a mine, as understood by Larkin, was precisely that alleged to have been adopted in this case. And further, that "the officer," the "Padre," and "the native of New York," spoken of as working the mine, were undoubtedly Castillero, Padre Real, and William G. Chard, as will hereafter appear.

The whole official dispatch of Mr. Larkin to the Secretary of State, is produced by the son of the former from the letter book of his father. The portions extracted and certified to by Mr. Cass are all that it is important to notice.

That the mine was worked by Castillero in January, 1846, is shown by the deposition of Col. Frémont.

That gentleman states, that in January, 1846, he visited the mine in company with Capt. Hinckley; that the latter introduced him to Castillero, the *owner* of the mine, who showed him the excavations, the heaps of ore, etc., and explained the process of extracting the metal. Impressed with the value of the mine, he spoke slightly to him about purchasing it; but Castillero was not disposed to converse on the subject. Castillero informed him that he had acquired his mine by denouncement, and explained the nature of the proceeding. Acting on this information, Col. F. subsequently denounced the mines upon his own property of Mariposa.

He also adds, that Capt. Leidesdorff, with whom he had spoken as to the purchase of the mine, supposed it might be effected for $30,000, "an immense sum of money in California in those days."

The working of the mine, so far back as December, 1845, is also proved by Mr. Wm. G. Chard. This witness testifies that he was employed by Castillero and the priest Don José Maria Real; that he went there to open the mine in November or December, 1845; that the metal was extracted by heating the ore in gun-barrels; that while working in this way, the possession was given, in December, 1845 or January, 1846. The witness enumerates among those present on that occasion, the Alcalde Pico, Suñol, Noriega, Fernandez and the old man Berreyesa. He does not recollect to have seen Castillero on the ground when possession was given—a circumstance, as observed by counsel, not surprising—for Castillero, Chard states, was constantly coming and going, and on one visit stayed there eight days; but the statement indicates the good faith of the witness in declining to swear to what he did not recollect.

Mr. Chard describes the operations at the mine. They were conducted by himself, another white man, a blacksmith whom they called Old Billy, and some Indians. He built a furnace and smelted the ore in some large whaler's try-pots, capable of holding three or four tons of ore. He remained in this employment until August or September, 1846.

Chard states himself to be a native of Columbia county, New York. He is evidently the "native of New York" to whom Mr. Larkin refers in his dispatch. His testimony is uncontradicted, and his character unimpeached.

There is much other testimony which corroborates the foregoing on various points, but which it is unnecessary to notice. It relates chiefly to the first visit of Castillero to the mine; his first experiments with the ore; his trip to Sutter's Fort and visit to Vallejo, at the baptism of whose child he was godfather, and who thus became his compadre, by which title he addressed him in his letters already cited; his return to Santa Clara, and the formation of the partnership between himself, Castro, Father Real and the two Robles', in November, 1845. As this writing of partnership is conceded to be genuine, and as it relates to the working of the mine of silver, gold and quicksilver on the land of José Reyes Berreyesa, the fact that the mine was discovered at that time must be taken to be admitted.

We thus find that early in December, 1845, the discovery and denouncement of the mine was made known to the Governor of California, and the information, with a sample of the quicksilver produced, by him transmitted to Mexico. That in May, 1846, Mr. Larkin officially communicated the fact of the discovery and the working of the mine, with an explanation of the mode of acquiring title to it under Mexican laws, to our own Government.

That in June of the same year, he informed Mr. Judd of the discovery of the mine in 1845, and the fact that it had *been immediately* denounced.

That in January 1846, Col. Frémont visited the works, and conversed with the "*owner;*" that its reputed value was then about $30,000.

That it had been worked from the November or December preceding by a person employed by Castillero, and continued to be worked by the same person until August or September, 1846.

It has appeared to me incredible that Castillero, a Mexican acquainted with mining laws, should, on discovering so valuable a mine, have omitted to denounce it. That he knew the necessity of the proceeding, we learn from Frémont, as did also Larkin, *a foreigner*, as is shown by his dispatch.

To suppose that Castillero, with a knowledge of the great value of the mine, of the necessity and efficacy of a denouncement, neglected, notwithstanding his statements to the Governor, to take the simple proceedings he is alleged to have done, and that Larkin was entirely mistaken as to the fact of his having done so, is to suppose what I cannot but consider a moral impossibility.

I am aware that the fact that the mine was denounced by Castillero, and claimed and worked by him as owner, does not necessarily show that a juridical possession of it was given, or that the record of that possession is genuine. It is shown, however, by evidence in part introduced by the United States, that the juridical possession, as alleged to have been given, was recognized and alluded to in the correspondence of the parties, and in official acts of Alcaldes, before the date at which, on the hypothesis of the United States, the forgery was committed.

So early as January 30th, 1846, James Alexander Forbes, in a letter to Eustace Barron, of Tepic, apprises the latter that "D. Andres Castillero, a sort of Commissioner from the Mexican Government, is now working a quicksilver mine near the Mission of Santa Clara, which has yielded forty per cent. upon the assay of mineral employed;" and on the 5th May, 1847, the same person, who had in the interval been placed in charge of the mine, in a letter to Alexander Forbes, who had become a part owner, urges him "to obtain from the Government of Mexico the unqualified ratification of the *judicial possession which was given of the mine by the local authority of this jurisdiction, including, if possible, the three thousand varas of land given in that possession as a gratification to the discoverer*." The fraudulent nature of this suggestion is obvious, but it nevertheless implies that a juridical possession and a gratification of three thousand varas had already been given, a ratification of which was thought necessary.

In the preceding March, the same person, together with Castillero, Castro, Real and the Robles', had been sued by the owner of an adjoining rancho for working on it contrary to law. It would seem from the imperfect record of that suit, produced from the archives of the Alcalde's office, that a survey of the mine was ordered and the plaintiffs mulcted in costs; a result which could hardly have occurred if the persons working the mine on the lands of another had been destitute of record evidence of their rights. The fact that a survey of the mine was ordered would seem to be a recognition of the mine-owner's right to his mine, and that the boundaries of his possession were capable of being ascertained.

On the 14th August, 1847, allusion to this suit, and a still more explicit reference to the juridical possession, is made in an official letter of James Alexander Forbes, then H. B. M. Vice-Consul for California, to John Burton, Alcalde.

In this letter Mr. Forbes informs the Alcalde that "two persons have commenced digging a pit, by the direction of Mr. Cook (the plaintiff in the former suit), within *the limits of the juridical possession of the mine.*" He adds, "Permit me to *refer you to the documents which exist in your office*, upon which was founded your conviction of the justice of your decision in March last in relation to the claim of Mr. Cook, and to request that you will be pleased to adopt such measures for the protection of the owners of the mine, and of those who are legally interested in the same, as you may deem most conducive to that end."

The genuineness of this letter is not disputed. It will be observed that, though written in August, 1847, it refers the Alcalde to documents existing in his office upon which a decision rendered in the March preceding was based.

On the 19th January, 1848, Alexander Forbes, who had come to California, made a petition to the Alcalde, Weekes, to "visit and inspect the mine, as required by the Ordinances, and to determine the direction and inclination of the vein, for the purpose of reforming and correcting (since there is occasion for it) the *boundaries of the former Act of Possession*, and to correct such other mistakes as may appear in it."

In conformity with this petition the Alcalde proceeded to inspect the works, and having ascertained the true course of the vein, and admitted the right of the owner to an improvement of stakes (mejora de estacas), he established his boundaries, assigning to him *four pertenencias*, the location of which he designates; but without prejudice to the right and title of the mine (siendo constante el derecho y titulo de la mina) to the gratification or gift (gracia) of land conceded in the original Act of Possession.

Whether the four pertenencias, which were thus designated, were all which under the Ordinances a discoverer, though working in company, was entitled to, we will hereafter consider. The only purpose for which the proceeding is now referred to, is to show that at its date (January, 1848) and about the supposed time of the alleged forgery, "an original Act of Possession," containing a "gracia" of land of a much larger extent, is plainly alluded to as existing; nor is the force of this fact weakened by the circumstance that Weekes, the Alcalde, may have been ignorant and willing to comply with all that Alexander Forbes required; for the fact that the latter inserted such an allusion in the document he may have caused Weekes to execute, is at least evidence that at that early day he claimed that there was in existence an original Act of Possession, including a *gracia* of an extensive tract. It will be observed that the petition of Alexander Forbes to Weekes is dated January 19th, 1848. Its object was to procure the judicial ascertainment of the inclination and depth of the vein, to correct the boundaries of the former Act of Possession, and to decide upon an increase of pertenencias and the square corresponding to them. But if, at that very time, Forbes had already fabricated, or was about to fabricate, an Act of Possession, which was to be antedated and placed in the archives, where no document of the kind had hitherto existed, the application to Weekes, and the designation of pertenencias by him, would be wholly superfluous, if not absurd; for in the forged paper which was to serve as the original Act of Possession by the Mexican authorities, the designation of pertenencias might have been inserted and the boundaries established in any way the forger might desire. All objections or doubts as to the authority of an American Alcalde to act under Mexican Mining Ordinances would thus have been avoided; and the same Alcalde who, according to the theory of the United States, was induced to recognize and affirm the existence of an Act of Possession, either not in his office, or recently forged and placed there, could, with equal facility, have been brought to recognize an Act of Possession which should be free from the errors and uncertainties which he was called on to correct, and which should contain as many pertenencias as he was desired to designate.

Similar allusions to the original registry and act of possession are found in various judicial proceedings during the year 1849. On the 18th October of that year, Robert Walkinshaw, between whom and James Alexander Forbes a contest for the possession of the mine had arisen, filed a complaint against the latter, averring himself to be "the owner of one-eighth of the mine, *by title derived under the original act of registry*."

Previously to the filing of this complaint, Mr. Horace Hawes, a lawyer of much acuteness, and very familiar with Mexican law, had denounced the mine before the Alcalde for abandonment. In this denouncement he describes it "as known in *its original title of registry* as the Mine of Santa Clara."

In the proclamation issued thereupon, on the 23d October, 1849, the Alcalde describes the mine "as known and designated in its *original act of registry* as that of Santa Clara, and now known by the name of New Almaden." On the refusal of the Alcalde to take jurisdiction of the proceeding, Mr. Hawes files a protest, dated 15th November, setting forth that, "besides having failed to work the mine, the alleged owners had never acquired any title thereto, by *reason of the insufficient registry thereof*, which he stands ready to prove in Court by witnesses, records and documents," etc.

As Walkinshaw, though he had originally obtained possession of the mine as the agent of Castillero and his assigns, was in these proceedings endeavoring to acquire the mine for himself, and co-operating with and assisted by his attorney, Mr. Hawes, these references to the original act or title of registry conclusively show that such a document was on all sides admitted to exist, though Mr. Hawes maintained it to be "*insufficient*;" nor is it conceivable that when Hawes and Walkinshaw, by possessory suits, by denouncement for abandonment, by purchasing the lands of adjoining rancheros, etc., were struggling with so great pertinacity to obtain the mine for themselves, they should have utterly failed to disclose the fact, of which Walkinshaw could not have been ignorant, that no registry had ever been made, and that the document purporting to be the act of possession was a recent forgery, then lately interpolated among the archives.

In the correspondence between James Alexander Forbes and Alexander Forbes, and the other owners of the mine, the necessity of procuring fraudulent and antedated title papers from Mexico, is repeatedly and urgently represented. But the fraud recommended is the fabrication of an absolute grant of two *sitios* of land, and a ratification of "the acts done by the Alcalde in the possession given by him of the quicksilver mine in his jurisdiction."

Such are the very terms of the memorandum of "documents to be procured by Castillero," alleged by James Alexander Forbes to have been left by him in Tepic in May, 1849. And in October of the same year, chagrined, it would seem, that his suggestions had not yet been acted on, he complains that he is obliged to depend on "the precarious and illegal possession of the mine granted by the Alcalde of this district to Castillero, who was in reality the judge of the quantity of land given by the Alcalde."

Whether the doubts here expressed as to the legality of the possession be well or ill-founded, it is clear that in this most confidential communication, where no motive existed for suppressing or distorting the facts of the case, that possession is treated as having actually been given, and the record of it as actually existing and genuine, though the possession itself is considered precarious and illegal.

Having thus reviewed the evidence which establishes the genuineness of the act of possession by the testimony of the witnesses to the document; of those who were present when the possession was given, and who testify to the fact; by the production of documents from the Archives of California, and the correspondence, both private and official, of the United States Consul at Monterey; by the testimony of unimpeached witnesses that the mine was, early in 1846, claimed by and recognized as belonging to Castillero, and worked by him as such; by the proofs afforded, by a correspondence admitted to be genuine, that the act of possession was treated and spoken of by the parties, when writing in the most confidential manner, at a time when they could not have been ignorant of the facts, as genuine, though perhaps invalid, and was so recognized in various judicial proceedings by persons who would certainly have discovered and denounced any forgery which might have been committed; and finally, the intrinsic improbability of the supposition that Castillero would have omitted to denounce a mine, of the great value of which he was fully aware, and the means of acquiring a title to which, under the Mining Ordinances, he was well acquainted with, as was also Mr. Larkin, a resident foreigner—I shall next consider more particularly the nature and contents of the documents produced by the claimants, as well as the principal objections to them urged by the counsel for the United States.

These documents are four in number. The first is the original Expediente, produced from the Archives of the City of San José, and discovered by Capt. Halleck in 1851, among the Archives of the old Alcalde's office, in the office of Belden, the Mayor of San José.

This document contains the two representations of Castillero, and the act of possession with the original signatures of Castillero, the Alcalde and the assisting witnesses.

It also contains a petition of José Castro, dated June 27, 1846. In this petition, Castro states that he represents the person and rights of Capt. D. Andrés Castillero, and other individuals composing the company in the quicksilver mine which Señor Castillero denounced on the 3d day of December, 1845, and of which possession was given on the 30th of the same month and year. He therefore claims that, in conformity with the Mining Laws, there be given three pertenencias in continuation of the first; and that this petition be attached to the Expediente of denouncement, and remain among the Archives. On the margin of this petition is an order signed "Pacheco," directing it to be archived as prayed for.

If this document be genuine, it affords important evidence of the date of the judicial possession.

The handwriting of the petition is sworn by Fernandez to be that of Benito Diaz. The signature of Castro is proved by himself, and he testifies that it was signed at its date, having been prepared from a draft left with him by Castillero. He also states that the handwriting of the marginal order is that of Salvio Pacheco, and the signature that of Dolores Pacheco; and that after sending the petition to the Alcalde he left Santa Clara, but was informed, on his return, by the Alcalde, in presence of Manuel Castro and Juan B. Alvarado, that his petition had been granted.

Salvio Pacheco is also produced, and testifies to his own handwriting and the signature of his brother the Alcalde. He swears that the order was written at its date. As this witness has been produced by the United States to sustain the character of a witness impeached by the claimants, it is presumed that his own character is not liable to the imputations from which the United States rely on him to shield another.

The only evidence tending to show that the petition was not written at its date is that of Benito Diaz. He does not precisely specify the time at which it was written; but it can be gathered from his testimony that it was at the end of 1847 or the beginning of 1848.

But this witness is, unfortunately, too well known to the Court to permit any reliance to be placed upon his unsupported declarations. I have not been able exactly to understand on what theory this petition is supposed to be forged.

If the act of possession be genuine, it is immaterial, so far as the rights of the parties are concerned, whether the petition be antedated or not; but it is not easy to imagine the motive of the parties in fabricating a petition addressed to an Alcalde who had ceased to be in office, and whose antedated marginal order did not even purport to convey any rights. Had the marginal order contained a grant of an increased number of pertenencias, some motive for fabricating it would have existed; but it merely directs the petition to be archived; and the application for an increase of pertenencias is in substance renewed in the petition of Alexander Forbes to Weekes, made in 1848, at the very time when we are asked to suppose this petition of Castro was fabricated. If the act of possession be genuine, and the Castro petition be antedated, the conduct of the parties seems to me inconsistent, absurd and inexplicable. But if the act of possession was itself fabricated in 1848, and did not exist at the date when the Castro petition was fabricated, the acts of the parties are equally incomprehensible. Of what use could it be to have a petition for an increase of pertenencias included among archives which contained no registry or denouncement, or grant of any pertenencias whatever? It may be said that the fabrication of the act was then in contemplation; but if so, why not make that document contain all that was desired as to the number of pertenencias, the designation of boundaries, etc. Why accumulate superfluous forgeries, involving the necessity of new perjuries, and largely increasing the risks of detection; and why resort to the proceedings had before Weekes for the ascertainment of boundaries and an increase of pertenencias, when it was known that the fundamental title to the mine had yet to be forged, and might be framed in any way to suit the interests of the parties?

The counsel for the United States has urged upon the Court the inconsistency between the petition of Castro for three additional pertenencias and the supposition that a concession of three thousand varas in all directions, amounting to nine hundred pertenencias, had already been obtained. But this objection, whatever be its force, seems to admit the genuineness of the Castro petition; or, it attributes to the fabricators the absurdity of contriving at the same time two forged documents repugnant to each other. That an act of possession, either genuine or forged, was in existence when Castro's petition was drawn, is evident, for the dates of the denouncement and of the judicial possession are given. To what end then, file a petition which could have no other purpose than to furnish a plausible argument against the genuineness of the previous concession of three thousand varas?

From all the evidence, and on consideration of all the circumstances connected with this petition, I confess myself unable to discover any sufficient reasons for considering it forged.

The claimants have also produced a document alleged by them to have been delivered to Castillero shortly after the date of the judicial possession.

It contains certified copies of the two representations of Castillero, purporting to have been made on the 13th January, 1846, and a duplicate original of the act of possession signed by Antonio Maria Pico. Appended to these is a receipt by Pico for twenty-five dollars, dated December 30, 1846.

This document was recently found among the papers of Robert Walkinshaw, deceased. It is shown in the deposition of Hall McAllister, Esq., who was counsel for Walkinshaw in a suit respecting a share of the mine, that the document was placed in his possession by Mr. Walkinshaw early in the year 1853, and that it remained in his office until May, 1858, when he delivered it to Walkinshaw.

The genuineness of the signatures is testified to by all the assisting and subscribing witnesses, except José Suñol, who is dead.

This expediente does not contain the petition of Castro, for the certified copies appear to have been made on the 13th January, while the Castro petition was not filed until the June following. There is one circumstance, however, which, though entirely accidental, affords important proof of its genuineness. In copying the first representation of Castillero, it appears that a line was omitted. This has been supplied by another hand, and the handwriting is that of Castillero. As Castillero left California early in 1846, and has never returned, we must suppose that this interlineation was made before he left, or else that the document was fabricated here at a later period, sent on to Castillero in Mexico, interlined by him, and returned to Walkinshaw's possession before January, 1853, when he delivered it amongst other papers to Mr. McAllister. But that he was in possession of "some important papers of the original registry of the mine," in 1849, appears from James Alex. Forbes' letter of October 28th of that year; and it also appears from the certified copy made out by Weekes on the 20th January, 1848, that the expediente we are now considering must have been the document which James Alex. Forbes copied, and which Weekes erroneously certified to be a literal copy of the original in his office. The year in which it is supposed by the Government that these titles were fabricated, is 1848. How, then, could this expediente have been made, certified to by the subscribing witnesses, sent on to Castillero, interlined by him, and returned to California in time to be copied by Forbes and certified to by Weekes, on the 20th January, 1848? And why, if the Castro petition had then recently been written by Benito Diaz, and antedated, was it not included in this expediente, concerning which so much pains were taken?

The omission of the Castro petition in this expediente seems to me, I confess, an important corroboration of the statements of the witnesses who prove the genuineness of the signatures.

There is also produced the copy of this expediente, by Weekes, already alluded to. Weekes himself swears that he made it, and he is corroborated by James Alex. Forbes. I do not understand this fact to be disputed.

The claimants have also produced a copy of the original expediente, certified by Pedro Chabolla, on the 13th August, 1846, to be a literal copy of the original acts (autos) in the archives of his office.

The whole of this copy is proved by Salvio Pacheco to be in his own handwriting, and to have been made at its date. It contains the Castro petition which had been made in the preceding June, and attached to the original on file, and it even omits, like the original, the date of the act of possession—that date being on both papers December, — 1845, and not December 30th, as in the testimonio or duplicate original given to Castillero. That the document was scrupulously compared is further evident from the fact that in the copy the date of Castillero's first representation is Mission de Santa Clara, Nov. 22, de 845, instead of 1845—and on turning to the original, we find in the printed copy that the first figure of the date is separated by a comma from the three other figures. I have not had an opportunity to examine the original, which remains at San José; but it would seem from the printed Transcript that the date is written in an unusual manner, which has been either exactly reproduced or has led to the omission of the first figure in the copy.

It has been earnestly contended by the counsel for the United States, that the non-existence of the original expediente in the archives at San José, even so late as December 23d, 1850, is proved by the affidavit of Mr. Halleck, at that time, and since, Superintendent of the Mine, and counsel for James Alexander Forbes in a suit brought against him and Walkinshaw by the Berreyesa's. In this affidavit, which was made in answer to an order obtained by the plaintiffs in the suit upon the defendants, requiring them to produce the papers on which they intended to rely as a defense, or copies thereof, Mr. Halleck swears:

> "That the defendants have exercised all due diligence to procure and produce said papers in Court, by writing immediately on the receipt of the above mentioned order to the *parties in Mexico who hold them.* But to this date the defendants have not received them. * * * * And the defendants specify among others the following papers and documents as absolutely necessary to them before they can proceed with the trial of this cause, viz.:
>
> "1st. *The original denouncement of the mine of New Almaden, and the juridical possession given of the same in the year* 1845.
>
> "2d. The confirmation of said denouncement and possession by the Supreme Government in 1846, and prior to the late declaration of war by the United States against Mexico.
>
> "3d. The original grant of land, including said mining possession, made by the Supreme Government of Mexico prior to the declaration of war as aforesaid, to the owners of said mine."

It is obvious that this affidavit states that the original denouncement and judicial possession of the mine was then in Mexico, and not in the Alcalde's office. That Mr. Halleck, then lately appointed Superintendendent of the Mine, might have been ignorant of the fact that those papers were among the archives of the Alcalde's office, is conceivable; and he may also have accepted the assurances of his client, Jas. Alex. Forbes, that he had exercised all due diligence to procure them, as sufficient to authorize his affidavit of that fact; but it cannot be supposed that Jas. Alex. Forbes could have labored under a similar misapprehension. We have already seen that in August, 1847, he had, in an official letter to Alcalde Burton, referred him to the documents existing in his office, upon which was founded his conviction of the justice of his decision in relation to the claim of Mr. Cook, in the preceding March.

In January, 1848, he had himself copied and procured Weekes to certify to the expediente containing certified copies of Castillero's representations and a duplicate original of the act of possession. This expediente has since been produced from among Walkinshaw's papers, and its possession by him, or his counsel, is traced back as far as 1853. The circumstance that it is interlined in the handwriting of Castillero, proves it to have been at some time in his possession. As Castillero left California early in 1846, it is in a high degree improbable that the document could have been fabricated here, sent on to him in Mexico, and returned before January, 1848, when it was copied by Forbes and certified; nor does such a hypothesis comport with the theory of the United States, which supposes the forgeries to have been committed about the time of the Weekes certificate. It is almost equally improbable that this document, after being copied by Weekes, should have been again sent to Mexico, and returned to Walkinshaw in time to be found among his papers in 1853.

There is no reason to presume that the Weekes copy ever left this State. It was produced by the claimants when proceedings were first instituted before the Board of Commissioners, in 1852. It is clear, therefore, that as the order of the Court called for the documents on which the defendants relied, or *copies* thereof, it was easy for Mr. Forbes to have satisfied the order by furnishing the copy required.

It also appears from his own letters that he had already received a notarial copy of the Lanzas dispatch on which they rely. A copy of this could also have been furnished. We are thus compelled to seek for some other motive for withholding those copies which the order required, and which, on any theory of the case, he could readily have furnished. That motive seems to me apparent. From the 5th of May, 1847, up to the 26th February, 1850, James Alexander Forbes had not ceased to urge upon his associates the necessity of obtaining fabricated documents of title. In his letter of February 26th, 1850, he again dwells upon the necessity of carrying his suggestions into effect, and specifies the required documents as follows:

"1. A full and complete ratification of all the acts of the Alcalde of this jurisdiction, in the possession of the mine.

"2. A full and unconditional grant to Castillero, of two *sitios* of land, covering that mining possession, expressing the boundaries stated by me in the memorandum I left with you at Tepic. Both of *these documents* to be of the proper date and *placed in the proper Governmental custody in Mexico.*"

On the 7th April, 1850, Alexander Forbes, of Tepic, writes to James Alexander Forbes: "Mr. Barron and Castillero have arrived in Mexico, and have every prospect of finding the document you are aware of, and which will, of course, be forwarded as soon as possible."

When, therefore, in December, 1850, James Alexander Forbes represented to Mr. Halleck, that papers had been sent for, and were daily expected from Mexico, it cannot be doubted that he referred to the documents, the fabrication of which he had so urgently recommended. The description of the expected documents in the affidavit, in no respect applies to the Lanzas dispatch; for the ratification, and the grant of two *sitios*, are evidently described as two separate instruments, and they are spoken of as "*of the proper date*," viz., "prior to the late declaration of war by the United States against Mexico;" that is, prior to the 13th May, 1846; whereas, the Lanzas dispatch is dated on the 23d May.

We have already shown that James Alexander Forbes could readily have complied with the order of the Court, by furnishing "*copies*" of the denouncement and registry, and of the Lanzas dispatch, both of which he must have then had in his possession. The statements, therefore, which he made to his counsel, and on which the affidavit was founded, were evidently made for delay, and to enable him to receive the more full and explicit documents he so much desired. Such being the motive and intent of Mr. Forbes, the allegation that "the original denouncement of the mine was in Mexico," may well be taken as made in furtherance of the same object, and to give increased force to his showing, for the postponement which he was so anxious to obtain.

That Mr. Halleck should have embodied in an affidavit these representations of Forbes will, perhaps, not be surprising to any one acquainted with the facility, often too great, with which counsel receive and adopt in affidavits statements made by their clients in the progress of a cause. Such has seemed to me the more probable explanation of this affidavit. For, whatever may have been therein sworn to, I can see no reason for concluding, on the strength of that affidavit alone, and in the face of the mass of testimony which has been adduced to the contrary, that the expediente of the mining possession was not then in the Alcalde's office.

It was also strongly urged by the counsel of the United States, on the hearing, that the non-existence of the alleged act of possession and concesssion of three thousand varas was proved by the acts of the parties themselves, and their dealings with each other.

The circumstances chiefly relied on were—

1. The fact that in the Castro petition, drafted by Castillero, three pertenencias are asked for, in continuation of the one already obtained.

2. That in the power of attorney executed by Castro, on the 12th June, 1846, to McNamara; in the contract by McNamara, under the power of attorney, executed in Tepic on the 28th November, 1846; and in the ratification of that instrument by Castillero in Mexico, on the 17th December, 1846, the mine is spoken of as consisting of only three pertenencias, while the grant of three thousand varas is not mentioned.

3. That in the numerous deeds and acts of sale by which barras or shares in the mine were transferred, the writing of partnership executed by the original owners of the mine is the only document referred to, no allusion is made to the possession of three thousand varas, or to any tract of land whatsoever; and the Expediente of Registration is, for the first time, mentioned in the deed from Padre Real to Walkinshaw, dated August 9th, 1849.

These objections, so far as they relate to the mention of the pertenencias, will more conveniently be considered in treating of the legal effect of the judicial possession; but in respect to the omission of all allusion in the deeds either to the registration or to "lands," it is to be observed that to many of these deeds James Alexander Forbes was a party. We find by his letter of May 5th, 1847, that at that date the "ratification" of three thousand varas of land given by the Alcalde, and the concession of two sitios of land to Castillero, were known to and spoken of by him as having actually been made, the object of that letter being to urge the necessity of obtaining an unqualified ratification of the mining possession, and a positive, formal, and unconditional grant of the two sitios. Similar references to the act of possession, and the order of Castillo Lanzas, occur throughout his correspondence. And, as we have already seen, the former document and the fact of registration is referred to in various legal proceedings by Forbes and Walkinshaw in the years 1847–8; as also in Alexander Forbes' petition to Weekes, in January, 1848.

The inferences, therefore, which might otherwise be drawn from the silence of the deeds on this point, seem to be repelled by the fact that, in letters and various judicial proceedings, the registration, the grant of three thousand varas, and the concession of two leagues, are frequently spoken of and claimed to have been made.

It will be noticed that in the first representation of Castillero, dated November 22, 1845, the mine is described as a vein of silver with a ley of gold; and, by his second representation, it appears that he subsequently, and at some time previous to December 3d, discovered it to contain quicksilver. The writing of partnership, however, dated November 2d, describes a silver mine with a *ley* of *gold and quicksilver*, showing that twenty days previous to his first denouncement he must have been aware of the existence of quicksilver in the vein. This discrepancy is forcibly urged by the counsel of the United States, as affording conclusive proof that the alleged denouncements are forgeries.

It seems, from the evidence produced by the claimants, that in the month of October, 1845, Castillero and Castro set out from Monterey, to visit General Vallejo at Sonoma, and General Sutter, at Sutter's Fort. On their way, Castillero, at the suggestion of Castro, examined the spot which, as the latter told him, had for a long period been reported to be a mine, but of what kind was unknown. He assayed the ore, and found a little gold and silver, and a small quantity of quicksilver. The latter he considered of no importance.

The party proceeded to Sonoma, and thence to Sutter's Fort, and set out on their return on the 12th November. On reach-Santa Clara, Castillero made further assays of the mineral. "He then discovered," says Castro, "abundance of quicksilver, denounced the mine as a quicksilver mine and formed a company to work it." But this statement is evidently erroneous, for the writing of partnership is dated November 2d, and, if executed at its date, must have been made when the parties were on their way to Sonoma and Sutter's Fort, and not on their return from the latter. But if Catsillero, at the latter date, had discovered quicksilver in large quantities, how can we account for his first representation, which omits all mention of that metal, nor for his second representation, which announces the discovery of it, as having been made after the date of his first representation, *i. e.* after November 22d?

It is quite probable, however, that Castro may be in error, if he means to state that Castillero discovered the abundance of quicksilver and denounced the mine as a quicksilver mine immediately on his return to Santa Clara. Castro himself went on, as he states, to Monterey. The party, having left Sutter's Fort on the 12th November, must have reached Santa Clara between the 16th and 20th. It may well be, therefore, that Castillero made his first representation immediately on his arrival, and subsequently made the further assays spoken of by Castro, in consequence of which he prepared his second or amended denouncement. On this hypothesis we can account for his omission to mention the existence of quicksilver in his first denouncement, as he did not then know that it existed in sufficient quantities to deserve attention. But whatever explanation of this discrepancy be offered or conjectured, I have been unable to perceive how it furnishes the conclusive evidence of the fraudulent character of the denouncement, which the counsel for the United States supposes it to afford.

If these papers were forged about the year 1848, they must have been forged at a time when the character and great value of the mine were well understood. What motive, then, can be suggested for fabricating two representations, in one of which the existence of quicksilver in the vein was entirely ignored?

Impressed, as the parties must then have been, with the great value of the mine, as a mine of quicksilver, can it be supposed that, merely to give the appearance of truth to the documents they were fabricating, they caused them to express a pretended ignorance of the nature of the vein?

Even if so refined and subtle a cunning could be attributed to them, the same cunning would not have suffered them to overlook the fact that the writing of partnership existed, which fixed upon them the knowledge of the existence of quicksilver in the vein twenty days before the date of the first denouncement.

I confess that, though unable to demonstrate how this discrepancy has occurred, I perceive in it rather what the ingenious counsel for the United States has on another occasion characterized as the "deshabille of truth," than that meretricious ostentation of consistency, which falsehood would not have neglected to display.

But the circumstance that I have found most difficult to account for, and which most strongly suggests suspicions as to the genuineness of the Act of Possession, is the failure of Castillero to exhibit, or even mention, it during his protracted negotiation with Mr. Negrete. The correspondence of the latter with his principal, Alexander Forbes, shows that Castillero was called on to exhibit his title papers. He responded by producing the writing of partnership and, after a little delay, the Lanzas dispatch. He not only does not exhibit the "copia autorizada," which, if genuine, he must have received before his departure from California, but he does not even mention that he has been put in possession and received a concession from the Alcalde of a tract of three thousand varas in extent, nor that any such possession had been ratified by the Supreme Government. So far as appears from the instrument executed at that time, and the testimony of Mr. Negrete, the writing of partnership was the only document of title to the mine relied on, and an interest in the two-league grant during the term of the lease is added as a kind of voluntary cession to the aviadores. In all the deeds which passed between the parties for several years, no allusion whatsoever to the Act of Possession occurs, but the writing of partnership and a mine of three pertenencias are alone spoken of.

That the parties were ignorant of the precise number of pertenencias allowed by the law is not improbable, and that they should have treated the mine as consisting of the number of pertenencias assignable to a discoverer, can be reconciled with the facts as they are claimed to have existed. But the omission of Castillero to exhibit the Act of Possession, which constituted his only title paper for the mine, and the only evidence of his denouncement and registry, and which alone showed that the persons, or any of them mentioned in the writing of partnership, had any rights whatever in the subject matter of their contract, is a circumstance which I have found it impossible to account for.

Even on the hypothesis that he had neglected to bring with him, through accident or otherwise, a copy of the act of possession, it would still seem almost inevitable that he should have given to Mr. Negrete some information of the existence of such a paper, and at least mentioned the Alcalde's concession of three thousand varas. No explanation of this circumstance is offered by the claimants. I have been much impressed with its significance. It might well seem to justify the inference, not that the mine was not discovered and worked as alleged, or that it was not in some manner denounced, or that the Alcalde did not give a possession, as sworn to by the witnesses—for of these facts, there can, I think, be no doubt—but that the record of the Act of Possession has been since fabricated and antedated.

But when we consider the vast number of perjuries and complicated forgeries which such a supposition involves, and the grave and almost insuperable objections which present themselves to any theory of forgery, no matter what date be assigned for its commission, and especially if we accept the date fixed by the counsel for the United States (viz., subsequent to February 2, 1848), it seems impossible under the proofs to adopt the hypothesis of the United States.

Our daily experience apprises us that events are constantly occurring which would *a priori* be pronounced in the highest degree improbable. That which is true does not always present the appearance of truth, and it is not usually safe to discredit positive testimony to a fact on an estimate of what would be likely to have happened.

But in this case, if, reasoning on the extreme improbability that Castillero would have failed to produce to Mr. Negrete the Act of Possession, if it existed, we adopt the conclusion that it did not then exist, we encounter improbabilities greater than those we are seeking to avoid.

For admitting, as we must admit, that he discovered the mine; that its great value, estimated by Col. Fremont at $30,000, was known to him; that he denounced it in some form, as is stated by Mr. Larkin to Mr. Judd, and to his own Government by himself, and by Castro to the Governor of California, as was notorious throughout the country—it is, as before observed, almost incredible that he should not have made the denouncement in writing, and substantially as is now claimed. If the papers were fabricated after February, 1848, how can we account for the copy certified to by Weekes in January of that year, and which must then have contained the interlineation in Castillero's handwriting, who was absent in Mexico?

How can we account for the useless forgery of the Castro petition, which the counsel for the United States allege to have been made by Diaz in 1847, and which speaks of the denouncement and act of possession, which had not yet been fabricated? Why, if the parties were then preparing their spurious documents, did they, at the same time, ask for additional pertenencias, when the documents they were forging could be made to express all that they desired?

How shall we explain the absence, throughout James Alexander Forbes' voluminous correspondence, of any reproach, or even regret, that the forgery had been so clumsily effected as to leave the Act of Possession "precarious and illegal;" how account for the allusions to the documents of registry in judicial proceedings, official letters of Forbes to the Alcalde, and the entire absence of any accusation or hint of forgery, when Walkinshaw, who must have been in the secret, was struggling so fiercely with Forbes for the acquisition of the mine?

These, and many other considerations which might be offered, are sufficient, without now alluding to the large number of witnesses who swear to the genuineness of the documents, to apprise us that the theory of forgery is beset with greater difficulties than the supposition that Castillero, for some unexplained reason, omitted to produce or allude to the Act of Possession, which, nevertheless, existed.

Assuming, then, the genuineness of the Act of Possession, I proceed to inquire what this document and the proofs show to have actually been done—and what was its legal effect.

In the first place, it appears that the written statement required by Art. 4, Tit. VI of the Ordinances to be made by the discoverer, was in fact presented by Castillero. The vein was described as situated on the lands of Berreyesa, and the discoverer declared that he wished to work it in company. The names of his partners were not stated as enjoined by the Ordinances.

It does not appear that the corresponding entry, in a book kept by the Alcalde, was made, nor was the "statement returned to the discoverer for his" due security.

Whether notices were affixed, as required by the Ordinances, is perhaps not clearly established, although some witnesses testify to the fact.

It further appears, that within the ninety days limited by law a pit had been dug, the mine opened and working commenced, and that at the expiration of thirty-eight days from the date of the denouncement, judicial possession of the mine was given.

It is not pretended that any number of pertenencias were measured to Castillero when possession was given, nor that he was caused to fix stakes in his boundaries, as directed by the Ordinance.

It has already been shown that, by the spirit and terms of the Ordinances, discovery was recognized as the true foundation of title to a mine. That the registration was but a formal announcement of the fact of discovery, and only required, in the language of Gamboa, three things to be manifested—"the person, the place, and the ore." That upon this declaration the law itself annexed the title, and the mine was said not to be granted, but to be *adjudicated*, by the judicial tribunal which had jurisdiction in such matters. That from the moment of denouncement the discoverer had the legal right to commence working his mine, and was required within ninety days to dig a pit of certain dimensions under penalty of forfeiture of his right, but that as soon as this was done he was entitled to receive judicial possession of his mine; and this, notwithstanding that the period allowed for others to show a better right, had not elapsed.

It was also shown that under the old Ordinances no measurement of pertenencias was required to be made when possession was given; and though this was required by the Ordinances of 1783, the penalty of forfeiture was not by those Ordinances annexed to the omission to do so, though such a provision had been recommended by Gamboa. It was also shown that the requirement of the Ordinances with regard to noting the contents of a statement in a book, etc., was directory to the Alcalde, and that his neglect of duty in that respect ought not to impair the vested right of the discoverer any more than the omission to record a colonization grant should effect the title of a *bonâ fide* grantee of land. The duty of recording registries in a book to be kept for the purpose was also imposed by Ordinances prior to the time of Gamboa; but that author, though he strongly urges its policy and convenience, nowhere intimates that a failure by the mining tribunals to comply with this requirement of the law affected the title of the mine owner—whose rights were evidenced by the copy of the "diligencias" or proceedings which was delivered to him—which corresponded to the "attested copy of the proceedings" which, by the Ordinances of 1783, was required "to be delivered to the party as his corresponding title."

If these views be correct, it follows that all the provisions of the Ordinances indispensably necessary to vest the title in the discoverer of a mine have in this instance been followed. And Castillero, by his denouncement, the digging of a pit within ninety days, and the judicial possession given, acquired by law a right to his mine, with the number of pertenencias allowed to a discoverer working in company.

But it appears, from the loose and informal document executed by the Alcalde, that in addition to the juridical possession which he was empowered to give, that officer "concluded to grant to Castillero three thousand varas in all directions, subject to that which the general Mining Ordinance indicates."

It will be observed, that the Alcalde does not here pretend to adjudicate the mine to the discoverer, nor to put him in possession of any designated number of pertenencias, but to grant him a large tract of land about his mine. It is unnecessary to say that such a concession even of public land by an Alcalde was wholly void, and as against either the Sovereign or a private owner conveyed no rights whatever.

It is insisted by the counsel for the United States, that this distinction between the possession of the mine and the *gracia*, or gift, of three thousand varas, is due entirely to the ingenuity of counsel for claimants, and is not found in the words or sense of the instrument.

We have already seen that the same distinction is clearly taken in James Alexander Forbes' letter of May 5th, 1847. We will hereafter see that it is alluded to in Castillero's communication to the Junta, in which he states "that he has taken possession not only of said mine, but also of an extent of three thousand varas in all directions from that point."

The distinction is not, therefore, a recent suggestion of ingenious counsel.

That it is very clearly expressed in the very inartificial document called the Act of Possession, is not pretended.

Taken literally, that document merely states that, "I, the Alcalde, have resolved to act, by virtue of my office, in order to give juridical possession of a mine known by the name of Santa Clara, and [after sundry recitals] have concluded to grant him three thousand varas in all directions, subject to what the Mining Ordinance indicates."

Nor is it pretended that any possession of the mine, as distinguished from the three thousand varas, was given. That the Alcalde, the assisting witnesses and others, went to the mine for the purpose of giving a possession of some kind, is clear; but he made no measurements, and fixed no stakes. He probably told Castillero that he gave him possession of the mine, and added that he might take three thousand varas in every direction around it.

The explanations of this act given by Pico himself, are confused and contradictory.

In his first deposition taken on behalf of the claimants, Pico says: "Castillero told me he required three thousand varas in all directions, and I told him to take them. He told me he had that right by reason of his being the first discoverer of the metal. According to what Castillero told me, I believed that I, as Alcalde, had authority to do that, there being no other *Juez de Letras*. He was a man learned on all those subjects." He adds: "I do not know whether it [the land of which he gave possession] was round or square, because I made the division in different directions, as I proposed to Castillero; that is to say, that he should take it where it was vacant, or in the mountains, because the rancheros would not have mountains—they wanted plains only."

In a subsequent deposition, taken some three years afterwards—viz., in 1860—Pico admits that he had stated in a deposition taken in another case, that he pointed out the boundaries which Castillero was to take, but gave him no fixed possession; that there was a question between Castillero and Berreyesa—Berreyesa would not consent that possession should be given to Castillero unless he would admit that he (Berreyesa) should have an interest in the mine. In consequence of this, I did not give any fixed possession of the land."

In a subsequent part of the deposition of 1860 (Ans. 17), Pico says: "I intended to grant only what was intended by the Ordinance around the mine, and the rest to be taken on public land." "I never intended to grant another man's land" (Ans. 16). When reminded by the counsel for the United States that the mine was at some distance from the nearest body of public land, recognized as such at that time by himself, and asked how he could have granted three thousand varas, to be measured in all directions from the mouth of the mine, if he intended only to grant public land, the witness replies: "It was because Berreyesa agreed with Castillero at the time, and told me I might grant the land, provided I did not include the land needed for cultivation; and therefore I made the grant." And in Answer 24, he admits that three thousand varas in all directions would include part of Berreyesa's land as well as public land.

Amidst these confused and contradictory statements it is, I think, not difficult to perceive what was really done, or attempted to be done, by the Alcalde. He was aware, and so informed Berreyesa, as he states, that "the Ordinances authorized a certain quantity of land around the mine to be granted, whether on public or private land—that is, that to the discoverer and to the one working in company, a certain number of pertenencias were to be assigned. How many, neither he nor probably Castillero knew. But in addition to these pertenencias, which determined the extent of the mine, he also undertook to grant a tract of three thousand varas to be taken on public, or on Berreyesa's land, if the latter consented. The transaction with regard to this grant seems to justify the observation of James Alexander Forbes, in his letter of October 30th, 1849, that the possession of the mine granted by the Alcalde to Castillero "was precarious and illegal; the latter being in reality the judge of the quantity of land given by the Alcalde."

The concession of the three thousand varas is by its terms provisional, for it is declared to be "subject to what the general Mining Ordinance indicates"; nor does it purport to be a concession of the tract described, as of so many pertenencias of the mine, but rather a grant of land as a gracia or gift.

The difference is important, for in the one case Castillero (if the grant were valid) would, under the Mexican laws, have been the owner, not only of the large tract conceded to him, but of all the mines which might be discovered within it; in the other, he would merely have owned the mineral veins within the pertenencias allowed by law, while all others within the three thousand vara tract would have remained liable to denouncement by any one who might discover and be ready to work them.

Castillero himself seems to have understood that he was entitled to four pertenencias, for in the petition of Castro, which was drafted by himself, there is asked "three pertenencias in continuation of the first." It is not, however, very clear, that three additional pertenencies are here asked for, or perhaps Castro may have misunderstood Castillero's instructions, for it appears that in his ratification of McNamara's contract, made at Mexico, Dec. 17, 1846, Castillero describes the mine as of three pertenencias only. That such was understood to be the dimensions of the mine by all parties in 1846 and 1847, appears not only from their acts of sale, but from the testimony of James Alexander Forbes.

This witness states, that "in 1846 he received from Padre Real possession of the mine, the hacienda, about a mile distant from it, the mining utensils and some ores. No definite extent of land was specified. It was understood that the mine contained three pertenencias at that time, but the hacienda was not understood to be within the three pertenencias." The possession transferred by him to Walkinshaw in 1847, and again on his return from Tepic received back from Walkinshaw, is stated to have been like the original possession received from Padre Real. It comprised the hacienda and the mine, but no definite tract of land.

In a subsequent part of his examination, he says: "There was only one act of possession which I understood to have been given. This embraced three pertenencias, so far as regarded the mine. Three pertenencias, and also lands about the hacienda, I understood to have been given to Castillero in 1845."

"These lands were understood to be of the extent of three thousand varas," he adds; and in the deed received by him from the Robles', and which conveys "all their rights and shares in each one of the *three pertenencias* of the mine," their interest in the lands and hacienda passed, for "by Mexican custom, a sale of barras in a mine includes an interest in the hacienda."

In the possession obtained by Alexander Forbes from Weekes, Alcalde, in January, 1848, four pertenencias seem to have been considered the number to which the parties were entitled, and a tract two hundred varas long and eight hundred wide, comprising exactly four pertenencias, is designated by the Alcalde.

It is, I think, apparent, that from 1846 down to a late period, the parties interested considered themselves the owners of a mine, with the number of pertenencias allowed by law—whether three or four they seem to have been uncertain—and that this ownership, acquired by registration and denouncement, carried with it the ownership of the hacienda or reducing establishment. But they seem to have attached, so far as we can discover from their acts of sale, proceedings at law, etc., little importance to the rights in the large tract six thousand varas square, which the Alcalde assumed to grant them partly on public, and partly on private land. On no other hypothesis can we account for the omission to mention the word "lands" in any of their conveyances during so long a period.

No inference of fraud can, however, be justly drawn from this circumstance, for the same omission is observable in deeds and proceedings *after* the date of the supposed forgery, as before it.

But whatever may have been the notions of the parties as to their rights, it is, I think, plain, that the possession given to Castillero should legally be treated as having included two entirely distinct objects: one, the *mine* properly so called, comprising the pit or "pozo de posecion," with the limited number of pertenencias allowed by the Ordinances; and the other, a tract of land six thousand varas square, which the Alcalde assumed to grant, but of which no "*fixed possession was given.*"

This distinction between the judicial possession of the mine, which the tribunal having jurisdiction of mining matters had a right to give, and a grant of more than a square league of *land*, partly on private and partly on public, is not only admitted but insisted on by the counsel for the claimant. Its importance will appear hereafter when we come to consider the alleged "*ratification*" of the mining possession by the Supreme Government.

By Art. 14, Tit. VI, of the Ordinances of 1783, it is provided, that "Any one may discover and denounce a vein or mine, not only in common land, but also in the private lands of any individual; provided he pays for the land of which he occupies the surface, and the damage which immediately ensues therefrom, according to the valuation of experts appointed by both parties, and a third in case of disagreement. The same being understood with respect to him who denounces a place (sitio) or waters for establishing works, and working the machines necessary for the reduction of ores, which are called haciendas; provided, they do not include more land nor use more water than may be necessary."

It is not pretended that in this case any denouncement of a sitio or of waters for a hacienda, was made. Had such been the case, and the title to a hacienda duly acquired by the mine-owners, it may well be that, as affirmed by Mr. Forbes, a sale of a barra, or share, in the mine would have conveyed, by Mexican usages, a corresponding interest in the hacienda. But the parties appear to have selected and taken possession of this hacienda, relying on the grant of six thousand varas square, made by the Alcalde, or on some arrangement made with Berreyesa, the reputed owner of the land.

Antonio Maria Pico, in his last deposition, seems to desire it to be understood that Berreyesa gave an oral assent to the grant, provided it did not include the level land; and in a previous deposition before the Land Commissioners, the same witness testified that a written contract was entered into between Berreyesa and the owners of the mine, by which the former was to have a share in the mine, and was to be paid for the wood and limestone used in the establishment. After the possession was given, Berreyesa demanded a compliance with the contract, and wrote to Padre Real to that effect. It does not appear that any arrangement was entered into with him. He was soon after killed by the Americans, and the hacienda and tract of three thousand varas in every direction has remained in the possession of the New Almaden Company to this day.

I am unable to perceive how, under these circumstances, and in the absence of any denouncement of the sitio used for a hacienda, Castillero can be deemed to have acquired, by the attempted concession of the Alcalde, any title whatever to lands beyond the limits of the pertenencias which the law allowed.

With respect to these, the Ordinance does not expressly declare whether the denouncer of a vein or mine on private land is required to pay for the land of which he occupies the surface as a condition precedent to the vesting of his title. It would seem that he is not.

The denouncement or formal declaration of discovery is evidently the first step to be taken; the pit is then to be dug and the discoverer is, by the terms of Art. IV, to be put at once into possession. No provision is here made for a suspension of proceedings until the land can be valued and paid for, nor until the expiration of ninety days can the denouncee be sure that some one having a better right will not present himself; as the private land-owner is only to be paid for the surface land which is occupied, and the ensuing damage, it would seem impossible to ascertain what amount of surface-land is to be occupied until the number of pertenencias is fixed and their boundaries marked out, which can only be done when judicial possession is given.

The Ordinance seems to contemplate a claim or proceeding instituted by the land-owner; for it provides that the land shall be appraised by experts appointed by both parties. If, therefore, the payment for the land, and satisfaction for damages, are conditions precedent to the vesting of any title to the mine, the land-owner might, by refusing to appoint an expert, indefinitely postpone its acquisition—thus defeating the policy of the Mining Laws, as well as the right of the discoverer, which those laws so fully recognized, and so amply protected. For it is not to be forgotten, that under the Spanish as well as all other Mining Ordinances, the discoverer was considered the true owner and creator of the wealth he had discovered; and that the grantee of the superficies had merely the right to an indemnity for actual damage done by the occupation of a small portion of the surface. But to hold, under the circumstances of this case, that no title vested by denouncement and discovery, because the claim of Berreyesa was not first satisfied, would be peculiarly inequitable.

The mine, it is true, was generally understood to be on his land, and denounced as such. But no judicial measurement of his land had been made, nor were his boundaries established. It is to this day unsettled, whether in fact the mine is within the boundaries of Berreyesa, or those of his neighbor, Justo Larios, or without both, on public land. Had Berreyesa been paid, as required by the Ordinances, it may yet prove that the payment was unnecessary, because the mine was on public land; or to the wrong person, because it is on the land of Justo Larios. Where land was gratuitously distributed in tracts from one to eleven square leagues in extent, the indemnity which experts would have awarded for the occupation of a few rectangles of the surface, two hundred varas long by two hundred wide, would have been little more than a nominal sum ; and to defeat the meritorious title of a discoverer, because under such circumstances the indemnity was not paid, would seem unjust and absurd.

The next question to be considered on this branch of the case is, whether the Alcalde had, under Mexican laws, jurisdiction to receive denouncements, make registrations, and adjudicate the titles of mines.

By Art. IV, Tit. VI, of the Ordinances of 1783, the discoverer was required to present himself before the Deputation of that Territory (territorio), or the one nearest if there should be none there.

It is unnecessary particularly to examine the nature and organization of the Special Tribunals to which the Ordinance refers. It is sufficient to say that they were composed of deputies chosen by the enrolled miners of each mining territory, who themselves were members of the great mining corporation or body of matriculated miners throughout the Kingdom of New Spain.

These Special Tribunals were in the Federal territory abolished by the Constitution of 1826 and by the law of 1837.

But by the law of December 2d, 1842, Courts of First Instance, composed of three Territorial Deputies elected in the manner prescribed in the Ordinance, were required to be established in each of the Departments by the Governor, in concert with the Departmental Junta, and with the previous approval of the Supreme Government.

To these Courts were given substantially the powers formerly possessed by the Territorial Deputations under the Ordinances.

Under this law mining tribunals were established in various departments—but none were ever organized in the Californias.

It is contended, that inasmuch as these tribunals existed in some parts of Mexico, it was the duty of the discoverer to address himself to the one nearest to his mine; and that that tribunal alone had jurisdiction in the premises.

It is not disputed, as a general principle of Mexican law, that in default of any of the authorized special tribunals, their functions devolve upon the Courts of general jurisdiction. The question then is, was there any special tribunal to which the discoverer of a mine in the Department of the Californias could address himself.

It seems to be considered by the counsel for the United States, that the provision of the Ordinance which directs the discoverer to the Deputation of the nearest territorio, in default of any deputation within his own territorio, of necessity directs him to the nearest Departmental Court organized under the law of 1842, if there be none in his own department. But this provision of the Ordinance is not adopted or alluded to in the law of 1842. The small territorios, in each of which a mining deputation was by the Ordinances of 1783 to be established, in no respect corresponded to the great divisions of the Mexican Republic called "Departments," in a single one of which both the Californias were included. The Deputies under the Ordinances were to be elected in each Real or Asiento of mines by the matriculated miners "*of that place*" (*lugar*), whose names were embraced in a book kept by the Judge and Notary of that mining place (Mineria).

I am not informed what were the ordinary territorial limits of the Reales or Asientos of mines here spoken of; but it is obvious that they could not have been larger than would be consistent with the convenience of the miners who were required to enroll their names, and every year to vote at elections. When, therefore, it happened that in a newly discovered mining district, no deputation had been elected, the discoverer was reasonably directed to the nearest deputation, which would ordinarily be at no great distance.

But to send him to a remote Department of Mexico on such an errand would be absurd, and a practical denial to him of any right whatever to register his mine. Nor could in such case the other provisions of the Ordinances be complied with; for to what purpose affix notices on the doors of the churches in Chihuahua, that an individual had discovered or denounced a mine in Upper California, and how could one of the Deputies personally go, and within ninety days inspect the mine, examine the pit, and give the possession as enjoined by the Ordinances?

That no such proceedings could have been contemplated by the law of 1842, is also clear from the terms of the law itself. The Governor and Junta of each Department were to establish, as we have seen, as many Courts of First Instance as were required within their limits.

It is to be presumed that the jurisdiction of each of these Courts was restricted to the territorial limits assigned to it; but it certainly did not extend beyond the boundaries of the Department. Art. 26 provides, that "Each one of these Courts shall exercise *within its territory* the executive and economical powers given by the old Ordinance," etc. How, then, can it be supposed that, organized under the authority of the Department, and with its jurisdiction restricted to its territory, it could take cognizance of mining matters in another department, separated from it by hundreds of leagues, and with which communications were rare and difficult.

It is, I think, beyond doubt, that at the time of the discovery of this mine, there were not only no special tribunals in Californias which had jurisdiction in mining matters, but there were none anywhere established in Mexico which possessed jurisdiction to make a registration of a mine discovered in California. On the principle of Mexican law already referred, the functions of the special tribunals, under these circumstances, devolved on the Courts of ordinary jurisdiction—or rather the jurisdiction remained in them, as it had done in the Federal Territory from the adoption of the Constitution of 1824 and the law of 1837; it never having been divested in this Department by the establishment of special tribunals under the law of 1842.

If, then, the ordinary Courts had cognizance of mining matters in the Californias, the jurisdiction must have been vested in the Alcaldes, for no ordinary Courts of First Instance existed.

By the decree of May 23, 1839, the judiciary of each of the departments was to be composed of Justices of the Peace, Alcaldes, Judges of First Instance and a Superior Tribunal.

But this organization was not perfected in the Californias, and the Alcaldes in this department appear to have exercised the functions and jurisdiction which would otherwise have belonged to the Courts of First Instance.

In the decree of March 2, 1843, it is stated, that in the Californias there had been no Courts of Second and Third Instance established in the Californias, New Mexico and Tabasco; and by Act 28th, the Governors of those departments are ordered "to take care that justice is punctually and completely administered in first instance by Judges of that grade, if there be such, or by Alcaldes or Judges of the Peace. But even if the authority of an Alcalde to take cognizance of mining matters were doubtful, it ought, I think, to be sustained as that of a *de facto* officer exercising an undisputed jurisdiction.

The registration of a mine was a simple proceeding, of which the principal objects were to apprise the Government of its existence, so that it might secure its portion of the produce—to give an opportunity to other persons to show a better right than that of the alleged discoverer or denouncer, and to subject the latter to the salutary rules of the Ordinance as to its working and preservation. When the discoverer had made known his discovery in the manner prescribed by law, and dug his pit of possession, the law itself gave him the title.

It would seem, therefore, that if the discoverer addressed himself to the only judicial authority of the country, and if that authority, with the knowledge and acquiescence of the Governor and inhabitants of the Department, took cognizance of the matter and adjudicated the mine to him, a presumption in favor of the rightful exercise of power ought to be indulged. Nor should we affirm the Alcalde's acts to be void, except on the clearest proofs that he was wholly without jurisdiction in the premises.

Having thus seen that by the discovery and registration of his mine, and by the possession given by the Alcalde, Castillero acquired a right to the mine, with the number of pertenencias allowed by law, I proceed to inquire what number of pertenencias he thus became entitled to.

By Art. 1, Tit. VI, of the Ordinances, it is provided that "the discoverers of one or more mineral hills (*cerros*), absolutely new, in which there is no mine nor trial pit open, may acquire in the principal vein which they may select, as many as three pertenencias, continuous or interrupted, according to the measurements which are hereinafter prescribed; and if they have discovered more veins, they may have one pertenencia in each vein, said pertenencias being discovered and marked out within the term of ten days."

Art. 2, Tit. XI, provides: "Although by these Ordinances I prohibit any individual miner who works in the ordinary limits from denouncing two contiguous veins on the same vein—notwithstanding this, I grant to those who work in company, although they be not discoverers, and without prejudice to the right which by reason thereof they may have in case they are such, (y sin perjuicio del derecho que por este titulo deban tener en caso de que lo sean), the right to denounce four new pertenencias or mines which have been worked and abandoned, even when they are contiguous and on the same course."

It is claimed that, under these provisions, Castillero was entitled as a discoverer to three pertenencias, and as one working in company, to four additional pertenencias, making seven in all.

The counsel for the United States contends that the allowances of pertenencias mentioned in the foregoing articles, are not cumulative; and that four, or the number given to him who works in company, are all that can be acquired.

The determination of this question entirely depends upon the true meaning of the Spanish text. The counsel for the United States insists that the Spanish phrase quoted above reads, when properly translated: "And without prejudice to the right which by this title [viz, that of discoverers] they may be entitled to have in case that they may be such."

That is, that although it was prohibited to an individual miner to denounce two contiguous mines, yet those who work in company may denounce four pertenencias, either new and unopened, or old and abandoned mines; and this right is not to prejudice their rights as discoverers, in case at any time thereafter they may *become* such.

If, however, we attribute a present and not a future signification to the verb, the meaning of the phrase would be, that all persons working in company shall have four pertenencias, and shall enjoy this right without prejudice to their rights as discoverers, in case *they are such;* that is, all persons working in company shall have four pertenencias, and if they be also discoverers, their rights as such shall remain to them.

I do not pretend to be able to determine, from a knowledge of the Spanish, which is the true translation of the phrase. I have therefore addressed myself for information to several persons skilled in that language. They all concur in adopting the translation suggested by the claimants.

There are some general considerations which serve to strengthen my belief in its correctness.

The object of the law was to determine the extent of mining spaces, or pertenencias, to be allowed to miners. As the merit of the discoverer was greater than that of one who merely denounced a forfeited mine, and as the policy of the law was to encourage and reward discoveries, it gave to the discoverer, though working alone, three pertenencias, if his discovery were of an absolutely new hill, in which no mine had been opened; but if the discovery were of a new vein in a hill known and worked in other parts, he was allowed to acquire two pertenencias. It was also the policy of the law to promote the development of mines by encouraging the formation of companies, the associated capital of which would enable them to prosecute the works on a larger scale and with greater efficiency. Title XI, in the 1st Article, enjoins upon the Viceroy to encourage, promote and protect all such partnerships by all convenient measures.

In furtherance of the same policy, Article 2d gives to all those who work in company the right to acquire either four new and unopened pertenencias, or four mines (of one pertenencia each) which have been worked and abandoned. The law which prohibited the acquisition of two contiguous pertenencias by an ordinary miner, is *pro tanto* repealed, while those which determined the rights of discoverers are allowed to remain.

Such would seem the natural mode of carrying out the evident policy of the law-giver.

For why should the ordinary miner be rewarded with three additional pertenencias, because he works in company, and the discoverer only be allowed one additional pertenencia?

The law recognizes two species of merit—that of discovery, and that of working in company. If a miner possesses both, ought he not to receive the rewards allowed for both?

The phrase "and without prejudice to their rights as discoverers," etc., is evidently intended to guard against an interpretation of the provision prejudicial to the rights of the discoverers. It is the exclusion of a possible conclusion which might otherwise have been drawn.

But could it have been supposed that because persons working in company are to have four pertenencias, no one of them could have the rights of a discoverer, if at any future time, and perhaps at a distance from his mine, he discovered an entirely new hill? Such a construction of the provisions in favor of partnerships would have been wholly unwarranted. This could not, therefore, have been the conclusion intended to be excluded. But it might have been supposed that the law, in giving to partnerships four pertenencias, meant to fix the maximum number of contiguous mines which the same individuals could in any case acquire. If, as discoverers, they were already entitled to three, the formation of the partnership would give them but one more. Both provisions would thus have been satisfied. Three of the pertenencias would be held by a double title,—that of discovery, and that of working in partnership—while the fourth would be given for the latter reason alone.

To guard against this construction, the provision was inserted that the allowance to partners should be without prejudice to their rights as discoverers, in case they were such; and in this view the provision was sensible, and perhaps necessary. It left to each kind of merit its appropriate reward, and gave to the miner who united both in himself all the privileges which the law attached to each.

I am, therefore, of opinion, that under the Mining Ordinances referred, Castillero, as a discoverer and as one working in company, was entitled to seven pertenencias.

Having thus ascertained what acts were done and rights acquired by Castillero in California, we will next consider the title claimed to have been obtained by him from the Supreme Government of Mexico.

The facts as alleged by the claimants, are as follows:

Early in 1846, and while he was yet in California, Castillero, impressed with the importance of the brilliant discovery he had made, communicated the fact in two letters addressed to J. J. De Herrera, former President of Mexico, dated at the Mission of Santa Clara on the 19th and 22d February 1846, respectively, and also in another letter written on the last mentioned day to Don Tomas Ramon del Moral, at Mexico.

These letters, together with some specimens of cinnabar and a small flask of quicksilver, were sent by the hands of Lazaro Piña, who sailed from Monterey for Mazatlan in the brig Hannah, in the early part of March, 1846.

Extracts from the two letters to Herrera were, it appears, furnished by him to Señor Moral, and a note embodying these extracts, together with a copy of Castillero's letter to himself, were, by Señor Moral, about the middle of April, 1846, communicated to the Junta de Fomenta y Administrativa de Mineria, a body charged with the development and encouragement of mining interests in Mexico, and the administration of certain funds connected with the same object.

There were also transmitted by Moral to the Junta, at the same time, some specimens of cinnabar which had been delivered to him by Piña.

On the 21st April, 1846, the Junta addressed a letter to José Maria Tornel, Director of the College of Mining, transmitting to him copies of Castillero's letters, and the specimens of cinnabar, and requesting that an assay might be made of the latter.

On the 23d April, Tornel, by an order on the margin of the letter of the Junta, directed the specimens to be sent to the Junta Facultativa, or Faculty of the College, for assay.

The result of the assay was communicated to Tornel by Señor Moral, President of the Junta Facultativa, on the 24th April, 1846, and the receipt of this letter was acknowledged on the 29th of the same month by Tornel, who, on the same day transmitted the letter of Moral of the 24th, announcing the result of the assay, to the Junta de Fomento. His official communication on the subject was received by them on the 3d May, and on the 4th, ordered by an "acuerdo" or marginal order to be sent to the Government. On the succeeding day, viz., the 5th, a communication signed by Vicente Segura, President of the Junta, and Isidro R. Gondra, First Clerk, was accordingly addressed to the Minister of Justice, in which was stated the reception of the specimens, and their transmission to the Director of the College for assay. A copy of the communication of the Director of the College, stating the result of the assay, was also embodied in the Junta's letter, and the Minister of Justice was informed that the Junta had already asked Castillero what kind of aid or protection he needed for the encouragement of his brilliant enterprise, etc., etc.

This letter was received by the Minister of Justice on the 9th May, as shown by the marginal note of its contents and reception, and on the same day the Minister formally acknowledged its receipt in a dispatch addressed to the Junta.

On the 12th May, 1846, Castillero, who had sailed from California in the barque Don Quixote, and arrived in Mexico, submitted to the Junta nine propositions in writing, in which he indicated the kind of aid and protection he required. He had previously however appeared before them, given a verbal account of his discovery, and been requested by the Junta to furnish a written statement as to what aid he required.

On the 14th May, 1846, the Junta transmitted the written statement of Castillero to the Minister of Justice, retaining a copy in their own office. In this communication of the Junta, the Government is urged to accept the propositions of Castillero.

Among the propositions thus made by Castillero to the Junta, and by the latter transmitted to the Minister of Justice, were the following:

> "7th. The Junta shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities, in the same terms as those which I now hold it."
>
> "8th. It shall also represent the advantage of there being granted to me as a colonist two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings."

The communication of the Junta, inclosing the propositions of Castillero, and urging their acceptance, was received by the Minister of Justice, and on the 20th May, the following "acuerdo" was noted on the margin:

> "Granted in the terms which are proposed, and with respect to the land, let the corresponding order issue to the Minister of Relations for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition."

This "acuerdo" is signed with the rubric of Becerra, Minister of Justice.

On the same day (May 20th) Becerra addressed to the President of the Junta an official dispatch, as follows:

"MINISTRY OF JUSTICE
AND PUBLIC INSTRUCTION.

"Most Excellent Sir:—Having reported to His Excellency the President *ad interim* of the Republic, your Excellency's communication of the 14th inst., with which you were pleased to transmit with a recommendation the petition of Señor Don Andres Castillero, for the encouragement of a quicksilver mine which he has discovered in the Mission of Santa Clara, in Upper California, His Excellency has been pleased to approve in all its parts the agreement made with that individual in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to issue the proper orders with respect to that which is contained in the 8th proposition for the grant of lands in that department.

"I repeat to your Excellency the assurance of my esteem.

"God and Liberty. Mexico, 20th May, 1846.

"BECERRA.

"To His Excellency, D. VICENTE SEGURA,
President of the Junta de Fomento de Mineria."

On the same day Becerra addressed to the Minister of Relations an official communication, in which he transcribes the foregoing dispatch to Segura, and adds:

"And I have the honor to transcribe to your Excellency, to the end that with respect to the petition of Señor Castillero to which His Excellency the President *ad interim* has thought proper to accede, that there be granted to him as a colonist two square leagues upon the land of his mining possession, your Excellency will be pleased to issue the orders corresponding."

In obedience to these orders, the Minister of Exterior Relations, Castillo Lanzas, on the 23d May, 1846, directed an official dispatch to Pio Pico, Governor of California, in which, after transcribing the foregoing communication of Becerra, he says:

"Wherefore I transcribe it to your Excellency, in order that in conformity with what is prescribed by the laws and dispositions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.

"God and Liberty. Mexico, May 23d, 1846.

"CASTILLO LANZAS.

"To His Excellency the Governor of
the Department of the Californias."

Upon these last dispatches, viz., that from Becerra to the Junta de Fomento of May 20th, and that from Castillo Lanzas to the Governor of California of May 23d, the claimants rely, as constituting a ratification of the grant by the Alcalde of 3000 varas in every direction, and a concession of two square leagues of land. They also claim that the "acuerdo" or marginal order found in the communication of the Junta of May 14th, 1846, amounts, in equity at least, to a concession of all that the Junta recommended.

The proofs of the foregoing allegations consist of a large number of expedientes from various public offices in Mexico—of certified copies of the actas or minutes of the proceedings of the two Juntas, viz., the Junta de Fomento and the Junta Facultativa of the College of Mining—of certified transcripts of entries in official books of the Ministers, and of the parol testimony of Members of the Juntas, Clerks in the offices by whom the documents were written, and of the Minister himself, Castillo Lanzas, who was the author of the dispatch of May 23d. These witnesses swear, not only to the existence of the archives, the handwriting and the genuineness of the various documents, traced copies of which are produced, and to the accuracy of those copies, but also to the facts stated to have occurred, or to such parts of the transactions as each was personally concerned in.

Some of these witnesses, who were brought from Mexico by the claimants at great expense, have held distinguished official positions, are of advanced years, and independent fortunes.

The United States aver that their testimony is false and perjured; and that the documents sworn to by them are forged and antedated. To arrive at a just estimate of the force of the evidence and reasons on which the United States rely to support this accusation, a brief statement of the nature and amount of the proofs offered by the claimant is necessary.

In the short summary of the evidence which I propose to give, I shall follow rather the chronological sequence of the events alleged to have occurred, than the order in which the various documents were produced.

It will be remembered that the Junta de Fomento was first notified of the discovery of a mine of quicksilver by Castillero, by receiving from Don Tomas Ramon del Moral a communication, containing copies of letters from Castillero, that this communication was sent to the Director of the College that an assay might be made, and by him referred to the President of the Faculty, who in due time reported the result of the assay to the President, who in turn communicated it to the Junta, and the latter to the Minister of Justice.

There is accordingly produced from the Archives of the College of Mining the original communication of the Junta de Fomento, signed by the President, Vicente Segura, and addressed to the Director of the College, together with copies of the communication of Moral, which, with the specimens of cinnabar, were sent to the Director. The accuracy of the traced copy produced, and the existence of the original in the College of Mining, is testified to by José Maria de Bassoco, for many years a member of the Junta, and by Balcarcel and Castillo, Professors in the College. These witnesses also swear to the handwriting of the dispatch, and of the copies of the letters, to the genuineness of the signatures of Vicente Segura, President of the Junta, and of Gondra, the Chief Clerk of the Junta, who certifies to the copies which accompany the dispatch. On the margin of the dispatch is an acuerdo, or order signed "Tornel," directing it to be sent to the Junta Facultativa. The fact that Tornel was Director of the College, and the genuineness of his signature, are also proved by the same witnesses.

From the archives of the Junta Facultativa of the College, are produced traced copies of the minutes of a session of the Board of the 24th April, 1846 (erroneously dated 24th March). These minutes show a resolution of the Board that a report of what had been done, and the result of the assay made by Professor Herrera, be communicated to the Director of the College. From the same archives is produced a traced copy of the reply of the Director General Tornel to the report of the Board, in which he acknowledges the receipt of a letter from Moral, President of the Faculty, of the 24th April, communicating the result of the assay. The accuracy of these traced copies, and the existence, genuineness and handwriting of the originals, are proved by the Professors Castillo and Balcarcel, who were present at the meeting of the Faculty, and who not only swear to their personal recollection of the facts, but also testify that the cinnabar was received, an assay made, a meeting of the Faculty on the subject held, and the specimens deposited with appropriate labels in the Cabinet of the College, where they now remain.

From the archives of the Junta de Mineria, are produced traced copies of the office copy of the communication sent to the Director of the College, the original of which is found, as we have seen, in the archives of the latter; also, a traced copy of the communication received from the Director of the College, announcing the result of the assay—with a marginal note directing it to be transmitted to the Government, signed by Segura, President of the Junta de Fomento.

There is also produced, from the same archives, a traced copy of the borrador or office copy of the communication thereupon addressed by the Junta to the Minister of Justice, together with a traced copy of his reply, dated May 9th, 1846.

There is also produced from the same archives a traced copy of the borrador or draft of a second communication from the Junta to the same Minister, transmitting to him the petition of Castillero for aid, etc., and recommending it to the favorable consideration of the Government.

A traced copy of the reply to this communication by the Minister of Justice, is also produced from the same archives.

Appended to the espediente containing it, are certificates of Manuel Couto, Secretary of the Administration of the Mining Fund, and in charge of the archives of the Office of Mineria.

A certificate of Vicente Segura, certifying to the official character and handwriting of Couto.

A certificate of P. Almazan, Chief Clerk of the Ministry of Encouragement, Colonization, etc., certifying to the official character of Segura, Administrator of the Mining Fund, and to that of Couto, the Secretary, and that the archives of the office are in charge of the latter, and also to their signatures and seals.

A certificate of J. Miguel Arroyo, Chief Clerk of the Ministry of Exterior Relations, certifying to the official character of Almazan, and to his signature and the seal of his office.

And, finally, a certificate of John Black, U. S. Consul, certifying to the official character and the signature of Arroyo, and also that he is the person authorized by law to legalize Mexican documents to be used in foreign countries, and that the seal of the Department affixed to the documents is the same used in the legalization of all documents by that officer.

The accuracy of the traced copies, the existence and handwriting of the originals, where those originals are borradors or drafts, and the existence and handwriting of the signatures to the originals, where they are the original communications received by the Junta, are proved by Mr. Bassoco, by the Professors Balcarcel and Castillo, by Miranda and Yrisarri, who were employed in the Ministry of Justice, by Manuel Couto, who testifies that he copied Castillero's petition from his rough draft, and by Castillo Lanzas, the former Minister of Relations of Mexico.

From the archives of the Ministry of Relations, to which the archives of the Ministry of Justice have been transferred, are produced traced copies of the communication addressed by the Junta to the Minister of Justice, informing him of Castillero's discovery, and embodying the communication received by the Junta from the Director of the College, informing the Junta of the results of the assay.

A traced copy of the draft of this communication, as we have seen, is produced from the archives of the office from which it emanated. A traced copy of the borrador or draft of the Minister's reply to this communication, is also produced from the same archives, in all respects conforming to the original reply, a traced copy of which, as before stated, is produced from the archives of the office to which it was directed.

There is also produced, from the same archives, a traced copy of the communication of the Junta, inclosing and recommending Castillero's petition, corresponding with the borrador produced from the archives of the Junta, and a traced copy of the borrador of the reply of the Minister, in like manner corresponding with the original produced from the archives of the Junta.

On the margin of the communication of the Junta is the usual membrete or memorandum of its contents, and an "acuerdo" or order of the Minister in regard to it. The latter is signed with the rubric of the Minister, and the official dispatch transmitted to the Junta conforms entirely to the acuerdo or resolution taken on the subject, and noted in the margin of the communication. There is also produced from the same archives a certified copy of the draft of the communication addressed by the Minister of Justice to the Minister of Relations.

From the archives of the Ministry of Relations is produced a traced copy of this last communication of the Minister of Justice, the borrador of which is found in the office of the latter; and a borrador of the communication or dispatch addressed, in pursuance of the order of the Minister of Justice, by the Minister of Relations, Castillo Lanzas, to Pio Pico, Governor of California. And, finally, the claimants produce from their own custody, the original of the last mentioned dispatch, signed by Castillo Lanzas, and addressed to the Governor of California.

It may here be observed, that from the Archives of the Ministry of Relations is also produced a traced copy of the communication of Pio Pico, of February 13, 1846, addressed to the Minister of Relations, informing him of Castillero's discovery, and transmitting Castillero's letter of December 10th, 1845. There is also produced from the same Archives a traced copy of the borrador of the reply of the Minister, dated April 6th, 1846.

We have already seen that the borrador of Pico's communication, and the original of the Minister's reply, are found among the Archives of California in this city. Their genuineness is undisputed.

To the traced copies from the Archives of the Ministry of Justice are affixed the certificate of Arroyo and seal of his department, as also the certificate of Black, the United States Consul, in the same terms as those already mentioned.

The accuracy of the copies, the existence of the originals in the Archives of the offices to which they belong, their handwriting, and the genuineness of the signatures they bear, are sworn to by the escribientes, or clerks, by whom they were copied, some of whom are still connected with the Ministries by M. de Bassoco, and by the ex-Minister Castillo Lanzas himself.

There is also produced a traced copy of an extract from a book now existing among the records of the Ministry of Justice. It contains various entries or notes, purporting to have been made from May 11th, 1846, to May 20, 1846. Amongst those made on the 20th, is an entry of the membrete or memorandum of contents of the Junta's letter to the Minister of May 14th, and of the acuerdo or resolution taken by the Minister on the subject. On the top of the first page on which the communication of the Junta is written, are found these letters and figures: "L. g$^{l}$ 15, S. f. 140 v$^{ta}$."

José M. Yrisarri, the Fifth *Oficial* of the Ministry of Justice, being interrogated as to the meaning of this inscription, testifies that it means "Libro General, vol. 15, reverse of page 140," and that the entry already mentioned is found in the volume and page referred to. He further states that this inscription, or reference, was made by himself, as was also the entry on the book to which it refers.

The original dispatch of Becerra to the Minister of Relations, is stated by Miranda and Yrisarri, to be in the handwriting of the former. The "acuerdo" on the margin is said by Castillo Lanzas to be in his own handwriting and signed with his genuine rubric; and the draft of the dispatch addressed by him to Pio Pico, to be in the handwriting of Mr. Quintanar, an employé of the Ministry of Relations in 1846. The original dispatch addressed to Pio Pico is proved to be in the handwriting of A. J. de Velasco, by Castillo Lanzas and by Velasco himself. The signature of Castillo Lanzas is proved by Lafragua, former Minister of Relations in Mexico, by Velasco, who wrote the dispatch, and by Castillo Lanzas himself.

It is also testified by Mr. Negrete, that this identical dispatch was handed to him in December, 1846, by Castillero; that a copy of it was inserted in the instrument by which Castillero ratified the McNamara contract, and the original sent by him (Negrete) to Alexander Forbes, of Tepic, on the 19th December, 1846.

In corroboration of this statement of Mr. Negrete, there is produced a series of letters written by him to Alexander Forbes, from December 5th, 1846, to February 6th, 1847. In these letters Mr. Negrete informs Mr. Forbes of the state of his then pending negotiation with Castillero; and in his letter of December 18th, advises him that he transmits "the document showing the grant which the Supreme Government made in favor of Don Andres Castillero for two leagues of land," etc.

These letters, which Mr. Negrete swears he saw for the first time since they were written, when produced to him by the claimants in this country, he testifies are in his own handwriting and that of his clerk, Oruña, and signed by himself. He also identifies three checks or orders drawn by himself on his banker, Don Donato Manterola: one in favor of Castillero for four thousand dollars, and receipted by the latter, and two in favor of Don Nazario Fuentes, the Notary, for one hundred and thirty-seven dollars and twenty-five cents, and twenty-nine dollars and seventy-five cents, respectively, both of which are receipted by Fuentes.

The testimonio or authenticated copy of Castillero's instrument of ratification, containing the Lanzas dispatch, is exhibited. It is signed by Nazario Fuentes, the Notary Public, whose signature and *signo* are attested by three Notaries Public in a certificate under the seal of the National College of Notaries of Mexico, dated December 19, 1846.

A second copy of the same instrument, issued from the office of the Notary Fuentes under his hand and seal, is also produced. It is dated February 6, 1847, and is certified by three Notaries Public, under the seal of the National College of Notaries. Among the three Notaries signing these certificates is Mr. Villalon. This gentleman has been examined as a witness. He testified that his signature and *signo* on each of the certificates are genuine, that they were affixed at their respective dates, that the signatures of the other Notaries are genuine, as is also the seal of the National College. It is also shown that this instrument of ratification was brought to California by Mr. Walkinshaw, in 1847, when he took charge of the mine; and the terms of James Alexander Forbes' ratification, in which the language of Castillero's Act is copied, show that the latter must have been before him when writing his own ratification of the McNamara contract—a conclusion rendered certain by the very distinct allusion in Forbes' letter of May 5th, 1847, " to the possession of two sitios ordered to be given by the dispatch of Señor Castillo Lanzas."

The claimants have also produced from the Archives of the Junta de Fomento, traced copies of the original borradores, or drafts, of the minutes of the Junta in April, May, September, November and December, 1846; also a traced copy of the clean copy made from those minutes, and authenticated by the rubrics of the members of the Junta who assisted at the sessions; and finally a copy of the entire Volume 3d of the Minutes of the Junta from April 2, 1846, to June 30, 1847.

In these Minutes, amongst a great number of other entries, we find a record of the action of the Junta from the reception of the specimens of cinnabar to the payment of the Notary Calapiz, when further proceedings were abandoned.

In the Actas of the session of April 23d, 1846, is an entry of the receipt of specimens of cinnabar from the Presidio of Santa Clara, in California, and a resolution that they be sent, with copies of Castillero's letters, to the Director for assay.

On the 4th May, the receipt of the letter of the Director inserting the report of the Junta Facultativa is noted, and it is resolved that it be transcribed to the Supreme Government, representing that a reply has been made to Señor Castillero, asking him what kind of protection or assistance he requires.

On the 6th May, the Actas show that Don Andres Castillero appeared and made a verbal report, etc., and the Junta resolved that Señor Castillero should present his indications in writing. On the 14th May, the receipt of the communication from the Minister of Justice dated May 9th is noted.

On the 25th May, is a like note of the receipt of Becerra's dispatch of the 20th, approving the agreement made with Castillero, etc., and a resolution of the Junta that the proper judicial agreement be drawn up immediately, etc.

On the 29th May, is a note of an order for the payment of twenty-five dollars to the notary Calapiz, for proceedings in the instrument of agreement which had been made with Castillero to assist his quicksilver enterprise, etc.

The accuracy of the traced copies of the Actas is testified to by Mr. Bassoco, who compared them with the originals; and he also proves the existence and authenticity of the originals in the Archives of the Junta, and the genuineness of his own rubrics and those of his colleagues affixed to them.

The claimants have also produced, and filed as an exhibit, an original report made by the Junta de Fomento to the Minister of Justice, relative to the matters confided to its care. This report is embodied in a report made to the National Congress by José M. Lafragua, Minister of Relations, and read before that body on the 14th, 15th and 16th December, 1846.

The original manuscript "Memoria," or report by the Junta, is stated by Mr. Bassoco, to have been procured by himself from Escalante, the agent of Lafragua. Its proper place of custody was the Ministry of Relations, but M. de Bassoco supposes that it had probably been taken by Mr. Lafragua to his own house, when the latter was preparing his report to the National Congress, and accidentally remained among his papers. He identifies the signatures and rubrics of Vicente Segura and Isidro R. Gondra, which are affixed to it, and states his conviction that it is the identical document sent in by the Junta to the Minister.

On referring to the "Actas" of the Junta, we find it noted on the 5th November, 1846, that a dispatch was received from the Minister of Relations, dated November 3d, calling for an account of the labors of the Junta, to be furnished within eight days.

It also appears, that on the 9th the reading of the report was commenced; that it was concluded at the session of the 16th, and a resolution adopted, that the report should be transmitted to the Government; and that on the 5th December, a communication from the Minister acknowledging its receipt was received by the Junta.

Two copies of the Report of Lafragua, in which the Memoria was embodied, are also offered in evidence by the claimants. It is a printed volume of considerable size.

Of these copies, one was originally produced by the claimants, and identified by Mr. Lafragua, Mr. Bassoco and others.

A second copy has recently been produced and identified by the Hon. J. P. Benjamin, one of the counsel in the cause, as having been received by him in 1849, from Don José Garay, the validity of whose grant he was then investigating. The volume remained in Mr. Benjamin's possession until about two years ago, when Mr. Rockwell, also of counsel for claimants, called on him to retain him in this cause. In the course of conversation Mr. R. alluded to an official report of Mr. Lafragua, which, in his opinion, contained conclusive proof of the genuineness of the title of the claimant. From his description Mr. Benjamin thought he recognized the volume in his possession as the one referred to, and immediately procured it from an adjoining room. On examination it was found to contain the passages relating to the discovery of the mine, etc., which are found in the copy previously produced by the claimants. Mr. Benjamin was not, until that time, aware that it contained anything in reference to the mine. At Mr. Rockwell's request, he allowed him to retain the volume, which he recognizes as the one now produced.

The claimants have also offered in evidence files of the "Diario," the "Republicano," and the "Monitor Republicano," newspapers, in which the reading of Lafragua's report on the 14th, 15th and 16th December, 1846, is noticed.

It is unnecessary to extract at length the passages in this report, in which reference is made to Castillero's discovery, and the action of the Government upon it.

They merely contain an account of the presentation of the specimens to the Junta by Señor Moral—the assay, the inquiry of Castillero as to the assistance he desired, his petition, and the Junta's agreement to it; the approval of the agreement by the Supreme Government, and the failure to carry it into effect owing to the order of the Supreme Government of May 10th, 1846, directing the suspension of all payments from the public Treasury.

In the foregoing statement of the documentary and other proofs on which claimants rely to show the action by the

Mexican authorities in reference to the important discovery of Castillero, much evidence as to various handwritings, signatures, etc., has been omitted.

Enough has been set forth to show the nature and the force of the proofs offered in support of the genuineness of the documents exhibited.

It will be seen that these proofs do not consist of any one set of papers derived from a single office, the archives of which might have been falsified and the officials corrupted.

Each document is found in two and some in three distinct repositories. The borradores are produced from the offices from which the communications emanated—the originals from the offices to which they were sent—and in some instances the communications are, according to the Mexican custom, inserted in dispatches from the office to which they were originally directed, and those dispatches are found in the archives of the Ministry to which they are addressed.

All the papers are so intimately connected and complicated with each other, that it is almost impossible to suppose any one to have been fabricated unless the whole series be spurious. They are written in various handwritings, with a multitude of signatures, rubrics, etc., of well known individuals attached to them. The same document contains, in some instances, no less than four different handwritings—viz., that of the clerk who drew it, of the official who signed it, of the clerk who wrote the membrete and acuerdo, and that of the Minister by whom the latter was signed.

The writing is sworn to be that of clerks attached for many years to the offices from which the papers emanated. Their handwriting must therefore be well known, and a forgery of it could readily be detected.

When we consider the long series of forgeries, and the almost innumerable perjuries which must have been committed if these documents are not genuine, the crimes imputed to the witnesses are as appalling as the extent and almost endless ramifications of the conspiracy to commit them are incredible.

We must suppose that Professors in a National College, forsaking their scientific pursuits, have carefully fabricated false minutes of the proceedings of the Faculty of which they were members; that they have made a tedious and dangerous journey to sustain, by carefully prepared perjuries, the forgeries they had committed; and that they have had ingenuity and depravity enough to give to their statements the appearance of truth, by inventing circumstantial details as to the reception of the specimens, the assay made of them, their deposit in the cabinet of the College, and even the purport of the tickets or labels upon them, which as they state can be seen by any visitor to the College.

With regard to the Junta de Fomento, the forgeries and perjuries imputed are still more complicated and improbable. Not only must the various dispatches alleged to have been addressed by them to the Director of the College, and to the Minister of Justice, with the signatures of the President of the Junta and of the Secretary, the handwriting of the clerk who drew the marginal notes upon them, and the rubric of the Minister appended, have either been forged, or falsely sworn to have been written at their dates, but a series of *actas* which record the proceedings and resolutions of the Junta must have been fabricated, or extensively interpolated, and the rubrics of the members forged. And, as if reveling in supererogatory crimes, they must also have fabricated the borradores, or rough drafts, from which the clean copies of the minutes were made out—the existence of which would hardly have been suspected, and which it would naturally be supposed had been destroyed.

They must also have prepared a voluminous report to the Minister, in which has been inserted an account of these proceedings, precisely such as, if they had taken place, we should expect to find. The manuscript of this report, which is claimed to have been accidentally left among the private papers of the Minister to whom it was addressed, must have been forged, or the interpolated passages inserted in it, in a manner to defy detection. And they must also, at least as early as 1848, or in the beginning of 1849, before this case was presented or a tribunal constituted to decide upon it, have procured the same interpolations to be made in the printed report of the Minister Lafragua, read to the National Congress in December, 1846, a copy of which was in the hands of Mr. Benjamin at least as early as the fall of 1849.

After procuring these various forgeries and interpolations to be made, the claimants must have induced numerous witnesses to elaborate and swear to a series of perjuries—minute, circumstantial and plausible—the invention of which displays nearly as much skill and ingenuity as the testimony in regard to them, if false, discloses moral turpitude.

They must have succeeded in suborning, not merely a few nameless and obscure individuals, but numerous persons in high official and social positions; and especially Mr. de Bassoco, a gentleman venerable for his years, and respectable for the singular intelligence and amenity with which he sustained the protracted, acute, and most searching cross-examination of the counsel for the United States.

They must also have procured two ex-Ministers of Relations to perjure themselves, not merely by false testimony before a Commissioner in Mexico, but in Court, within our jurisdiction and subject to our laws, with a full knowledge that the Government alleged the claim to be spurious, and that no efforts would be spared to detect and punish those who were concerned in the supposed conspiracy to defraud it.

Again, this vast conspiracy, from its nature, could not have been successfully carried out without the complicity or connivance, not only of nearly all the officials in the various offices at the alleged dates of the papers, from the lowest probationary clerk or "meritorio," up to the Minister of State himself, but also of those officers employed when the forged papers were afterwards placed in the Archives, as well as of all those who still more recently have certified to their genuineness; and yet, from all these persons concerned in or cognizant of the crime, no whisper has been heard betraying the important secret. Mr. Black, the United States Consul, continues to attach his certificate to the papers without suspecting that he might be lending his aid to a conspiracy to defraud his own Government; and Mr. Forsyth, the United States Minister to Mexico, and for some time resident at the Capital, examines the documents at the various Ministries, and states that "they are found in the several offices where they appropriately belong, were produced by the officers having custody of them, and that he saw nothing whatever to cause him to doubt their being genuine originals."

But the proofs of the genuineness, in part at least, of the documents obtained from Mexico, are obtained from another and an unquestionable source.

Among those documents was found, as has been mentioned, the dispatch of Pio Pico, with the original letter of Castillero of December 10th, 1845, conveying to the Supreme Government the first news of the discovery. There was also produced a traced copy of the borrador of the reply of the Minister.

It is stated by counsel, that the reception of these documents from Mexico first suggested to them the propriety of instituting a search for evidence of the correspondence in the Archives in the Surveyor-General's office.

The search was accordingly made, and there was found the draft of Pio Pico's letter to the Minister, the original of the Minister's reply, together with a letter from Castillero, clearly referring to a previous one of the 10th December.

I am not aware that the genuineness of these documents produced from the Archives in this city is questioned.

It thus appears that the Archives from Mexico are corroborated on the only points where, from their own nature, they were susceptible of corroboration by other records.

The existence of the documents now relied on to establish the title of the claimants, at least as early as the spring of 1847, and prior to the date of the supposed forgery, is also shown by testimony adduced by the United States.

We have already seen, that in James Alexander Forbes' letter of May 5th, 1847, he alludes to "the possession of two sitios ordered to be given by the dispatch of Señor Castillo Lanzas."

In his letter of July 14, 1847, he speaks of the "two leagues conceded to Castillero and socios," and throughout his correspondence frequent and unmistakable allusions occur to the Lanzas dispatch, with reiterated expressions of distrust of its validity.

The same objections made to the document in 1847, are repeated and enforced up to February, 1850, long after the date of the alleged forgeries, but without the slightest intimation that during that interval a second Lanzas dispatch had been fabricated. The document now exhibited is open to all the objections, and liable to every criticism originally made, and so constantly repeated, to the document received by Mr. Forbes in 1847. He complains, in 1850, that his suggestions relative "to the attainment of the important document," explained in his memorandum left at Tepic, in 1849, have not been acted upon. He expatiates upon the insufficiency and discrepancies of the Castillo Lanzas dispatch; but he nowhere breathes a word of reproach or complaint that an abortive and absurd forgery had been committed, the only result of which had been to leave the title as "imperfect and ambiguous" as before.

Had such been the case, we learn enough of Mr. Forbes' disposition from this correspondence to feel sure that reproaches would not have been spared.

There is one other consideration, and it is the last to which I shall advert, which naturally leads us to infer, independently of the proofs, that some proceedings similar to those alleged to have been had, must have taken place in Mexico.

So far back as the Ordinances of 1783, quicksilver had been the subject of distinct and special legislation. The fact that it was indispensably necessary to the extraction of the precious metals, gave to it an exceptional character, and an ample and cheap supply of it had been recognized as essential to the development of the mineral wealth of Spain and Mexico.

It is unnecessary to recapitulate the various decrees and laws of those countries designed to promote the discovery and production of this metal. It is sufficient to say, that out of the public revenues of Mexico a part had been devoted to the formation of a fund called the "Fondo de Azogues," to be used in searching for and developing mines of quicksilver. On every quintal produced a bounty was paid, and to those who should succeed in producing a specified quantity per year, a large sum of money was to be given.

The hope of discovering rich mines of quicksilver within the Republic had led the Junta to institute expensive explorations in various parts of the country, and on all sides it seems to have been considered a national object of primary importance to liberate the Republic from its almost entire dependence on the mines of Almaden, from which the chief supply was obtained.

When, therefore, Castillero discovered a mine of which the "ley" surpassed in richness any that had previously been known, and when shortly afterwards he proceeded to Mexico, it is not conceivable that he should have neglected to inform the Junta of his discovery, and requested of it the assistance in the prosecution of his enterprise which it was one of the most important objects of its institution to furnish. That he would have desired the ratification of his mining possession, and especially a grant of two leagues, we may infer from the fact that he had already solicited a similar grant from the Governor of California.

That the Junta would have received the announcement with the utmost satisfaction, and zealously co-operated with him by recommendations to the Supreme Government, and aiding him by all means in its power, we might conclude even without any proofs of the facts; and proceedings similar to those alleged to have occurred, would have been the natural and almost inevitable consequence.

These proceedings may, it is true, have been interrupted by the breaking out of war and the alarming condition of public affairs; nor do the considerations last suggested authorize us to assume that the dispatch of Becerra, or that of Lanzas, were in fact written at their dates; but they justify the conclusion that the proceedings were initiated, and that the records of them produced from Mexico are at least in part genuine.

Having thus given an imperfect summary of the proofs offered by the claimants, I proceed to consider some of the objections urged on the part of the United States.

It is contended that neither Lazaro Piña, who is alleged to have carried the specimens of cinnabar to Mexico, nor Castillero himself, could have arrived in that city at the time indicated by the documents produced. If this be true, and an *alibi* can be proved as to those persons, we may well regard with suspicion documents found to be false in so important a particular. But the proofs offered by the claimants on these points are too clear to admit of doubt.

We have already had occasion to notice the letters addressed by Castillero while in this country to Gen. M. G. Vallejo, at the christening of whose child he had assisted, and who thus became his compadre.

In a letter adressed to Vallejo, and dated February 21, 1846, Castillero says: "By the brigantine schooner which brought these communications" [referring to communications spoken of in the preceding sentence of the letter] "we have received information," etc. "*This vessel sails shortly, and will carry communications of what has occurred lately. Myself or Piña will leave in it, or both together.* I am only detained waiting the arrival of the division which may touch here in a day or two."

In another letter, dated March 11, 1846, to the same person, he says: "Piña embarked on the 4th of this month in Monterey, and was dispatched in perfect order. He will travel post to Mexico."

These letters are produced by General Vallejo. He swears that they were received shortly after they were written. The signature and handwriting of Castillero are not disputed. If antedated, they must have been written by Castillero in Mexico, and sent on to Vallejo to be produced and sworn to by him—a supposition extravagant in itself, and disproved by the intrinsic evidence of the letters themselves, which contain allusions to passing events, and are couched in a style impossible to invent after the lapse of years.

In corroboration of this statement, the consular books of Mr. Larkin, then United States Consul at Monterey, have been produced. They are identified by Mr. Swasey, the consular clerk at the time. From these books it appears that the brigantine schooner "Hannah" was noted as about to sail for Mazatlan on the 4th of March, the day on which Castillero supposed she had actually sailed. It also appears that the Consul, desirous of sending dispatches to the United States, detained her three days, and a note in his memorandum book shows that she in fact sailed on the 7th.

Shortly after the sailing of the Hannah, becoming alarmed for the safety of Colonel Frémont, who was then encamped on the peak of Gavilan, and expecting an attack, Mr. Larkin sent by a special courier dispatches to Santa Barbara, in the hope of intercepting the Hannah at that port, and of having them conveyed by him to Commodore Sloat at Mazatlan.

That the Hannah arrived at Mazatlan on the 1st April, we learn from various sources.

1st. The "Diario Oficial," a newspaper published in the City of Mexico, contains in the number published on the 22d April, under the head of "Marine news. Mazatlan,—arrivals of vessels," a notice of the arrival at Mazatlan, on the 1st April, of "the American brigantine schooner 'Hannah' of eighty-nine tons, Captain Benjamin F. Thusum, and a crew of ten men."

2d. From a letter of Mott, Talbot & Co., merchants of Mazatlan, addressed to Mr. Thomas O. Larkin, and found among his papers since his decease.

This letter is dated "U. S. S. Portsmouth, 1st April, 1846," and informs Mr. Larkin that his letters have this moment arrived "per 'Hannah.'"

3d. Mr. Larkin's letter to Capt. Gillespie, a copy of which is found in his consular book, which Mr. Swasey swears to have written himself.

In this letter Mr. Larkin says: "Capt. Montgomery, of the Portsmouth, being under sailing orders (the 1st or 2d instant), was waiting at Mazatlan for the Mexican mail when Commodore Sloat heard *per brig Hannah*, of the situation of Capt. Frémont near St. Johns, and immediately dispatched the ship; she was twenty-one days from Mazatlan to Monterey."

4th. The positive statement of Mr. Swasey, clerk to Mr. Larkin, that the latter sent dispatches by the brig Hannah, in March, 1846, in consequence of which the Portsmouth came to Monterey.

These proofs leave no room for doubt as to the sailing of the "Hannah" from Monterey, in the early part of March, with Piña on board as a passenger, unless, indeed, we adopt the theory of the Government, and assume that the letter of Castillero to Vallejo is forged, and that the latter has committed perjury; that the notes of entries and departures in Larkin's consular book are also forged; that the letter of Mott, Talbot & Co., is forged; that the letter of Larkin to Frémont, of March 8th, as also his letter to Capt. Gillespie of April 23d, are forged; that a number of the "Diario Oficial," purporting to be dated April 22d, has been prepared and procured to be printed, and a false entry of pretended marine intelligence from Mazatlan inserted in it; and, finally, that Mr. Swasey, and probably Mr. Larkin's son, have committed deliberate perjury in swearing to the genuineness of the books and papers of the deceased Consul. All this we must assume on the faith of a single statement made by Captain Paty, of the bark Don Quixote, to the effect that "Don Andres Castillero and his servant (*Lazaro Piña, I think, was his name*), were passengers" on board his vessel, on her voyage from Monterey, in April, 1846. But, even supposing that Capt. Paty's memory is accurate, and that Lazaro Piña did not sail in the Hannah, but remained to accompany Castillero in April, it only proves that the latter was mistaken when he wrote to Vallejo from Santa Clara that Piña had embarked on the 4th March from Monterey. It may have happened, that in the three days during which Larkin detained the Hannah, something occurred to induce Castillero to countermand his orders to Piña, and to send his letters and specimens by another hand; for, it must be borne in mind, that proofs of the precise mode in which a few letters and specimens of ore were sent to Mexico fourteen years ago, cannot reasonably be exacted of the claimants. It is surely enough if they show that a vessel sailed about the time supposed, in which Lazaro Piña, or any other messenger of Castillero, might have been a passenger. If the United States contend that the letters and specimens were not and could not have been received in Mexico at the time indicated in the documents produced from that city, and therefore that those documents are false, it is for them to establish the fact.

It is also suggested that Castillero was not in Mexico at the time at which he is alleged to have presented himself before the Junta de Fomento.

The evidence relied on by the United States to support this assertion, consists of a publication in an evening paper in Mexico, of the 6th May, 1846, of the receipt by the Government at the last moment before the paper went to press of important intelligence from California. As this intelligence was undoubtedly contained in the dispatches sent by the vessel which carried Castillero, it is inferred that he could not have arrived in time to be present on the 6th at a meeting of the Junta; and therefore that the actas are false.

That Castillero might have reached Mexico in the first days of May, is evident from the fact that he left Acapulco on the 24th April.

As to the precise time at which the dispatches of which he was the bearer, or which had been sent by the vessel which conveyed him to Acapulco, arrived in Mexico, we have no means of ascertaining, except from the publication referred to.

The paper purports to have been published at 3 o'clock, P. M. of the 6th; as the dispatches were addressed to the Government, and not to the newspaper, it may be assumed that they were first delivered at the appropriate Ministry. What the diligence or energy of Mexican journalists may be, in obtaining the latest news, and how long an interval would probably elapse before they would possess themselves of the contents of a Government dispatch, we are wholly uninformed. That the news was communicated to the newspapers shortly after 12 M. of the 6th, may be inferred from the fact that it was in print at 3 P. M. It is not surely unreasonable to suppose that the dispatch reached the Government on the previous evening, or early on the same morning. I see no reason why Castillero might not, after delivering his dispatches, have presented himself to the Junta on the same day. It appears from the minutes of the session of the 4th, that having learned the result of the assay, the Junta had made a reply to Castillero, asking him what aid he required, Castillero would naturally therefore have presented himself to the Junta immediately upon his arrival; for, besides the invitation of the Junta, and his other reasons for expediting the business, he had engaged the master of the "Don Quixote" to remain for him at Acapulco on her return voyage. This Captain Paty testified he did. But after waiting at Acapulco from the 21st April to the 18th May, he received news that Castillero would meet him at Mazatlan or San Blas. He touched at those places, but heard nothing of him. The circumstance, apparently unimportant, that Castillero determined to rejoin the vessel at Mazatlan, and not at Acapulco, as originally intended, is in precise accordance with the arrangement alleged to have been entered into by him with the Junta, viz: that he was to receive the sum of $5000 in the form of a draft on Mazatlan.

The importance of this incidental corroboration is perhaps not great. It seemed, however, worthy of mention.

But with regard to the inferences sought to be drawn against the genuineness of the actas, from conjectures as to the probable time of the arrival of the dispatches in Mexico, it seems to me obvious, on any hypothesis, that those dispatches must have been delivered, and Castillero have arrived in Mexico, in time for him to present himself before the Junta on the 6th, as their minutes show.

From the foregoing, it appears that the evidence on the part of the United States is insufficient, not only to disprove, but even to raise a doubt as to the fact of the reception of Castillero's letters and specimens, or of his own appearance before the Junta at the dates mentioned in the actas of that body.

But it is objected that the documents produced from Mexico are not admissible in evidence.

This objection is based on the ground that all muniments of title are incident to the land, and pass with it as if a part of it.

That, therefore, all Archives of Mexico relating to the disposition of public lands in California, were included in the treaty and passed to the United States with the cession of the soil. It thus became the duty of the political power to execute the treaty with reference to the muniments, as well as the land, and until that is done, and the political power obtains those muniments and presents them to the Courts, the latter cannot judicially recognize their existence.

No authority directly in point has been cited in support of this position, but a vivid picture has been drawn of the possible evils which might result if adverse claims to the lands of the United States were allowed to be set up, founded on alleged public records existing in a foreign country, and proved by the depositions and certificates of foreign officials.

It will be seen that this objection would apply, although the genuineness and the sufficiency of the documents to convey title were undisputed. If a public and formal grant of a certain tract had been made, to establish which and to show the proceedings which led to it, evidence from the Mexican Archives were necessary—if the Congress had by law conveyed a title to an individual, of which the only evidence existed in the reports of committees and the journals of that body, the principle contended for would require the Court to reject all such documentary evidence, no matter in what way proved or authenticated; for they are to be rejected, *not* because their genuineness is doubtful, but because they *are* Archives and muniments of title to land.

It is admitted that, as a general rule, the right to muniments of title passes with the land, and he who owns the latter is owner of the evidences of his title to it.

But in the cases submitted to this Court under the Act of 1851, the inquiry always is,—who is the owner, the United States or a private individual?

The United States, in consenting to be sued, and in submitting her rights to the determination of Courts, has abdicated, *pro tanto*, her prerogatives as a sovereign, and appears before the Court precisely as any individual who asserts an ownership in land.

To say, then, that all muniments of title belong to the United States as owners of the land, and cannot be noticed by the Courts until commended to them by the Political Department of the Government, is to assume the very point the suit was instituted to determine; for the question is—does the United States own the land? The claimant avers that she does not, and never did, and in support of his claim he produces muniments of title which, on the very principle contended for, belong to him and not to the United States, for they are the muniments of title to his own land.

I cannot perceive, therefore, that the familiar doctrine of the common law, which regards title deeds as incident to the land, and as passing with it, has any application.

In the argument submitted by the counsel for the United States, the distinction seems to have been lost sight of between the political rights of the United States as a sovereign and her purely proprietary rights as an alleged owner of land, which are alone passed upon in this class of cases.

In defining the boundaries of the Territorial Sovereignty of the United States; in determining whether a particular tract is within the limits of a territory, the sovereignty of which has been ceded by treaty to the United States, the Courts must always adopt the construction given to the treaty by the Political Department (Elam *vs.* Neilson, 11 Peters R. 282). But when the United States consent to appear merely as a suitor in the Courts, and to litigate her rights with an adverse private claimant, the rights of both must be determined by the application of the ordinary rules which prevail in actions between private individuals.

It is remarked by the counsel for the United States: "If the Judiciary were authorized to say what land was intended to be transferred, and what papers as muniments of title and incidental to the land, it might designate land and accredit papers which the political department did not, and thus conflict might arise within the Government itself."

But this is precisely what the highest authority of the Nation has, by the law of 1851, enjoined upon the Courts to do. The very object of that law was, that the Courts *should* ascertain what lands passed to the United States by the Treaty, and what lands were private and did not pass. The question, by that law, was converted from a political into a judicial one, and no conflict could possibly arise, for the political and all other departments are by law required to be governed by the decision of the Court, which determines what is public land belonging to the United States, and what is private land belonging to individuals.

There is something repugnant to reason and justice in the idea that the United States, after consenting to appear as an ordinary litigant before the Courts, and submit her proprietary rights to their determination, should suddenly, in the midst of the suit, throw off her character as a mere party to a suit respecting the ownership of land, or rather, without ceasing to be such, should resume and assert her sovereign rights, and announce to her antagonist that evidences of title he offers, though genuine and conclusive, shall not be admitted by the Court unless presented to it through and by herself; while, at the same time she refuses to obtain them from the foreign Government, or to receive them if offered, or to present them to the Court if received.

Compared with such manifest injustice, the evils which might result from possible impositions practiced on the Courts by means of forged archives, etc., are insignificant.

I think the general objection to the admissibility of the documents because they are Mexican archives, not recognized as such by the political department of the United States Government, cannot be maintained.

Assuming, then, the documents from the archives of Mexico to be genuine and admissible, I proceed to consider their legal effect:

1. As to the alleged ratification of acts of the Alcalde Pico. This ratification is supposed, by the claimants, to be contained in the dispatch of Becerra to the Junta, of May 20, 1846, and in the marginal "acuerdo" on the letter of Vicente Segura, signed with the rubric of the same Minister.

The dispatch of Becerra announces, as we have seen, to the Junta, that "His Excellency [*i. e.* the President] has been pleased to approve, in all its parts, the agreement made with that individual [viz. Castillero,] in order to commence the working of said mine."

The "acuerdo" on the margin of Segura's communication is as follows: "Granted, in the terms which are proposed, and with respect to the land, let the corresponding order issue to the Minister of Relations for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition."

An "acuerdo," or order on the margin of a letter, petition or communication of any kind, is merely an expression of the determination of the Minister or other functionary to whom it is addressed, in regard to its subject matter. Its chief use was to direct the clerks or other subordinates in the preparation of the reply, or in taking other action with regard to it. If the proceeding has been interrupted after the "acuerdo" is affixed, but before the dispatch is written or title issued as directed, it may be regarded not unreasonably as a species of equitable title, or as sufficient, coupled with other equitable circumstances, to justify the party in asking the completion of the proceeding so initiated. But when the title has issued, or the dispatch been written in pursuance of the "acuerdo," when the latter has been submitted to the Minister, and approved and signed by him, the dispatch so approved and signed is the highest and best evidence, not only of the action of the Government in the premises, but of the true intention of the "acuerdo;" for, surely, no argument is necessary to prove that an official reply, signed by a public officer, is better evidence of his resolution with regard to a particular application, than a direction to his subordinates as to the form in which the reply is to be drafted.

Dismissing, then, the "acuerdo," or rather treating it as intending precisely what the dispatch prepared in obedience to it expresses, let us consider the true import and effect of the latter.

It will be observed that the dispatch of Becerra does not, in terms, profess to ratify any mining possession or grant, either of lands or of pertenencias. Nor does it announce that the President has been pleased to make any such ratification. It merely informs the Junta that His Excellency has approved an agreement made by the Junta with Castillero.

It is not pretended that any such agreement was, at that time, or afterwards, formally entered into between the parties. The propositions of Castillero are dated May 12th. The communication of the Junta is dated May 14th, and Castillero himself, in the preamble to the statement of his propositions, expresses his persuasion that the Junta will accede to his request "so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter."

From the communication of the Junta it is evident, that the authorization of the Supreme Government was necessary to enable it to furnish Castillero with the iron retorts and flasks belonging to it, as also to make him the loan he solicited of five thousand dollars, payable in quicksilver at one hundred dollars per quintal, and without the five per cent. premium per annum which the law required it to exact.

Until the approval of the Supreme Government of this proposed arrangement could be had, no formal contract could be entered into. It was, therefore, not until May 25th, and after the receipt of Becerra's communication approving the proposed contract, that the Junta resolved "that the proper judicial agreement be drawn up immediately, and that application be made for the draft for the five thousand dollars on Mazatlan or Guadalajara," as appears by the Actas of that day.

That the agreement was never so drawn up and executed is admitted; and on the 29th May an order was made for the payment of the Notary Calapiz "for proceedings relative to it," its consummation having been prevented by the order suspending all payments out of the quicksilver fund.

The language of the dispatch is, therefore, evidently inaccurate in speaking of the approval of the agreement *made* or "*convenio celebrado*" with Castillero. Its evident intention was to signify the approval by the Government of the agreement proposed to be made, and which the Junta had expressed its willingness and even anxiety to enter into.

What the agreement was, which, after the approval of the Government had been obtained, the Junta and Castillero had fixed upon and nearly consummated by a formal act before a Notary, we learn from the Report of the Junta of Nov. 17th, 1846, produced by Señor de Bassoco, and embodied in Mr. Lafragua's report in December of the same year.

In this report, the Junta, after giving an account of the presentation of cinnabar ore, etc., by Señor del Moral, of its assay, and of their inquiry of Castillero what aid he required, proceeds as follows:

"The Señor presented his petition in due form, and it having been very attentively examined by the Junta, he made his propositions, to which this Junta agreed, to wit: That there should be delivered to him five thousand dollars in money, eight iron retorts of those which the Junta ordered to be made for the examinations previously made, and all the quicksilver flasks it had in the negotiation of Tasco; Señor Castillero obligating himself, on his part, to repay said advance in quicksilver at the rate of one hundred dollars per quintal, within six months from his leaving the port of Mazatlan. This agreement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration of blockade made by the United States of the North, when he was about to receive the draft on Mazatlan, the Ministry issued the order of September 19th of this year, directing the suspension of all payments of the branch of quicksilver, except those for the support of the College and the expenses of the office."

In this account of the cause, and the date of the abandonment of the agreement with Castillero, the Junta are evidently inaccurate; for their own Actas show that the communication informing them of the blockade of Vera Cruz and Tampico, and directing the suspension of all payments for the extraction of quicksilver, was dated on the 27th May, and received by the Junta on the 28th; and on the 29th, the Notary Calapiz was paid for his proceedings in relation to the intended contract.

The communication of the 19th September ordered that the assets of the quicksilver fund should *continue to be used merely for the support of the College*, and it demanded a loan of twenty-five thousand dollars from the Dotal fund. This was strenuously opposed by some of the members, on the ground that the Dotal fund was the private property of the creditors of that fund. As these discussions occurred less than two months previous to the date of the report of the Junta, and were no doubt fresh in its recollection, and as the report was prepared in great haste, only eight days being allowed for the purpose, the Junta fell into the error of ascribing the breaking off of the negotiation with Castillero to the order of September 19th, instead of to that of the 28th May.

But with respect to the agreement made with Castillero, and approved by the Supreme Government, the report is very explicit. It sets forth the terms of that contract with a clearness which leaves no room for doubt as to what it was that the Supreme Government approved.

The agreement thus entered into embraced all the subjects upon which the Junta had authority to act. Nor can it be said that the approval of the Supreme Government was only required as to those propositions of Castillero which related to the ratification of his mining possession and a grant of two leagues, for we learn from the letter of the Junta that that body had no authority, without the approval of the Government, either to sell the retorts and flasks desired by Castillero, or to lend him a large sum without interest, to be repaid in quicksilver. But with the granting of lands the Junta had nothing to do, and whatever might have been the resolution of the Government on Castillero's seventh and eighth propositions, it would never have been communicated to the Junta in the form of an approval of an agreement into which they were supposed to have already entered.

Some stress has been laid on the use of the word "concedido," or "granted," in the marginal "acuerdo" of Becerra.

Had this word appeared alone, and been written on the margin of Castillero's petition, it might, perhaps, have been considered evidence that the whole prayer of the petition had been granted. But it is written on the margin of the Junta's letter, and clearly imports that its request was granted, viz., that the proposed agreement was approved, as is unequivocally shown by the official dispatch written on the same day, and in pursuance of the marginal order of the Minister.

We shall presently see that the petition of Castillero was for land, and not for additional mining pertenencias.

The acuerdo therefore adds:—

> "With respect to the land, let the corresponding order issue to the Minister of Relations, for the proper measures of his office, with the understanding that the Supreme Government accedes to the petition."

The corresponding order did issue—we have it in Becerra's dispatch to the Minister of Justice. The proper measures were taken in his office—we have them in his dispatch to the Governor of California; and from it alone can we learn what was done by the Government "with respect to the land" petitioned for by Castillero.

It has already been stated that the Act of Possession of the Alcalde Pico embraced two distinct objects: first, the judicial possession of a mine, with the number of pertenencias allowed by law—but how many, both the Alcalde and the parties seem to have been uncertain; secondly, a grant of a tract of land extending three thousand varas in every direction, as a "*gracia*" or gift to Castillero. The distinction between these two acts of the Alcalde is not only admitted but strenuously insisted on by the counsel for claimant, and it is contended that the first was legal and valid, while the second is conceded to be utterly nugatory and void.

When, therefore, Castillero asked that the Junta would recommend the approval by the Supreme Government of the possession which had been *given him* of the *mine*, in the same terms as those in which he then held it, he must have intended to ask either for a ratification of the possession of the mine, or for an approval of the grant of three thousand varas of land, or for both.

That he did not ask for three thousand varas to be given him as additional pertenencias, is admitted by one of the able and eminent counsel who argued the cause for the claimant.

In the printed report of his argument, he is asked by Mr. Randolph, of counsel for United States:

> "You argue, then, that the Junta, misunderstanding this document of Castillero's, supposed it to be for additional pertenencias, and as such recommended its confirmation?"
>
> Mr. Benjamin.—"Certainly."

But this was not the only error into which the Junta fell; for they not only supposed that Castillero was seeking additional mining pertenencias, and not merely a tract of land for his hacienda, etc., as well as two square leagues to supply wood for his burnings, but they supposed the three thousand varas so desired, would only amount to fifteen pertenencias, whereas they would amount to nine hundred. The Junta evidently supposed that Castillero solicited a tract three thousand varas long, and of the width of one pertenencia. As a pertenencia is two hundred varas in length, a tract three thousand varas long would comprise exactly fifteen pertenencias. They overlooked the fact that the tract was to be three thousand varas "*in every direction*," or six thousand varas square, making nine hundred pertenencias.

If, then, the Supreme Government had formally and unequivocally signified its assent to this recommendation of the Junta, and ratified the possession as represented by them, it may well be doubted whether in a Court of Equity it could be deemed to have ratified any more than a possession of fifteen pertenencias, which was all that Castillero, speaking through the Junta, demanded.

But the fact, that the Junta thought it necessary to devote so much time, and to suggest so many arguments, to induce the Supreme Government to ratify a supposed mining possession of fifteen pertenencias, justifies the supposition that had they known it to have comprised nine hundred pertenencias, they would probably have withheld their recommendation.

That both the Junta and the Supreme Government were willing to assist the enterprise of Castillero by every means in their power, is evident. Their object in so doing, was not to confer a favor on Castillero personally, but to promote the production of quicksilver in the largest quantities and at the cheapest rates possible.

The same policy would have forbidden them to give to a single miner nine hundred mines, of one pertenencia each, and thereby to exclude from so large a tract all miners who might otherwise have discovered and developed new mines in the vicinity, and increased the production and diminished the price of the metal the Government was so anxious to obtain.

It has appeared to me that the very considerations urged by the counsel of the claimant with regard to the policy and interest of Mexico in promoting the production of quicksilver, render it impossible that it could, consistently with that policy, have consented to a monopoly by a single miner of a mining tract of such enormous dimensions.

It is clear, therefore, that the Supreme Government could not have intended to ratify the possession of the three thousand varas as mining pertenencias.

But we have already seen that the approval by the Government of the agreement made by the Junta, is conclusively shown not to import a ratification or grant of any pertenencias or lands whatsoever; for the terms of the agreement so approved are disclosed to us by the Junta itself, and can be ascertained as exactly as if the formal instrument had been executed by the parties, the approval of the Government appended to it, and were now before us.

It does not appear that the Act of Possession of Pico was ever exhibited either to the Junta or the Supreme Government. If it had been, it would have disclosed the fact that the mine had been denounced and possession of it given, as on the lands of José Reyes Berreyesa. It would also have been seen that the Alcalde had assumed to grant a tract three thousand varas in every direction from the mouth of the mine, which must have included a large portion of the land of a private individual, even supposing that the mine itself might not have been within his limits. Adopting the obvious construction of the Act of Possession contended for by the claimants, and regarding that act, and the ratification asked for by Castillero, as referring to a tract of land and not to additional pertenencias, and assuming with the distinguished counsel for the claimants, that the Junta was mistaken in supposing that any number of additional pertenencias, whether fifteen or nine hundred, were asked for, we may well doubt whether the Supreme Government, if informed that this tract would in great part include private property, would have so readily made the grant. We have no reason to suppose that, as between individuals at least, rights of property are not as scrupulously respected and enforced by the Mexican as by other nations.

Again, it is contended that in addition to the grant of three thousand varas in every direction, made by the Alcalde and approved by the Supreme Government, there were also granted to Castillero two square leagues of land, to be measured in like manner from the mouth of the mine.

The mode adopted and the precautions observed by the Supreme Government in signifying its willingness that such a grant should be made, will hereafter be adverted to.

Our only concern with it at present is to observe, that on the claimant's theory, the Supreme Government first ratified a concession of six thousand varas square, or more than a league and a quarter in extent, and then issued orders for a further grant of identically the same land, with three-quarters of a league in addition. Its resolution with regard to the latter is formally and regularly communicated to the Governor of California, who was directed to take the proper steps to carry out the intention of the Government; while with regard to the former, its determination is supposed to be expressed in a declaration that it approves a contract, the terms of which we know, and which has no reference, nor could it have had, to grants of land; and the approval of which, if it could by possibility be construed to mean an approval of all Castillero's propositions, would import a grant of the two sitios, as clearly as it would import a ratification of the concession of the six thousand varas square.

But the dispatch of Becerra to the Minister of Relations informs us to what part of Castillero's petition the President thought proper to accede, in language too explicit to be misunderstood.

After transcribing his letter to the Junta, Becerra says: "And I have the honor to transcribe it to your Excellency, to the end that with respect to the petition of Señor Castillero, to which His Excellency the President *ad interim* has thought proper to accede, *that* there be granted to him two square leagues as a colonist," etc.

It is insisted by the counsel for the claimants, that the words "*that there be granted to him two square leagues as a colonist*," are descriptive of the petition of Castillero to which the President acceded. The observation is just. Such is no doubt the true construction of the dispatch, and it establishes beyond doubt, that in acceding to the petition the President meant only to accede to that part of it which asked for a grant of two leagues as a colonist, without expressing any resolution as to the application for a ratification of the concession of three thousand varas.

As, then, the supposed ratification is not contained in the approval of the contract of the Junta, nor in the acceding by the President to the petition for two leagues in colonization, it must be found, if at all, in the word "concedido" or "*granted*" in the acuerdo. But for the reasons given above, I am satisfied that no such signification can be attached to that word in the face of the dispatches written in pursuance of the acuerdo, and which embody and explain its meaning.

But if any doubt could remain as to the true intention and effect of the approval of the Junta's contract, it would be dissipated by the evidence afforded by the acts of the parties, of the construction placed upon it by themselves.

Throughout the whole negotiation for the purchase of barras or shares in the mine, conducted by Mr. Negrete on behalf of Mr. Forbes with Castillero in person, the latter, though urged to exhibit his documents of title, produces only the dispatch of Castillo Lanzas for two leagues. In the instrument of ratification the mine is spoken of as of three pertenencias in extent, and Castillero "cedes in favor of the contractors of supply (aviadores), and for the sixteen years of this contract, the two square leagues of land of which the Government has made him a concession, as shown by the official document which he presents, that it may be inserted at the end of the present instrument."

The Lanzas dispatch is accordingly copied in the instrument, but not the slightest allusion is made to any other grant of three thousand varas in every direction made by an Alcalde, and approved by the Supreme Government.

In all the transactions between the parties, the idea is but once suggested, that the approval of the Junta's contract with Castillero imported a ratification of the Alcalde's concession of three thousand varas.

It occurs in Alexander Forbes' letter to James Alexander Forbes of February 3, 1850. In that letter Mr. Forbes says:

"We think at present it may be the best plan to get an authenticated copy of the approval by the Mexican Government of the three thousand varas given by the Alcalde on giving possession of the mine. As a doubt may be started as to whether the Alcalde, acting as the Juez de Mineria, had a right to make this grant, yet, if approved by the Mexican Government before the possession of the country by the Americans, there could be no doubt on the subject. This takes in our hacienda, and *unless opposed by the Berreyesas*, would, I should think, settle the question. *Castillero says such an approval was given*, and that on his arrival in Mexico he will procure a judicial copy of it. *This is the plan we shall adopt*, if we hear nothing from you to alter this resolution.

"Since writing the foregoing, I have looked over your private letter to William Forbes, dated 18th October, in which you state the limits or boundaries as follows: 'The boundaries must be expressed as joining on the north and northwest by lands of the ranchos de San Vicente and de los Capitancillos; and the east, south and west, by Serrania or Tierras baldias.'

"Castillero is *not certain of accomplishing this latter plan*, but thinks the first, *that is the three thousand varas*, *the best.*"

It will be observed that this letter unmistakably discloses the "plan," which James Alexander Forbes had suggested and Alexander Forbes adopted, of obtaining fraudulent and antedated documents from Mexico expressing the boundaries of the two sitios, etc. No reliance can therefore be placed on the statement that Castillero said the approval was given.

But whatever he may have told Mr. Forbes, the approval and the agreement approved are before us, and we have already seen that they contain no allusion to any concession of land by an Alcalde.

The silence of Castillero during his negotiations with Mr. Negrete, is far more significant than any statement made four years afterward to Mr. Forbes; nor can it be said that at the time of those negotiations he was ignorant of the action of Government; for the Castillo Lanzas dispatch, then in his possession, and inserted at the end of the contract of ratification, recites the Becerra dispatch, which contains the approval of the contract. The parties were in Mexico; the public offices were accessible, and it would have been easy to ascertain what was the contract approved. That Castillero knew what that contract was cannot be doubted; and yet he and all the other parties, through a series of years, treat the dispatch as a concession of two leagues, but never suspect it to contain evidence of, or to be in itself, a ratification of the Alcalde's gracia, or gratification. Even so late as the date of Mr. Halleck's affidavit, James Alexander Forbes, with the notarial copy of the Lanzas dispatch in his possession, never seems to have imagined that the dispatch of Becerra inserted in it, and announcing the approval of the Junta's contract, constituted the ratification he so much desired of the Alcalde's grant of three thousand varas.

I think it clear, therefore, that the dispatch of Becerra cannot be construed to import a ratification of the action of the Alcalde, either in respect to the possession of the mine, or to the grant by him of three thousand varas.

As to the alleged grant of two leagues. It cannot be denied, that if the documents produced by the claimants be genuine, they show that Castillero presented a petition for two square leagues of land; that this petition was by the Junta de Fomento submitted to the Supreme Government; that the Junta was formally apprised by the Minister of Justice that the proper communication had been sent to the Minister of Relations, that suitable orders might be issued by him with respect to that part of Castillero's petition; that a communication was accordingly sent to that Minister, informing him that the President had acceded to Castillero's petition, and requiring him to issue the corresponding orders; and that the Minister of Relations, in pursuance of these instructions, transcribed the communication to the Governor of California, in order that in conformity with what the laws and dispositions on colonization provided, he might put Señor Castillero in possession of the said two leagues.

It is manifest that this dispatch of Castillo Lanzas does not by its terms grant the land solicited. It contains no words translative of title; it is not addressed to the supposed grantee, but to the Governor of California; it cannot have been intended to serve as a muniment of title to Castillero, for otherwise it would have contained formal words sufficient to vest the estate in him. It is merely an official communication addressed by one executive officer to another, which, for aught that appears, might as well have been sent to the Governor of California by a courier as by the hands of Castillero. It contains, however, an unequivocal official declaration that the President of the Republic had thought proper to accede to Castillero's petition, and an order to put him in possession conformably to the laws on Colonization.

The case thus resembles in some respects that of United States *vs.* Lecompte, 11 How. 124, where the claimant had obtained an order from the Lieutenant-Governor directing the Procurador del Comun to put him in possession, if in so doing no prejudice would result to third persons.

The petition solicited two leagues at the place called Llanacoco, to be located so as to include the entire prairie of that name. The Supreme Court held that the order of the Lieutenant-Governor could not be construed to signify an absolute unconditional grant of any specific land; and, as it was never presented to the Procurador, and the land had never been severed from the public domain by that officer, and no occupation was shown which could supply the deficiency by giving certainty and definiteness to the claim, it was rejected.

If the reasoning of the Supreme Court be attentively considered, it will be seen that they refused to treat the order of the Lieutenant-Governor as an absolute grant, for two reasons: 1st. Because it directed the petitioner to be put in possession, "if in so doing no prejudice could result to third persons," and the matter was referred to an officer, to whom the duty was confided of ascertaining the means, etc. of the petitioner and "judging of the propriety of the grant." And 2d. Because the land was not severed from the public domain by the description in the concession, or by an authorized survey, or by any definite occupation.

It may, I think, be inferred from the whole opinion, that if the concession had described any tract which could be identified, and the petitioner had occupied it, the claim would have been confirmed, notwithstanding the omission to present the order to the Procurador. In the case at bar, the Governor is ordered to put the petitioner in possession "in *conformity with what is prescribed in the laws and dispositions on colonization.*"

The 2d article of the law of 1824, declares that "those lands of the nation, which are not the property of any individual, corporation or town, are the subject of this law, and may be colonized."

The first step to be taken by the Governor, in execution of the order, would have been to ascertain whether the land was within the colonization law—that is, whether it was the land of the nation, or belonged to any private individual; precisely as the Procurador was to ascertain whether by putting the petitioner in possession, any injury would result to third parties.

To construe this dispatch as an absolute grant of a specific tract, we must suppose Castillero to have practised on the Government a gross fraud, either by concealing or misstating the facts. For, even admitting that he had reason to believe that the mine itself was not within the limits of Berreyesa, he must have known that a tract of two leagues measured in all directions from the mouth of the mine, would certainly have included a portion of his land.

The counsel for the claimants, feeling, no doubt, the force of this objection, suggested that it was intended that inquiry should be made by the Governor, and the two leagues were to be located in such a way as not to include private land. But this admission proves that the duties to be performed by the Governor, were exactly those asigned to the Procurador del Comun, in the case referred to; and if the order to put in possession was not a grant in that case, neither can it be so considered in this.

The case at bar is, in some respects, stronger than that reported; for here, the order was addressed to the Executive of a Department to whom, by the laws, in conformity to which the order was to be executed, it belonged to issue the formal title for the land, while the functions of the Procurador were merely to inquire into and report the circumstances of the petitioner, and to mark off and sever from the public domain the land granted.

Had the Governor and Departmental Assembly, in ignorance of the application of Castillero, and the action of the Supreme Government upon it, regularly granted the same land to another person, in strict conformity with the colonization laws, I cannot doubt that his title, though subsequent in date to the dispatch of Lanzas, would have prevailed; and on the reception of that dispatch the Governor would either have refrained from executing it at all, or would, more probably, have allowed Castillero to take his two leagues out of the nearest body of ungranted land.

In the very ingenious brief filed by the counsel for the United States, it is observed:

> "The theory of government for the Mexican Territories or Departments was, that all the powers of government were exercised immediately by the local Political Chief or Governor, through whom the will of the Supreme Central authority at the City of Mexico was transmitted, and by the action of which functionary, and not otherwise, it became operative on persons and things. It was a government of governments—the plan which Spain established in the beginning for the government of the Indies, and which Mexico continued to this extent without a change. Its model was the organization of an army. It was the same whether the Sovereign's will was expressed in the form of a general law, or some particular disposition like a grant; all were alike instructions to an inferior officer. They were not binding on him until known, nor effective until obeyed—until he had done or suffered another to do that which was required.
>
> "The local representative of the National Sovereignty was invested with all the active powers of Government in this Department. He, alone, could manifest the grantor's will, and from Mexico no more could come than the impulse which should move him to act. In these titles, nothing was done here, even the mining title being an original grant in Mexico. The local representative has never acted, and therefore there has been no expression of the grantor's will."

In this lucid exposition of the general theory on which the vast governmental machinery of the ancient Spanish monarchy, and measurably that of Mexico, were constructed, I entirely concur. But if it be argued that because the will of the Sovereign was ordinarily communicated to and executed by subordinate agents, he had no power himself directly to act upon persons and things without the intervention of the local authority, I cannot assent to the conclusion; for the will of an absolute sovereign can be manifested in whatever form he may choose to adopt; and had the King of Spain seen fit to make, under his own hand and seal, a grant to a subject in a remote province, I cannot suppose that the royal patent in the subject's hands would not have been respected by the subordinate authorities, notwithstanding that the title had been transferred, and the grant consummated without their intervention.

Nor is it certain that the order of the Sovereign to a subordinate to make a grant to a subject, or do any other act in the performance which he is interested, is a mere nullity, until known to and obeyed by the inferior officer.

If, as is admitted, the impulse which moves the subordinate to act, rightfully proceeds from the central authority—if the subordinate has no discretion in the premises, but must obey, and his duties are purely ministerial and executive, it would seem that the sovereign disposition which required him to act, cannot be regarded as a mere nullity, even though never in fact obeyed.

Such, I understand to have been the ruling of the Supreme Court in a recent case, where an order to the Governor that a particular island should be assigned to an individual was held itself "to adjudicate the title;" the formal issuing of the title papers being a merely ministerial act to be performed by the Governor.

It is true, that, in that case, the order was received and obeyed and the title issued. But, the language of the Supreme Court is explicit, that the dispatch "operated of itself *to adjudicate the title to the claimants.*" This case will be more fully considered hereafter.

But whether a notice of the *superior will* must have been given to the local representative of the Government, and that will must have been obeyed before it could affect the rights of persons, or the condition of things; or whether, as seems to be considered by the Supreme Court, the sovereign disposition, though unknown to, and unobeyed by, the local authority, had an immediate and independent operation, it is clear that by the uniform practice of the Spanish and Mexican Governments, the dispositions of the sovereign authority always contemplated the instrumentality of the local subordinate.

If, therefore, in this case the Government had known that the tract solicited was public land, and that no objection whatever existed to making the grant, it would have been a signal departure from its ancient and established practice to issue the grant directly to the applicant.

In treating, then, this dispatch as an order to make a grant, we suppose the Government to have conformed to its immemorial and traditional usages. While to consider the dispatch as itself conveying the title, and containing merely an order to the Governor to put the claimant in possession of land already granted to him by the direct act of the Supreme Government, is to suppose the latter to have adopted an exceptional mode of proceeding, inconsistent with that pursued in the Islands case, and with the theory on which the whole system of Government was organized.

For these reasons I cannot regard the dispatch of Lanzas as a direct grant of the two leagues referred to.

Taking this view of the dispatch, we can account for the very explicit declarations of the Mexican Commissioners, that no grants had been made of land in California subsequent to May 13, 1846.

For, even if their researches had extended to the official correspondence Ministers of Relations who had held office from the date of the declaration, and they had discovered the dispatch of Lanzas, they regarded it but as an order to the Governor to make a grant, which they knew could never have been acted on. The truth of their declarations, therefore, to the American Commissioner, is thus entirely consistent with the genuineness of the documents, while, if the dispatch be considered to import an absolute and present grant, we are driven to choose between two alternatives—one, that the Commissioners were guilty of a deliberate falsehood—the other, that the dispatch itself is a forgery.

But the dispatch, though not itself a grant, is, nevertheless, evidence that the Supreme Government acceded to Castillero's petition; and it is, at least, an order that a grant should be made to him by the Governor of California, in conformity with the colonization laws, *i. e.* if the land were vacant and no other insuperable objection existed.

Giving, then, this construction to the dispatch, let us consider its legal effect—and here we are fortunately not without authority to guide us.

In the case of Andres Castillero vs. The United States, for the Island of Santa Cruz (23 How. 464), the claimant relied on a dispatch of the Minister of Interior, in many respects resembling that of Castillo Lanzas.

In that dispatch the Minister informs the Governor, that in consideration of the services and merits of Castillero, the President directs him (the Minister) "to recommend Castillero very efficaciously to your Excellency and the Departmental Junta, in order that before proceeding to the distribution which should be made conformably to the laws, and as is directed in the order of this date, of the lands of the islands adjacent to that peninsula, there be assigned to that individual the one which he may select of those nearest to the place where he should reside with the troops under his orders."

It will be noticed that the terms of this dispatch are not in some respects so strong as those of the dispatch of Lanzas.

It is not said that the President has acceded to a petition for any particular island or tract of land. Castillero is merely "recommended very efficaciously to the Governor and the Departmental Junta," and this recommendation is made in order that there be "*assigned*" to him the island he may select, etc.; contemplating, evidently, the execution and delivery by the Governor of the formal title for the island so selected. In the Lanzas dispatch the President's assent to the petition is communicated to the Governor, "in order *that he may put Castillero in possession* of the land"—an expression which has afforded room for the construction that no further title paper was designed to be issued.

In the Santa Cruz Island case, the Supreme Court held that "the dispatch of the Government operated to adjudicate the title." Its language is:

"They [the Governor and the Junta] were accordingly directed not to proceed to make adjudications under the previous order until the assignment of the title to this claimant was perfected, but they were *not required to make the assignment or to cause it to be made.*

"To accomplish that purpose, and to carry into effect the command of the President, two things only were necessary to be done; one was to be performed by the claimant, and the other was a Ministerial act. It was the claimant who was to make the selection, and if it was a proper one, near the place where he was stationed with his troops, nothing remained but to make the assignment as described in the dispatch. Emanating as the dispatch did from the supreme power of the nation, *it operated of itself to adjudicate the title to the claimant, leaving no discretion to be exercised by the authorities of the Department.* Neither the Governor nor the Assembly, nor both combined, could withhold the grant after a proper selection, without disobeying the express command of the Supreme Government. *Nothing, therefore, remained to be done, but to issue the title papers, and that was the proper duty of the Governor as the Executive organ of the Department.*"

This language would seem too clear for misconstruction. It seems to me an express decision, that an order of the Supreme Government directing the Governor of a Department to make a grant, operates to adjudicate the title to the land specified. It could not, however, have been meant that the order itself was an absolute grant; for it is evident that the formal grant was to be made by the Governor, and besides, it did not refer to any particular island, but to such island as Castillero might select; and it was only after the selection was made and found to be a proper one, that the title attached to any particular piece of land.

If such were the effect of the order of Pesada, I am unable to perceive why the Castillo Lanzas dispatch must not be considered to have had a like operation. The direction in that dispatch to the Governor to put Castillero in possession in conformity with the laws and dispositions on colonization, confided no more discretion to him than the duty of seeing that the island selected was a proper one, confided to the Governor in the case before the Supreme Court; and if the issuing of the title papers in that case was a "merely ministerial act," to be done in respect of lands, the title of which had already been adjudicated to the claimant, the same view must be taken of the action, which, construing the Lanzas dispatch least favorably for the claimants, Governor Pico was in this case ordered to take.

It is contended that the President of Mexico had no authority to make the order for a grant contained in the Lanzas dispatch.

But, 1st, it is apparent, both from the action of the Supreme Government in this case, as well as in that of the islands on the coast, that it exercised the power.

The presumption, therefore, arises, that it had the authority it exercised. " The public acts of public officers purporting to be exercised in an official capacity, and by public authority, are not to be presumed to be usurped, but a legitimate authority previously given or subsequently ratified, which is equivalent." —The United States vs. Arredondo, 6 Pet. 728.

2. The Colonization Law of 1824, while it enjoined upon the States of the Confederation the duty of making laws or regulations for colonizing within their respective limits, committed the whole subject of colonization in the territories to the Supreme Executive.

The 16th article of that law provides, that "the Executive shall proceed in conformity with the principles established to the colonization of the territories."

In pursuance of this authority the Supreme Executive in 1828, framed the regulations which prescribed the mode in which the colonization of the territories should be effected.

It was from the dispositions thus made by the Supreme Executive, that the Governor and Junta in the Territory of California derived all their powers with respect to the granting of land.

Had the President seen fit to confide the authority to grant, either to the Governor alone, to the Prefects of the Partidas, or to local Commissioners, he might have done so, or he might have retained it exclusively to himself.

The regulations, in fact, provided that concessions made by the Governor should not be definitively valid unless approved by the Departmental Assembly; and, in case its approval was not obtained, the Governor was to report to the Supreme Government for its decision.

Grants made to "empresarios" were, by the 7th regulation, not to be held as definitively valid until the approval of the Supreme Government was obtained.

It thus appears, not only that the authority of the Governors with respect to colonization was not immediately conferred by any law of Congress, and owed its existence to discretionary regulations of the Supreme Executive, but that by those very regulations the Executive reserved to itself an important part of the granting power. After the adoption of the Central System, and the division of the whole Republic into Departments, the right to dispose of all the lands belonging to the nation seems to have been confided to the Supreme Executive. The law of 1837 gave to the President authority to sell or pledge them, and by his decree of 11th March, 1842, other important and fundamental changes in the colonization laws with regard to foreigners were made by General Santa Anna.

It is said that by making a grant directly to an individual, or in directing the Governor of a Department to make one, the President violated an existing law, which even an absolute monarch cannot do; for he may abrogate or modify the law, yet while it remains unrepealed he cannot violate it.

The general principle is admitted, but its application to this case is not perceived.

That the President, by the law of 1824, could have reserved to himself the whole right of making grants in the territories, has already been shown. Such a disposition, though not in accordance with the ordinary policy of the Spanish and Mexican Governments, which intrusted the administration of local affairs to local subordinates by whom the orders of the Supreme Government were carried into effect, would, nevertheless, have been legal and within the limits of the discretion confided to the Executive by the law of 1824.

This power he still retained, notwithstanding that he had framed general regulations on the subject for the guidance of the Governments of the Territories; for those regulations were the mere creature of the President, and could not deprive him or his successors of the general powers given him by law, or of the right to act directly in special cases by making the grant himself, or by ordering the Governor to do so.

The Governor of a Department had no power to grant lands by virtue of his office, or conferred on him as such by law.

All his authority to grant was derived from the regulations of the Executive, of whom he was but the agent and the instrument. He was at all times subject to executive instructions, and the President might at his discretion withdraw any lands from colonization, prescribe new qualifications for grantees, or in any other manner modify the Governor's authority with respect to grants, or direct him as to its exercise.

That he did so interpose with regard to certain Mission lands which the Governor and Assembly were about to grant is well known, and this Court has decided grants in violation of the order of the Executive to be invalid. The islands cases and the case at bar furnish additional instances of the exercise of the same power.

I confess myself unable to understand how a grant by the President, still less an order to his local subordinate to make a grant, can be deemed such a violation of the law as no absolute monarch could commit, or indeed any violation of law whatsoever.

3d. The question is decided by the Supreme Court, in the case which has been referred to.

If the Supreme Government had power to direct the title papers to be issued, and the dispatch operated to adjudicate the title in that case, it must be deemed to have possessed the same authority, and a similar operation must be attributed to the dispatch in the case at bar.

But it is urged that a distinction should be drawn between the cases, on the ground that islands on the coast were not within the colonization law of 1824, and therefore might be granted directly by the Supreme Executive, but that he had no authority to act in relation to lands embraced within the provisions of that law, except in obedience to it, and in conformity with the regulations of 1828.

It has already been shown that under the Colonization Law the President had authority either directly to grant or to order the Governor to grant public lands in the territories. But his power to grant islands was also derived from the same law, and in making the grant of the island of Santa Cruz, the validity of which has been affirmed by the Supreme Court, he acted in strict obedience to it.

It will also be seen that the judgment of the Supreme Court is not based on the supposed existence of any authority in the Executive not derived from the law of 1824; and also that his right to repeal or modify at his will, in a particular case, his own general regulations which imposed rules on the subordinate local authorities, is impliedly recognized in the decisions referred to.

The 4th article of the law of 1824, provides that "the lands embraced within the twenty leagues bordering on any foreign nation, or within ten leagues of the seacoast, cannot be colonized without the previous approbation of the Supreme Executive power."

As by the previous section of the law, the Congresses of the various States were directed to enact laws and regulations for colonization within their respective territories, while by Art. 16 a similar duty was enjoined upon the Supreme Executive with respect to lands within the territories, it is obvious that the 4th article was intended chiefly to restrict the power of the States rather than that of the Executive, whose assent to the grant was all that was required.

In the case of the United States *vs.* Arguello (18th How. 548), it was held by the Supreme Court that the "colonization" spoken of in the 4th article must be construed to mean colonization by foreigners, and not the distribution of lands to individuals and families.

The power of the Governors of California to grant lands within the ten littoral leagues might perhaps have been sustained, even if the 4th article be construed to apply to grants to individuals, on the ground that the absence of any express prohibition in the regulations, and the constant exercise of the power with the full knowledge of the Supreme Government, authorize the presumption that the approval required by the 4th article was in fact given.

However this may be, it is clear that the Governors of California did not assume to grant the islands on the coast without the previous permission of the Supreme Government. Application for such permission was accordingly made, and it was finally communicated to the Departmental authorities in the dispatch of Pesada of July 20, 1838.

When, therefore, the President ordered a grant of an island to be made, which order the Governor obeyed by issuing the title papers, the grant was in strict conformity with the Colonization laws.

For that law confided to the Supreme Executive, as has been observed, the whole subject of colonization within the territories, nor did it impose any limits on the exercise of his discretion, except that the colonization was to be conducted according to the principles established by the law.

Those principles were of a general character, and fixed nothing as to the particular agencies or mode to be adopted in conferring the title upon the colonist.

In the case of lands within the ten littoral leagues, the law itself forbade their colonization without the previous approbation of the Supreme Executive power. The general regulations, therefore, by which the Supreme Executive authorized the Governors and Juntas of the Departments to grant public lands, were never construed to authorize them to grant the islands on the coast, and as observed by the Supreme Court, the power to make such grants was neither claimed nor exercised by the Departmental authorities prior to the 20th day of July, 1838, when the "previous approbation of the Supreme Executive" required by the law was communicated to them.

That approbation having been thus obtained, the Departmental authorities proceeded to grant; and in so doing, acted in precise conformity with the Colonization laws.

It had appeared to this Court, that the effect of that dispatch was simply to communicate to the Departmental authorities the assent of the Supreme Executive that the islands should be granted, and thus to bring them within the general regulations which prescribed the mode in which all grants should be made.

Those regulations required the concurrence of the Departmental Assembly to give definitive validity to the grant by the Governor; but inasmuch as the Supreme Court had decided that even without the concurrence the grant was valid, unless the grantee's rights had been forfeited by abandonment, it seemed to me that a similar rule should be observed with respect to the grants of islands which by the previous assent of the Supreme Executive had been brought within the general regulations.

This view, however, the Supreme Court decided to be erroneous, and held that the dispatch prescribed a new rule on the subject, and that the general regulations did not apply to it. The mode of granting indicated in the dispatch of Pesada was, therefore, to be strictly followed, and inasmuch as the Departmental Assembly had not concurred, the grant to Osio was adjudged to be void.

But the reversal of the decision of the District Court on this point, in no way shows that the Supreme Court did not consider grants of islands, when made in pursuance of either the general or special regulations of the Executive, as not made under the Colonization law.

On the contrary, it appears to me manifest, that neither in the case of Osio, nor in that of Castillero, do the Supreme Court base their decision on the idea that grants of islands were not within the Colonization law of 1824; but that they reject the first claim, because in their opinion the grant was not made in the manner prescribed by the Executive, to whom that law committed the whole power over the subject, and they confirm the second claim because the Executive instructions were followed. It is explicitly stated in the opinion that "it is immaterial whether or not the power to grant the islands on the coast was vested in the Governor" (*i. e.* by the General Executive regulations of 1828), for the effect of the dispatch "was to repeal the previous regulations on the subject, and to substitute a new one in their place."

As this power of making regulations with respect to colonization in the territories was conferred, in terms, on the Supreme Executive, by the Colonization law, and was precisely that which it exercised when the general Executive regulations of 1828 were framed, I confess myself unable to perceive how a grant of an island on the coast, made in obedience to Executive instructions, was not, in every respect a grant under the Colonization laws, nor can I discover any foundation for the distinction attempted to be drawn between the case at bar and that of the island of Santa Cruz. The lands, in both cases, were open to grant under the general law; and even, if the granting of the islands on the coast to individuals be considered to be embraced within the provisions of the 4th Article, and that grants of lands within the littoral leagues were not, the only distinction between the cases would be, that in one the previous assent of the Executive was necessary, while in the other it was not. Each, when regularly granted, must be held to have been granted under the Colonization laws. When, therefore, in the Santa Cruz Island case, the Supreme Court held that the dispatch of the Minister ordering one of the islands to be assigned to Castillero "operated to adjudicate the title," the same construction must be given to the dispatch in this case, which states that the President has acceded to a petition for two leagues, and orders the Governor to put the petitioner in possession.

As, then, the Lanzas dispatch "operated to adjudicate the title" to the claimant, he must be held to have acquired an inchoate title, which, if founded on such equitable considerations as would have bound the former Government to complete it by issuing the formal title papers, this Government is equally bound to respect.

Had the claimant been an ordinary colonist, and relying on the action of the Supreme Government on his petition, settled upon and occupied the land, building a house upon, and cultivating it, and had the United States found him in the enjoyment of an undisputed possession, it cannot, I think, be doubted that his possession would have been undisturbed and his title confirmed, even though he had neglected to obtain from the Governor the formal grant.

But no such possession was taken in this case, nor was the concession received in California or even known to have been made, until after the subversion of the Mexican authority.

The question therefore arises: Were there any antecedent equitable considerations on which the concession was founded, such as would have bound the conscience of the Mexican Government to perfect it?

That an antecedent consideration, such as the patriotic and public services of the grantee, is one which a Court of Equity cannot disregard, has been expressly decided by the Supreme Court.

In the case of Frémont *vs.* the United States the Court says:

> "The grant was not made merely to carry out the policy of the colonization laws, but in consideration of the previous public and patriotic services of the grantee; and although this cannot be regarded as a money consideration, making the transaction a purchase from the Government, yet it is the acknowledgment of a just and equitable claim, and when the grant was made on that consideration, the title in a court of equity ought to be as firm and valid as if it had been purchased with money on the same conditions."—17 How. 558.

If, then, antecedent considerations of this nature are to be looked to, in determining whether the former Government was under any equitable obligation to perfect the title of the claimant, it is perhaps not easy to imagine a case where the merits of the petitioner and the consideration rendered by him for a small tract of land in a remote department could be greater.

The immense value of the discovery he had made to the great mining interests of Mexico, need not be dwelt upon. Our own experience in California enables us at once to appreciate how indispensable is an ample and cheap supply of quicksilver to the development of mines of the precious metals. But to Mexico the discovery was, as justly observed by one of the counsel for the claimants, "the unsealing of a hidden fountain of wealth, as precious to her as the rains and dews and living streams are to the nations that live by tillage."

For years it had been the policy of Mexico to stimulate explorations for, and to encourage the working of, quicksilver mines. By the laws of February 20, 1822, and 7th October, 1823, which imposed duties on gold and silver, quicksilver was expressly exempted from contribution.

In 1842, the Junta de Fomento was established, and empowered "to fix the mode in which the working of quicksilver mines was to be supplied, rewarded, stimulated and protected."

By the decree of May 24th, 1843, rewards of $25,000, and of $5 per quintal, were promised to successful miners; and by the decrees of July 5th and September 25th of the same year, the Junta was empowered to work, to supply and protect quicksilver mines, and to cause researches for them to be made throughout the Republic.

When, therefore, Castillero announced the discovery of a mine surpassing in richness that of Almaden in Spain, upon which Mexico had so long been dependent, and desired a grant of two leagues in a department where land was commonly distributed gratuitously in tracts five times as large, he had equitable claims upon the Government far surpassing "the public and patriotic services of Alvarado," which the Supreme Court declares to have been an equitable consideration, as strong as if the grant had been purchased with money.

Compared with the service rendered and about to be rendered to the Mexican nation by Castillero, the consideration on which the ordinary colonization grants were founded was insignificant; for that consideration merely consisted in building a house, cultivating a few acres of an immense tract, and suffering wild cattle to roam at will over the remainder.

The fact that he was working the mine showed that Castillero had already effected a settlement upon the land, and its further development insured an accession to the population of the country far greater than could have been obtained by any other disposition of the public domain.

The purpose for which he sought the land, apprised the Government that it was of a kind not usually fit for cultivation, for it was required to supply wood for his burnings. In thus assisting his enterprise, the nation had as great an interest as Castillero himself, for it was the attainment of an object to which their attention, their efforts, and no inconsiderable portion of their revenues had long been devoted.

It has appeared to me that all these circumstances constitute an equitable consideration for the inchoate title or concession obtained by Castillero, and that they were sufficient to create an equitable obligation on the former Government, and therefore, on this, to complete and make good the inceptive rights he had acquired.

It is urged by the counsel for the United States, that even if the Castillo Lanzas dispatch be considered a grant, it nevertheless is void, because no possession of the land was given before the 7th of July, 1846, when the Mexican authority in California was subverted, and the United States acquired the land by the adverse title of conquest.

It is not denied that, as maintained in the brief of the counsel for the United States, in questions of prize or no prize, the liability of the property captured to condemntion depends upon the fact whether the possession and actual control of it have passed from the hands of the enemy to those of a neutral.

Nor is it questioned that, where territory is ceded by one Sovereign to another, the nationality of the inhabitants of the ceded territory is not changed until the stipulations of the treaty are executed by a formal delivery given, and by possession taken.

It is also admitted that, by the Roman law, and by most systems of jurisprudence, the property in a thing cannot be transferred without a delivery of the possession of the thing, either actual, or feigned and constructive; and that ordinarily, he who first obtains possession shall hold the thing even as against a prior purchaser, to whom it has not been delivered. In the transfer of land the same principle prevailed at the common law, and a symbolical delivery of the land, or livery of seizin, was indispensable to render a feoffment operative.

This, however, is now unnecessary in conveyances under the statute of uses.

In the grants made by the Governors of California, we accordingly find that "the judicial delivery of possession by the corresponding judge" was always contemplated. This proceeding would seem to have been designed for a double purpose: 1st. To complete the transfer of the property, by a formal delivery or tradition of the thing, thus adding the *jus in re* to the *jus ad rem;* and, 2d. To designate and sever from the public domain the tract granted by measuring its extent and establishing its boundaries.

Whether, if the boundaries are distinctly designated in the grant, the judicial delivery of possession was in strictness necessary to complete the right of property in the grantee, may be doubted; for at common law the King's grant was held to import livery of seizin, and the same principle is said to prevail at the civil law.

But whether technically necessary or not, it is settled by the decisions of the Supreme Court, that the want of a judicial delivery of possession is no obstacle to the confirmation of a grant of lands in California.

The occupation and settlement which, in the Louisiana and Florida cases, were considered to constitute the true grounds of the claimant's equity, were required by the Supreme Court to be shown, not because the technical rule required a formal delivery of possession to complete the transfer of the right of property, but because the petitioner, by occupying and cultivating his land under an inchoate title, and an implied promise of a grant, had rendered to the former Government a consideration which bound its conscience and that of its successors to perfect the title.

The question then, in this and other cases, is not whether a formal and technical delivery of possession has been made, but whether a consideration has been given for the grant, either antecedent by public services, the payment of money and the like, or subsequent, by occupation, settlement, etc., which in equity required the former Government to convert the inchoate title actually obtained into a perfect title. If, at the acquisition of the country, the conscience of the former Government was bound by this obligation, it is equally binding upon us; and the claimant, whether a resident or a foreign Mexican, has a right of property which the United States have agreed by the Treaty to respect.

Whether the consideration rendered, and the equitable claims on the bounty of the Mexican Government possessed by Castillero, are sufficient to create such an obligation, is a question which, perhaps, depends rather on the spirit in which his claims are looked upon, than upon any definite rule of law. It has appeared to me, as before stated, that the consideration rendered by him to the Mexican Government, did not merely constitute a claim upon its bounty; but that when he had obtained the assent of the Supreme authority to a grant of a specific tract of land, when orders had been issued to make him a grant and to put him in possession, the execution of which was prevented solely by the outbreak of war, the inchoate title so obtained ought to be respected by the United States.

But if the fact of possession and occupation be insisted on as indispensable, it is to be remembered that the land solicited and ordered to be granted to Castillero, was two leagues "on the land of his mining possession."

It is not disputed that early in December, 1845, he had occupied and worked the mine.

Possession of it had been given to him by the Alcalde, in a loose and informal manner, it is true, but still sufficient to give an official sanction to his occupation, more than six months before the conquest of the country; and from December, 1845, he and his assigns have continued to hold it. As, then, the mine was within the two leagues solicited, and as he had already taken possession of, and was working it, he may, perhaps, be considered, after the order of Lanzas was issued, to have been in possession of the lands referred to in that order.

In no cases was any other possession taken by the Californian rancheros of the large tracts—sometimes eleven square leagues in extent—granted to them, than by building a rude house of adobe, cultivating a small portion of the land, and stocking the remainder with a greater or less number of wild cattle or horses.

I am aware that in this view of the claimant's equities, I have the misfortune to differ from the Circuit Judge.

But on the best consideration I have been able to give to the subject, it has appeared to me not only warranted by the decisions of the Supreme Court, but in accordance with the dictates of the enlarged, and, so to speak, generous justice which should animate a great and a conquering nation in dealing with the rights of the vanquished.

But it is said that if Castillero obtained from the Supreme Government a grant of two leagues on his mining possession, it proves one of two propositions,—either that he was guilty of a gross fraud in suppressing the fact that such a grant would include private land, or that the Supreme Government committed a violation of law equally gross, in attempting to grant the lands of private individuals.

Had the title set up been a formal and absolute grant of two leagues, to be measured in every direction from the mouth of the mine, the observation would have possessed much force. But such is not the import of the Lanzas dispatch; on the contrary, it directs the Governor to put the petitioner in possession of the land solicited "in conformity with the laws and dispositions on colonization," a direction which rendered it certain that in the location of the grant private rights would be respected. Had the Supreme Government known that a tract of two leagues, measured in every direction from the mouth of the mine, would include private land, the precautions used in framing the order to the Governor would have sufficed for the protection of the owner; and the dispatch is, in effect, but the expression of the President's assent to a grant of two leagues on land of the petitioner's mining possession, and an order to the Governor to execute the grant; provided, and so far as it could be done without injury to third persons.

It cannot, therefore, be inferred from this dispatch, either that Castillero practiced a fraud on the Government, or that the latter committed or intended to commit a violation of any private rights whatever.

The last objection to the validity of the Lanzas dispatch which I shall notice, is that contained in the seventh division of the printed argument filed by the counsel for the United States.

The same point had been raised and fully considered by the Court in the case of Palmer vs. The United States. As the decisions of this Court have not been reported, it has been thought most convenient to append that opinion to this, adding to it such further observations as may seem appropriate:

"Before proceeding to an examination of the merits of this case, a general objection to the validity of the grant must be considered. The grant purports to have been executed on the 25th June, 1856, subsequently to the declaration of war between the United States and Mexico.

It is contended, on the part of the United States, that on general principles of public law, grants made *flagrante bello* when conquest has been set on foot, and actual occupation is imminent and inevitable, have no validity against the subsequent conqueror. The question has not heretofore been presented to this Court. It has been discussed with much ingenuity and ability.

It is urged that in the conduct of war, and the determination of its objects, the political department is supreme; and that the judiciary are bound by the view taken by the political branch of the Government; that, although Congress has alone power to declare war, to the Executive is given the right of shaping it to its ends, or of declaring its objects.

To ascertain its objects, resort must, therefore, be had to executive acts, and as the executive acts in this case unequivocally indicate that a principal object of the war was to acquire California, that acquisition was thus brought within the scope of the war, and must be so regarded by the Courts.

To this point, the case of Harcourt vs. Gaillard (12 Wheat.) is cited. Such being the object or scope of the war, it is urged that the intended conquest of California embraced not only the establishment of sovereign rights in the Territory, but also the acquisition of the public property within it.

That the proprietary rights to be acquired by the conquest are as essential, though not as important a part of the fruits of conquest, as the political, the commercial, and other advantages proposed to be obtained, and that no part of these objects of the conquest is to be ignored.

The conquest of California, including the acquisition of the public domain, having been thus shown to have been the object, or brought within the scope of the war, it was urged that any grants of public land made after the conquest was projected, and when it was about to be effected, though before it actually occurred, must be deemed to be in fraud of the rights of the incoming conqueror, and invalid as against him.

The foregoing statement is believed to present the outline of the argument submitted on the part of the United States.

Both the premises and the conclusion must be examined.

If the conquest of California was the object of the war, it must be so considered because that object was avowed by competent authority when war was declared; or because it was made the object of the war, after its commencement, by the political branch of the Government.

It may be admitted that this Government had long regarded California, or the Bay of San Francisco, as an important and desirable acquisition. The instructions of the President to

Mr. Slidell indicate the wish of the Executive to obtain it by purchase and cession, as Louisiana and Florida had been acquired.

It by no means follows that the intention to obtain it by force of arms, or conquest, can be attributed to Congress, still less that such was its object or motive in declaring war.

The law by which war was declared, recognizes it as previously existing by the act of Mexico; and it is known that hostilities arose by the invasion by Mexico of a territory claimed by the United States to be within their limits. Such was not, therefore, the object for which war was declared, or its existence recognized—nor could it constitutionally have been.

It is observed by Mr. Ch. J. Taney, in Fleming v. Page (9 How. 614): 'The genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. *A war, therefore, declared* by Congress, can *never be presumed* to be waged for the purpose of conquest or the acquisition of territory.'

As a limitation upon the power of Congress, this distinction may, practically, be unimportant. As every war in which the country may be engaged must be regarded by all branches of the Government, and even by neutrals, as a just war; and as nations can readily cloak a spirit of rapacity and aggression under professions of justice and moderation, it is at all times easy, should our country be actuated by such a spirit, to declare an aggressive war, to be undertaken in self-defense, and an intended conquest to be desired only as a compensation for past or security against future injuries.

But the distinction is important when a Court is asked to presume that conquest was the object of the war.

Under our Government, at least, such a presumption cannot be indulged.

The conquest of California being thus shown not to have been the object for which war was declared, we may next inquire whether, by the acts of the Executive under its power to conduct the war, it became such, or was brought within its scope, in the sense in which the phrase was used at the bar?

In his annual message to Congress, in December, 1846, the President distinctly states that the war originated in the attempt of Mexico to reconquer Texas to the Sabine. After adverting to the considerations which had induced the Executive to interpose no obstacles to the return of Santa Anna, the latter being more favorably disposed to peace than Paredes, who was then at the head of affairs, the President observed: 'The war has not been waged with a view to conquest, but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as our much injured citizens, who have large pecuniary demands against Mexico.'

Similar declarations are frequently and emphatically repeated by the President in various communications to Congress, and in the correspondence between the American Commissioner and the Mexican authorities.

The object of the war, therefore, as indicated by executive acts and declarations, was not conquest; or, if conquest, it was that of a safe and honorable peace.

It is true, that after the military occupation of California, and after our arms had been everywhere successful, and perhaps at the commencement of hostilities, the Executive and the nation may have confidently anticipated that by the treaty of peace we would acquire California. As Mexico was known to be impoverished, and distracted by civil dissensions, it was obvious that the only indemnity she could afford us for expenses of the war was the cession of a portion of her territory.

The instructions of the Secretary of State to Mr. Trist, show that the extension of the boundaries of the United States, over New Mexico and Upper California, for a sum not exceeding $20,000,000, was a condition *sine qua non* of any treaty.

The extraordinary successes of our arms, the fact that we already held possession of a great part of the territory of the enemy, and virtually of his capital, our great expenditures of blood and treasure, entitled us to retain a portion, at least, of our conquest as the only indemnity we could obtain. But we were willing to restore a considerable part of our possessions, and to pay for that retained by us a large amount of money.

But such views and intentions on the part of the Executive as to the condition on which the war should cease, are very different from waging it with a view to conquest. The war cannot, then, in any just sense, be deemed to have been declared by Congress, or conducted by the Executive, with a view to conquest.

The power of the President in the conduct of the war was that of commander-in-chief of the army and navy. He had authority to direct and control military operations. As part of the treaty-making power, he could determine when and on what conditions a treaty of peace should be made. But he had no power to impress upon the war a purpose different from that with which it was commenced, and which, as Mr. Ch. J. Taney declares, Congress could not constitutionally entertain. 'The law declaring war,' observes the same great authority in the case above cited, 'does not imply an authority to the President to enlarge the limits of the United States, by subjugating the enemy's country. The United States, it is true, may extend its boundaries by treaty or conquest, and may demand the cession of territory as the condition of peace, to indemnify its citizens for the injuries they suffered, or to reimburse the Government for the expenses of the war.

'But this can be done only by the treaty-making power, or the legislative authority, and it is not a part of the authority conferred upon the President by the declaration of war. His duty and his power are purely military. As commander-in-chief, he is authorized to direct the military and naval forces placed by law at his command, and to employ them in the manner he may deem most effectual to harrass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of the United States, nor extend the operations of our institutions and laws beyond the limits before assigned them by the legislative power.'

It is true that in the case in which these observations are made, the point to be determined was, whether enemies' territory, which in the course of hostilities had come into our military possession, became a part of the United States, and subject to our general laws. But they are important to this case as defining the power of the President in war, to be merely that of the military commander-in-chief; that territory can be acquired only by the treaty-making and legislative authority, and, consequently, that the fact that hostilities are by the military authority directed against a particular portion of the enemy's territory, cannot be said to make the acquisition of that territory the object of the war.

It is therefore apparent that the war with Mexico cannot be regarded by the judicial department of this Government as commenced, or conducted, with the object of effecting the conquest of California.

The most that can be said is, that its military occupation was effected as a means of crippling and subduing the enemy, and with the expectation, on the part of the Executive, that we would retain and finally insist upon the cession of the territory so subjugated by our arms as an indemnity for our injuries and expenses.

The nature and amount of indemnity to be required, the extent of territory to be ceded, depended upon the will of the Senate and the Executive as the treaty-making power, and until that will was expressed in the treaty, the intention to effect the permanent acquisition of all California cannot be attributed to the political power, any more than a similar intention with regard to those conquests which at the close of the war were restored.

If, then, it were a principle of public law that all alienations of public domain by a sovereign are invalid as against an enemy who has commenced or is prosecuting a war, with the object of conquering the territory within which the property is situated, or who has set on foot expeditions for the purpose, with sufficient power to attain the end, as proved by the event, the facts of this case would hardly admit of its application.

But assuming the facts as contended for by the United States, we proceed to inquire whether such a rule of law exists. The right of Mexico to dispose of her public domain in California before the war, is admitted. It is not denied that that right ceased, as against the United States, when the latter effected the conquest of the country, and subverted the Mexican authority.

If it ceased before the actual conquest and displacement of the Mexican authority, it must be because the determination of the United States to effect the conquest, and the making preparation to carry out its determination, gave to the latter some inchoate or inceptive right to the territory subsequently conquered, and the title consummated by the conquest relates back by a kind of fiction to the date of its inception.

We have been unable to discover any trace or intimation of such a doctrine in any writer on the laws of war.

The rights derived from conquest are derived from force alone. They are recognized because there is no one to dispute them, not because they are, in a moral sense, rightful and just. The conquest of an enemy's country, admitted to be his, is not, therefore, the assertion of an antecedent right.

It is the assertion of the will and the power to wrest it from him.

Even where a conquest is effected to obtain an indemnity justly due, it is not the assertion of any antecedent right to the particular territory conquered, but only of the general right to a compensation for injury.

The right of the conqueror is, therefore, derived from the conquest alone. It originates in the conquest, not in the intention to conquer, though coupled with the ability to effect his purpose, nor even in the *right* to conquer as means of obtaining satisfaction for injury.

It is the fact of conquest, not the intention or power to conquer, which clothes him with the rights of a conqueror.

The rights acquired by the conquest are temporary and precarious until the *jus post liminii* is extinguished; and if a reconquest is effected, the rights of the sovereign who has temporarily been displaced revive, and are deemed to have been uninterrupted.

The term 'title by conquest' expresses, therefore, a fact and not a right. Until the fact of conquest occurs, the conqueror can have no rights. To affirm that a title acquired by conquest relates back to a period anterior to the conquest, is almost, a contradiction in terms.

Until, then, the conquest is effected, the rights of the existing sovereign remain unimpaired. He can, therefore, dispose of the public property at his discretion, nor can that right be effected by the determination of an enemy to conquer the territory, and by his preparations for the purpose, though the event may demonstrate the conquest to have been practicable.

The case of Harcourt *vs.* Gaillard has been cited by the counsel of the United States in support of the doctrine contended for by them.

The distinction between that case and the case at bar is obvious.

In Harcourt *vs.* Gaillard the question was as to the validity of a grant by a British Governor, of land within a territory claimed to belong to the United States. As our Government had asserted and maintained by arms its title to the disputed tract, the judicial department were not at liberty to declare the claim to be wrongful, and to recognize the right of any other sovereign over the territory in question.

The title of the United States was in no sense acquired by conquest. Her title was antecedent to the war—it was merely maintained by arms and recognized by the treaty of peace.

The question presented was, in the language of the Court, 'one of disputed boundaries, within which the power that succeeds in war is not obliged to recognize as valid any acts of ownership exercised by his adversary.'

Had the claim been that of conquest alone, the case would have presented, says the Court, more difficulty. 'That ground would admit the original right of the Governor of Florida to grant, and if so his right to grant *might* have continued until the treaty of peace, and the grant to Harcourt might, in that case, have had extended to it the principles of public law which are applicable to territories acquired by conquest, whereas the right set up by South Carolina and Georgia denies all power in the grantor over the soil.'

The distinction is made still more apparent in a subsequent part of the opinion of the Court: 'War is a suit prosecuted by the sword; *and where the question* to be decided is one of *original claim to territory*, grants of soil made *flagrante bello* by the party that fails, can only derive validity from treaty stipulations. It is *not necessary* here to consider the *rights* of the *conqueror in case of actual conquest.*'—(p. 528.)

The latter is precisely the question to be considered in the case at bar.

The argument of the counsel for the United States can, therefore, derive no support from the case referred to.

It is proper, however, to observe that the case of Harcourt *vs.* Gaillard was not cited by the counsel as directly in point. It was thought to establish that all grants of territory brought within the scope of the war are invalid; that the case of disputed boundaries presents one illustration of the general principle, while the case at bar furnishes another.

It has seemed to me, however, that the principle of that decision relates exclusively to the case of disputed boundaries, and that the distinction is clearly drawn between that case and one like the present; that between them the obvious difference exists that the former is a case of 'original claim to territory,' while the other is 'one of actual conquest.'

It is said on the part of the United States, that if a belligerent can, after a declaration of war, grant any portion of his property, he can grant the whole, and thus might, by granting himself away, escape responsibility. The case supposed is an extreme one. It can rarely occur that a nation will seek safety by self-destruction.

But in such case the adversary might refuse to recognize such a voluntary suicide as affecting his rights. For the purpose of obtaining satisfaction he might justly treat the nationality sought to be extinguished as still existing. But in all Courts his rights would be enforced against the successor or grantee of the extinguished sovereign.

The question would then be purely political, for the new sovereign, whether to carry on the war or accede to the demands of the enemy of his grantor, and for the latter whether to prosecute the war against the new sovereign. Little aid, however, can be derived from the consideration of such extreme and improbable cases.

It is further urged, that the doctrine contended for on behalf of the United States is in the prize law.

It may, perhaps, be admitted that a theory of maritime prize formerly obtained, which assumed that a belligerent has a vested right by the declaration of war in all sea-borne private property of the other belligerent; that no such property can be the subject of lawful sale; that all contracts of sale touching belligerent property of any sort, though valid on land, are invalidated by the mere fact of such property being embarked on the ocean, and that if transferred to a neutral after the declaration of war it is a lawful prize to the other belligerent.

Such is not now the received law of nations. It is now admitted that the *bonâ fide* sale of the ships of belligerents to neutrals in time of war is lawful and valid unless made *in transitu.*

In the Johanna Emilia, 29th Eng. L. and Eq. R., p. 562, Dr. Lushington says: 'It is not denied that it is competent for neutrals to purchase the property of enemies in another country, whether consisting of ships or anything else. *They have a perfect right to do so, and no belligerent right can override it.*'

Such is the doctrine maintained by our Government. See opinion of Mr. Attorney General Cushing, October 8, 1855.

If a sale to a neutral of a ship *in transitu* is held invalid as against a belligerent, it is not by reason of any inchoate right or lien acquired by the latter by the mere declaration of war, or because the right of the enemy to dispose of his property is invalidated by the declaration of war, but because a sale of a ship *in transitu* is taken as proof of collusion and fraud, and as showing that no absolute transfer has, in fact, been made. The soundness of even this rule is doubted by the Attorney General in the opinion referred to.

A sale of a ship not *in transitu* by a belligerent to a neutral is valid as against a subsequent captor, no matter how imminent the danger of capture would have been had she remained enemy's property, and no matter what may be the number of hostile fleets fitted out to cruise against her and similar property of the belligerent.

It appears, then, that the law of nations, with regard to prize of war, does not recognize the principle contended for.

It is urged, however, that this principle lies at the foundation of the doctrine of *post liminii.*

It is argued that a state of war implies the reciprocal denial by each belligerent of all rights on the other.

That each relies upon force alone—force to retain or force to take.

They are thus in *aequali jure.*

The principle, therefore, by which, on a reconquest, the original title revives, and is deemed to have been uninterrupted, is founded on the presumption that the displaced sovereign intended a reconquest when he was displaced, and his title on a reconquest relates back to the time when he is presumed to have formed such intention. If, then, (it is argued,) the title by reconquest relates back to the time of the formation of the intention to reconquer, the title by conquest must relate back to a similar period; for a state of war implies the negation of all antecedent right on either side. The only difference between the cases being, that in the case of a reconquest the intention to reconquer is presumed until the *jus post liminii* is extinguished, while in the case of conquest that intention must be shown by the political acts and declarations of the conqueror.

The argument is ingenious, but the premises are, I think, erroneous.

It is assumed that a *new* title is acquired by a sovereign who recovers territories from which he has temporarily been driven.

On the contrary, he holds it by his original title, which could only have been displaced by a permanent conquest. But the fact that he recovers the territory, proves that what seemed a conquest was but a temporary dispossession. The invader, therefore, acquired no rights, nor did the original sovereign lose any. He continues to rule, not by a newly acquired title which relates back to any former period, but by his ancient title, which, in contemplation of law, has never been divested.

Nor is it true that war is the reciprocal denial of all rights by the belligerents, with respect to the territories of either.

A conqueror does not deny that the territory seized was at the time of the conquest the territory of his enemy, any more than the attaching creditor denies the property attached to be that of his debtor.

On the contrary, he asserts it to be his. He seizes it as the property of his enemy, and because it is his. He asserts no antecedent title in himself. He declares, not that the territory was his, but that he will make it his by conquest.

The title or right acquired by a conquest is not the same as that of the original possessor.

It is temporary and precarious, and ceases the moment the conqueror is expelled. If, indeed, a title by conquest can be said ever to have existed when the event has proved that the attempted conquest could not be maintained.

The title of the original owner is wholly unaffected by the temporary dispossession, and even during his dispossession it is treated as valid and subsisting until the *jus post liminii* has been extinguished.

The extinction of the *post liminii* is necessary to ripen the temporary and merely possessory right of the conqueror into such an ownership of the territory as neutrals can recognize.

If these views be correct, the case of a reconquest does not present the instance supposed of a title relating back to the period of the formation of the intention to reconquer.

But the further discussion of this subject would require more time and space than can be devoted to it.

It might, I think, be demonstrated, that a rule which supposes all rights of a sovereign, with respect to territory subsequently conquered, to cease as against the conqueror, *not* when war is declared, but when the war is prosecuted with the object of conquest, when expeditions are fitted out for the purpose, and when the conquest is 'imminent and inevitable,' is not susceptible of practical application as a rule of international law.

That those rights must continue until the date of actual conquest, or of the treaty of cession, or else must cease at the declaration of war, and that an attempt to estimate the "imminency" of the conquest at any intermediate period, or to try the validity of the exercise of sovereign rights, by calculating the chances of war at a particular moment, would be impracticable and illusory.

On the whole, I am of opinion that the right of Mexico to grant her public domain in California, continued until the conquest of the country by the United States.

It is further urged, on the part of the United States, that grants made after the 13th May are not protected by the treaty of peace, because such was not the intention of the parties.

That the Mexican Commissioners who negotiated the peace, and who represented the claimants as well as the Mexican Government, solemnly, and after special inquiry, declared that none such existed; and that the treaty was negotiated on the faith of this declaration.

It is admitted that such a declaration was made, and embodied in the *project* of the treaty submitted to the Senate.

Had this declaration been contained in the treaty as adopted and ratified, it might very possibly have been regarded as a covenant or stipulation that no such grants should be deemed valid by the United States.

But the clause containing it was struck out by the Senate, not by the general vote which struck out the whole of the 10th Article, of which this declaration formed a part, but by a distinct vote upon the question whether this particular clause should stand as a part of the treaty.

The Court cannot assume, therefore, that the treaty was assented to by the United States on the faith of this declaration by Mexico, else why strike it out? It may, not unreasonably, be supposed that the Senate refused to allow the declaration to remain, because they were willing that grants made after the 13th May, if any such there were, should be submitted to the courts, and rejected or confirmed, as might be just.

But assuming that the treaty was concluded on the faith of this declaration, the rights of an individual to his property cannot be affected by it.

The stipulation in the treaty by which the property of the inhabitants of the ceded territory was secured, conveyed to them no additional rights. 'An Article to secure this object, so deservedly held sacred in the view of policy as well as of justice and humanity, is always required and never refused.' —(12 Wheat. 536.)

'When such an article is submitted to the courts, the inquiry is, whether the land in controversy was the property of the claimant *before the treaty*.'—(United States *vs.* Arredondo, 6 Pet. 712.)

If, then, the land in controversy was the private property of the claimant when the country was acquired, it must have remained such, though no treaty had been made. The United States do not claim to have acquired the ownership of any other property than the public property of the enemy, nor could they justly have demanded that Mexico should assent by the treaty to the confiscation of any property the right to which was vested in private individuals.

If, then, the United States have been willfully or accidentally deceived, as to the amount of property held in private ownership in the ceded territory, they may have a right to demand a return of some portion of the pecuniary equivalent paid by them.

The fraud or mistake of the Mexican Commissioners can have no effect upon a private right held sacred by the laws and usages of all civilized nations, which was not derived from the treaty, and which, had it been known to exist, the United States would have been bound to respect.

These observations are made with reference to the general proposition maintained at the bar, viz., that the declaration by Mexico that no grants had been made subsequent to May 13, 1846, invalidated all such grants to the same extent as if a stipulation to that effect had been embodied in the treaty."

In the brief filed in the case at bar, the Court is invited to review the grounds of the foregoing opinion; and the question is discussed by the counsel of the United States with characteristic ingenuity and ability.

The authority chiefly relied on in support of the position taken by the counsel for the United States, is Bynkershoek.

"We make war," says that author, "because we think that our enemy, by the injury he has done us, has merited the destruction of himself and all his adherents; as this is the object of our warfare, it is immaterial what means we embrace to accomplish it." * * * "A nation which has injured another, is considered, with everything that belongs to it, as confiscated to the nation that has received the injury. To carry that confiscation into effect, may certainly be the object of the war, if the injured nation thinks proper."

The doctrine here maintained, that in war, poison and every species of fraud may rightfully be used, has received the general condemnation of mankind. It may be that the censure on Bynkershoek is not wholly deserved, inasmuch as he expresses no approval of those practices, but differs from other writers mainly in distinguishing between the absolute rights of war and those voluntary relinquishments of them which are dictated by humanity and generosity.

But if it be admitted that humanity, christianity, and the usages and rules observed by all civilized nations (which constitute public law), forbid even in war the use of certain means, the discussion whether such rights abstractly exist, would seem to be a disputation savoring rather of the subtlety of the schools than of that practical sense which seeks to discover and establish the actual rules by which nations in a state of war are governed.

That the rights of war, as deduced by Bynkershoek, from a consideration of its abstract nature, are mitigated by the laws of war as established by the general consent of nations, with respect to the effects of conquest, as well as to the mode of warfare, is proved by the general recognition of the principle that, on the conquest of an enemy's territory, private rights of property are to be protected.

But if "a nation which has injured another is to be considered as confiscated, with all that belongs to it, to the nation that has received the injury," this confiscation must extend to private as well as public property.

A declaration of war undoubtedly involves the assertion of the right to measure and forcibly to exact an indemnity for the wrong which has occasioned the war.

To seize, to conquer, or to destroy an enemy's goods, his territory or his armed adherents, are but the means of exacting this indemnity.

As a matter of theoretical speculation, we may consider the seizure, the conquest, or the destroying, as done by virtue of a previous fictitious or hypothethical confiscation of property, or forfeiture of life, incurred at the date of the declaration of war. But the necessity of such a theory is not very apparent. For the right to subdue the enemy being admitted, as a means of obtaining an indemnity for previous wrongs, the supposed constructive confiscation can add nothing to the rightfulness of those acts. It is for this reason said, in the opinion above cited, that "the conquest of an enemy's country, admitted to be his, is not the assertion of an antecedent right. It is the assertion of the will and power to wrest it from him." On which the counsel for the United States observes: "Then all Governments are highwaymen! Forcibly to take without antecedent right is a very good definition of robbery."

The inference is not just. Conquest is, undoubtedly, the assertion of a right, but it is the right to conquer which results from a state of war.

It is not the assertion of a previous *right or title* to the territories conquered.

Whether in so doing the belligerent is acting like a highwayman, depends upon the moral justification for the war, an inquiry into which neither neutrals nor the courts of the belligerent can enter.

The hypothesis of an antecedent confiscation, to enforce which the seizure is effected, in no way affects the question. The moral justification of the supposed confiscation has still to be considered—in other words, the justice and rightfulness of the war.

But whatever be the reasonableness or necessity of supposing this theoretic confiscation by belligerents, of everything belonging to the enemy, it is manifest that by the laws of nations the confiscation is waived where territory is conquered, so far as respects private property; and especially where the conqueror, by the terms of the treaty of cession, has bound himself to respect all rights of private property existing at the date of the conquest.

To repudiate that obligation with respect to any property held in private ownership on the ground that, though private property when the conquest was effected, it was public property ten or twenty or thirty years before, when the war commenced, and that a writer on public law has said, that the declaration of war is a confiscation of all the property of the enemy, and that the conquest was merely carrying into effect the confiscation, would seem an attempt to justify the breach of a plain and positive obligation, which needs but to be stated to be condemned.

The obvious and natural construction of the Treaty is, I think, manifestly the true one, viz., that all private property *bonâ fide* acquired, and held as such by a legal or equitable title obtained under the former Government, is to be respected by the belligerent, to whom by conquest and treaty the rights of sovereignty have been transferred.

I do not think it necessary further to discuss this question. It is enough to say that I have attentively considered all that is urged by way of argument or illustration in the brief filed by the counsel for the United States. I have found nothing to which the answer did not appear to me easy, or which has shaken my confidence in the justness of the views previously entertained by the Court.

The question might well have been dismissed without argument; for we have an authoritative decision of the Supreme Court on the point. In the case of The United States v. Pico (23 How. R. 326), the Court says: "In the Act of Congress of 1851, and the decisions of this Court that day [viz., July 7th, 1846, the date of the capture of Monterey, and, constructively, of the conquest of California], is referred to as the epoch at which the power of the Governor of California, under the authority of Mexico, to alienate the public domain, ceased."

As, however, the point then before the Court was the determination of the precise date of the subversion of the former Government, and to decide upon the validity of acts done under Mexican authority *after* that event—while the validity of acts done previous to it was not questioned, nor does the point raised in this case appear to have been presented to the Court—I have thought it not improper to examine at some length the acute and ingenious argument submitted by the counsel for the United States.

I have given to this case much and anxious consideration. The preparation of this opinion has required more labor than even its great length would indicate.

Voluminous as it is, I am nevertheless aware that it is in many respects incomplete.

To have treated at length every point in the case would have extended it far beyond all reasonable limits.

I cannot conclude my labors on this most important case, without acknowledging the great assistance which the Court has derived from the very able and eminent counsel engaged in it.

Their indefatigable and exhaustive industry has presented to the Court every argument, authority and illustration which profound and patient study, not only of the American and English, but of the Mexican and Spanish laws, could suggest; together with every view of the complicated facts in the case, and of their relations to each other, which could assist the Court in its study of the mass of depositions which have been taken.

To the Court has been left merely the duty of considering the suggestions, and collecting and combining the abundant materials contained in the briefs of counsel.

On the whole case my opinion is:

That the claimants are entitled to seven pertenencias, to be measured in the manner, of the form, and of the dimensions prescribed in the Ordenanzas de Mineria of 1783.

And, also, that they are entitled to two square leagues of land, to be located on the land of their mining possession, but in such a way as not to include any land granted in private ownership, by competent authority, previously to July 7th, 1846.

# DECREE.

At a stated term of the District Court of the United States for the Northern District of California, held at the Court-room in the City of San Francisco, on Friday, the 18th day of January, A. D. 1861.

Present: Hon. M. HALL MCALLISTER, Circuit Judge.
Hon. OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.

Dist. Court, No. 420.
Land Com. No. 366.
"New Almaden."

## DECREE.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle Private Land Claims in the State of California, under the Act of Congress approved March 3d, 1851, upon the transcript of the proceedings and decision of the said Board, and the papers and evidence on which the said decision was founded, and upon the papers and evidence filed in this Court; and it appearing to the Court that the said transcript was duly filed according to law, and counsel for the respective parties having been heard, and due deliberation had in the premises, it is by the Court hereby ordered, adjudged and decreed, that the said decision be, and the same is, reversed and set aside: And it is likewise ordered, adjudged and decreed, that the claim and title of the petitioner, Andres Castillero, to the mine known by the name of New Almaden, in Santa Clara county, Northern District of the State of California, is a good and valid claim and title, and that the said Andres Castillero and his assigns are the owners thereof, and of all the ores and minerals of whatsoever description therein, in fee simple: And it is further adjudged and decreed, that the said mine is a piece of land embracing a superficial area, measured on a horizontal plane, equivalent to seven pertenencias; each pertenencia being a solid of a rectangular base two hundred Castilian varas long, of the width established by the Ordenanzas de Mineria of 1783, and in depth extending from and including the surface, down to the centre of the earth; said pertenencias to be located in such manner as the said Andres Castillero or his assigns may select, subject to the following conditions: first, that the said pertenencias shall be contiguous, that is to say, in one body; and secondly, that within them shall be included the original mouth of the said mine known as "New Almaden."

And it is further ordered, adjudged and decreed, as to all other rights, property and interests set out and claimed in the petition filed in this case, that the same are not valid, and are therefore rejected.

M. HALL McALLISTER,
Judge Circuit Court U. S.
OGDEN HOFFMAN,
District Judge.

January 18, 1861.

Filed January 18, 1861,
W. H. CHEVERS, Clerk.

# ORDER GRANTING APPEAL

## IN BEHALF OF CLAIMANT.

At a stated term of the District Court of the United States of of America, for the Northern District of California, held at the Court-room in the City of San Francisco, on Saturday, the 19th day of January, in the year of our Lord one thousand eight hundred and sixty-one.

Present, the Honorable OGDEN HOFFMAN, District Judge.

THE UNITED STATES
*vs.*
ANDRES CASTILLERO.
No. 420.

And now, at this day, on application of A. C. Peachy, in behalf of said claimant, made in open Court, it is ordered, that an appeal from the final decision of the Court rendered in said cause at the present term be, and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause, be sent to the Supreme Court of the United States without delay.

Filed January 19, 1861,
W. H. CHEVERS, Clerk.

# ORDER GRANTING APPEAL

## IN BEHALF OF THE UNITED STATES.

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court-room in the City of San Francisco, on Monday, the third day of December, in the year of our Lord one thousand eight hundred and sixty.

Present, the Honorable OGDEN HOFFMAN, District Judge.

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| THE UNITED STATES<br>*vs.*<br>ANDRES CASTILLERO. | No. 420.<br>Order of Appeal for the United States. |

In this case, on the application of Calhoun Benham, United States District Attorney, made in open Court, it is ordered by the Court, that an appeal in behalf of the United States from the final decision of this Court rendered in said cause at the present term be, and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause, be sent to the Supreme Court of the United States without delay.

January 25, 1861.

Filed January 25, 1861,

W. H. CHEVERS, Clerk.